

STATE OF FLORIDA  
BOARD OF NURSING

**FILED**

APR 19 1993

FLORIDA STATE  
BOARD OF NURSING

RE: THE PETITION FOR DECLARATORY  
STATEMENT OF:

ELLEN PROSSER, R.N., and  
HELEN DALTON, R.N.,  
CASE NO.: BON-DS-93-03

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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 February 19, 1993, in Tallahassee, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Ellen Prosser and Helen Dalton. Having considered the petition, the supporting documentation provided by Petitioners and the testimony from Petitioners, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Ellen Prosser and Helen Dalton are registered nurses licensed in the state of Florida. Ms. Prosser is the Director of Maternal Child Health at Munroe Regional Medical Center in Ocala. Ms. Dalton is the Vice President for Nursing at Munroe.

2. They ask whether it is within the scope of practice for a professional nurse as defined in Section 464.003(3), Florida Statutes, to perform endotracheal intubation during resuscitation of a neonate at birth.

3. The facility at which Ms. Prosser and Ms. Dalton practice delivers Level I perinatal care as described in the

Guidelines for Perinatal Care, Third Edition, defined by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists. The nursing staff in Labor and Delivery and Newborn Nursery consists of 26.7 registered nurses, including 2 head nurse positions for 24 hour coverage. Three of the nurses are baccalaureate prepared while the remaining nurses received their basic nursing education in diploma or associate degree programs.

4. Endotracheal intubation during resuscitation of a neonate at birth is a high risk procedure.

5. At present Munroe Regional Medical Center transfers high risk mothers and fetuses to Shands Teaching Hospital in Gainesville whenever possible for Level II or III perinatal care. These level hospitals have special intensive care facilities and greater staffing of specialists as outlined in the Guidelines for Perinatal Care.

6. Munroe Regional Medical Center does not have the full-time specialized staff recommended for Level II or Level II facilities. The facility has a certified nurse midwife available 80-85% of the time and usually has a pediatrician available at birth. Certified nurse anesthetists are available "on call" for obstetrical patients desