

STATE OF FLORIDA
BOARD OF NURSING

FILED

NOV 09 1993

RE: THE PETITION FOR DECLARATORY
STATEMENT OF:

FLORIDA STATE
BOARD OF NURSING

THERESE A. KASPER, R.N.
CASE NO.: BON-DS-93-07

CORRECTED FINAL ORDER

This matter came before the Board of Nursing pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code, on June 11, 1993, in Jacksonville, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Therese A. Kasper, R.N. The matter was continued to August 13, 1993, for additional information, and ultimately referred to the Nursing Practice Committee. The Board heard testimony from the petitioner, her employer, the training physician; reviewed voluminous supporting documentation provided by Petitioner; and sought and received information from other state Boards of Nursing to determine the prevailing standard of practice in the nursing community.

FINDINGS OF FACT

1. Therese A. Kasper is a registered nurse licensed in the State of Florida. She is employed at the Mayo Clinic in Jacksonville.
2. She asks whether it is within the scope of practice for a registered nurse to perform lumbar punctures.
3. The Mayo Clinic has a neurology clinic staffed by a properly licensed physician specializing in neurology. The Mayo

Clinics in Rochester, Minnesota and Scottsdale, Arizona have specially trained registered nurses performing lumbar punctures on an out patient basis. The Rochester facility conducts various training and educational clinics for its employees. The Jacksonville facility proposes to send Ms. Kasper to the Rochester facility to undergo training in the lumbar puncture procedure. It may consider training other registered nurses in the same manner should the patient census or other employment needs arise.

4. The Board received and reviewed the protocol proposed for the Jacksonville facility, the educational outline taught at the Rochester facility, and questioned the physician who would be in charge of the outpatient clinic in Jacksonville.

Approximately 100-150 lumbar punctures are now performed annually at the facility by physicians. Both the Scottsdale and Rochester facilities have a similar patient census. A part of the training is to have the nurse work with the physician during a preceptorship, then perform such procedures under the direction of the physician.

5. The Board received information from the American Association of Neuroscience Nurses indicating that lumbar puncture can be performed by registered nurses. However, it was not a procedure normally taught in basic nursing programs.

6. The State of Colorado recognizes that registered nurses under certain circumstances may do lumbar punctures; California and Wisconsin have procedures for performance of delegated medical acts of which lumbar punctures would qualify. North

Carolina and Kentucky have specifically declined to find such procedure is within the scope of practice of a registered nurse. Minnesota and Arizona have concluded that it is within the scope. The Board concludes that while only a handful of states have addressed the issue, the states are split.

7. The controlling law for Ms. Kasper is the Florida Nurse Practice Act. Section 464.003(3)(a), Florida Statutes, in pertinent part, reads:

(3)(a) "Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgment and nursing skill based upon applied principles of psychological, biological, physical and social sciences which shall include, but not be limited to:

1. The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.

2. The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.

* * *

The professional nurse . . . shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing. [Emphasis added].

8. The petition was properly noticed in the Florida Administrative Weekly.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

2. The Petition filed by Ms. Kasper is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code. Petitioner has the requisite interest to maintain this proceeding.

3. It is the opinion of the Board of Nursing that registered professional nurses in the Mayo Clinic in Jacksonville, specifically in the Department of Neurology would have the appropriate training and education to perform lumbar punctures under the specific training and protocol available through the Mayo Clinic in Jacksonville and Rochester. This however is limited entirely to the plan to be implemented within the confines of Mayo Clinic. In no way is it a blanket approval for other settings or other persons not so trained.

4. Petitioner may appeal this Order by filing one copy of a Notice of Appeal with the Clerk of the Board, and by filing a fee and one copy of a Notice of Appeal to the District Court of Appeal within 30 days of the date this Order is filed.

Nunc pro tunc this 11th day of October, 1993.


BOARD OF NURSING

Betty Ann Taylor, R.N.

BETTY TAYLOR, RN, MSN
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by certified mail to THERESE KASPER, R.N., CCRN, Department of Neurology, Mayo Clinic, 4500 San Pablo Road, Jacksonville, FL 32224, this 9th day of November, 1993.



DENNIS M. GRANT
Alternate Records Custodian