

KENTUCKY BOARD OF NURSING
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**SUMMARY REPORT OF KENTUCKY BOARD OF NURSING ADVISORY
OPINIONS ON NURSING PRACTICE ISSUES**

July 1, 1999 – June 30, 2000

The primary mission and purpose of the Board is to enforce public policy related to the safe and effective practice of nursing in the interest of public welfare. As a regulatory agency of state government, the Board of Nursing accomplishes this mission as authorized by Kentucky Revised Statutes (KRS) Chapter 314—The *KENTUCKY NURSING LAWS* and attendant administrative regulations. In accomplishing one aspect of the mission, the Board of Nursing issues advisory opinions on what constitutes the legal scope of nursing practice.

An opinion is not a regulation of the Board; it does not have the force and effect of law. Rather, an opinion is issued as a guidepost to licensees who wish to engage in safe nursing practice.

KRS 314.011(6) defines "registered nursing practice" as:

...The performance of acts requiring substantial specialized knowledge, judgment, and nursing skill based upon the principles of psychological, biological, physical, and social sciences in the application of the nursing process in:

- a) The care, counsel, and health teaching of the ill, injured or infirm.
- b) The maintenance of health or prevention of illness of others.
- c) The administration of medication and treatment as prescribed by a physician, physician assistant, dentist, or advanced registered nurse practitioner and as further authorized or limited by the board, and which are consistent either with American Nurses' Association Standards of Practice or with Standards of Practice established by nationally accepted organizations of registered nurses. Components of medication administration include, but are not limited to:
 1. Preparing and giving medication in the prescribed dosage, route, and frequency;
 2. Observing, recording, and reporting desired effects, untoward reactions, and side effects of drug therapy;
 3. Intervening when emergency care is required as a result of drug therapy;
 4. Recognizing accepted prescribing limits and reporting deviations to the prescribing individual;
 5. Recognizing drug incompatibilities and reporting interactions or potential interactions to the prescribing individual; and
 6. Instructing an individual regarding medications.

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- d) The supervision, teaching of, and delegation to other personnel in the performance of activities relating to nursing care.
- e) The performance of other nursing acts which are authorized or limited by the board, and which are consistent either with American Nurses' Association Standards of Practice or with Standards of Practice established by nationally accepted organizations of registered nurses.

KRS 314.011(10) defines "licensed practical nursing practice" as:

...The performance of acts requiring knowledge and skill such as are taught or acquired in approved schools for practical nursing in:

- a) The observing and caring for the ill, injured, or infirm under the direction of a registered nurse, a licensed physician, or dentist.
- b) The giving of counsel and applying procedures to safeguard life and health, as defined and authorized by the board.
- c) The administration of medication or treatment as authorized by a physician, physician assistant, dentist, or advanced registered nurse practitioner and as further authorized or limited by the board which is consistent with the National Federation of Licensed Practical Nurses or with Standards of Practice established by nationally accepted organizations of licensed practical nurses.
- d) Teaching, supervising, and delegating except as limited by the board.
- e) The performance of other nursing acts which are authorized or limited by the board and which are consistent with the National Federation of Licensed Practical Nurses' Standards of Practice or with Standards of Practice established by nationally accepted organizations of licensed practical nurses.

KRS 314.021(2) states:

All individuals licensed under provisions of this chapter shall be responsible and accountable for making decisions that are based upon the individuals' educational preparation and experience in nursing and shall practice nursing with reasonable skill and safety.

KRS 314.021(2) imposes individual responsibility upon a nurse to undertake the performance of acts for which the nurse is educationally prepared and clinically competent to perform in a safe, effective manner. This section holds nurses individually responsible and accountable for rendering safe, effective nursing care to clients and for judgments exercised and actions taken in the course of providing care.

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Acts which are within the permissible scope of practice for a given licensure level may be performed only by those licensees who personally possess the education and experience to perform those acts safely and competently. A nurse/licensee who doubts his/her personal competency to perform a requested act has an affirmative obligation to refuse to perform the act, and to inform his/her supervisor and the physician prescribing the act, if applicable, of his/her decision not to perform the act.

If a licensee accepts an assignment that the licensee believes is unsafe or for which the licensee is not educationally prepared, then the licensee also assumes the potential liability which may occur as a result of the assignment. Others may equally or concurrently be responsible, accountable, and liable for a licensee's actions.

In the performance of acts in a health care facility/agency, nurses should follow written approved policies and procedures of the facility/agency, which are consistent with the *KENTUCKY NURSING LAWS*.

The Board has published "Scope of Practice Determination Guidelines" as a decision making model for an individual licensee to use in determining whether the performance of a specific act is within the scope of practice for which the individual is educationally prepared, clinically competent and licensed to perform. Individuals are encouraged to utilize the "Guidelines" in making decisions as to whether he/she should or should not perform a particular act. A copy may be obtained from the Board office (cost - \$0.60).

The responsibilities which any nurse can safely accept are determined by the variables in each nursing practice setting. These variables include:

1. The nurse's own qualifications including:
 - a. basic prelicensure educational preparation;
 - b. knowledge and skills subsequently acquired through continuing education and practice; and
 - c. current clinical competence.
2. The "standard of care" which would be provided in similar circumstances by reasonable and prudent nurses who have similar training and experience.
3. The complexity and frequency of nursing care needed by a given client population.
4. The proximity of clients to personnel.
5. The qualifications and number of staff.
6. The accessible resources.
7. The established policies, procedures, standards of practice, and channels of communication which lend support to the types of nursing services offered.

To date, the Board has published thirty-one (31) advisory opinion statements, as listed on the "Kentucky Board of Nursing Publications" form (Attachment 1). Advisory opinion statements are developed and published when 1) multiple inquiries are received regarding a specific nursing procedure or act; 2) the Practice Committee determines that a specific nursing procedure or act has general applicability to nursing practice and warrants the development of an opinion statement, or 3) the Board directs that an opinion statement be developed.

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When studying issues, the Board reviews and considers applicable standards of practice statements published by professional nursing organizations; the educational preparation of both registered and licensed practical nurses as provided in the prelicensure nursing education programs in the Commonwealth; and, when applicable, the organized post-basic educational programs for advanced registered nurse practitioners. The Board also gathers information regarding practice issues from nurses in relevant practice settings (including staff nurses, supervisors, nurse faculty members, etc.) and/or representatives from state nursing associations in the Commonwealth, among others. Further, the Board reviews applicable opinions issued by the Office of the Attorney General. In addition to the thirty-one (31) advisory opinion statements published as of June 30, 2000, the Board has issued individual advisory opinions in response to inquiries on specific nursing practice situations. A summary of opinions issued from July 1, 1999 through June 30, 2000 is listed below.

1. Administration of Brevital for Conscious Sedation by Registered Nurses (10/99)

In October 1999, the Board issued an advisory opinion in response to an inquiry as to whether it is within the scope of registered nursing practice for a registered nurse to administer Methohexital Sodium (BREVITAL) for the purpose of conscious sedation during diagnostic and/or surgical procedures. Following review of the statutes governing nursing practice, previous advisory opinions issued by the Board and information presented regarding Methohexital Sodium (BREVITAL), it is the advisory opinion that it is within the scope of registered nursing practice for registered nurses to administer Methohexital Sodium (BREVITAL) for the purpose of conscious sedation during diagnostic and/or surgical procedures. Registered nurses who would administer this medication for the purpose of conscious sedation should do so according to appropriately established written policies and procedures approved by both the medical and nursing departments of the facility. The administration of Methohexital Sodium (BREVITAL) by registered nurses for conscious sedation should be performed under the continuous, direct and on-site supervision of a physician or advanced registered nurse practitioner designated nurse anesthetist. Registered nurses should possess documented evidence of the necessary education and current clinical competence in the performance of this procedure including, but not limited to, current certification in advanced cardiac life support procedures. Appropriate medical equipment and resources, including personnel trained in advanced life support procedures, should be immediately available in the event the patient should experience adverse reactions or complications as a result of the administration of Methohexital Sodium (BREVITAL).

2. Performance of Hair Insertion by Registered Nurses (10/99)

In October 1999, the Board issued an advisory opinion in response to an inquiry as to whether it is within the scope of registered nursing practice for a registered nurse to utilize a device which creates needle-like openings in the scalp and inserts hair. Following review of information provided describing the performance of this procedure, it is the advisory opinion the it is not within the scope of registered nursing practice for a registered nurse to utilize a device which creates a needle-like opening in the scalp and inserts hair.

3. Application of Topical Adhesives for Wound Closure by Nurses (10/99)

In response to numerous telephone inquiries, the Kentucky Board of Nursing, at its regular meeting held October 14, 1999, considered whether the application of topical adhesive agents (such as DERMABOND) for superficial wound closure is within the scope of nursing practice. Following review of product information describing topical adhesives (such as DERMABOND), it is the advisory opinion of the Board that the application of such topical adhesives for superficial wound closure is within the scope of nursing practice. Nurses should possess the necessary education, experience and current clinical competence in the application of such agents for wound closure. The application of topical adhesives should be according to appropriately established written facility policies and procedures, which are consistent with the *Kentucky Nursing Laws*. Nurses should have valid medical authorization in order to apply topical adhesive agents.

4. Utilization of the Colposcope in the Performance of Forensic Examinations by Registered Nurses (10/99)

In October 1999, the Board issued an advisory opinion in response to an inquiry as to whether it is within the scope of registered nursing practice for a registered nurse to utilize a colposcope as a source of magnification and illumination in the performance of a forensic examination. Following review of the statutes governing nursing practice and information describing the instrument known as the colposcope, it is the advisory opinion of the Board that the use of the colposcope, as a source of illumination and magnification, in the performance of forensic examinations is within the scope of registered nursing practice for a registered nurse who possesses documented evidence of the necessary education, experience and current clinical competence in the use of the colposcope. Registered nurses who may utilize a colposcope in the performance of forensic examinations should follow appropriately established written approved policies and procedures addressing the use of the colposcope in forensic examination.

The Board continues to advise that the performance of colposcopy as a diagnostic test is within the scope of advanced registered nursing practice for advanced registered nurse practitioners designated nurse practitioners or nurse midwives.

Advisory Opinion Statements – Revisions

Advisory Opinion Statement #87-16 entitled *Roles of Nurses in the Administration of Medications via Various Routes*; and

Advisory Opinion Statement #90-21 entitled *Roles of Nurses in Dialysis*.

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Attachment (1)
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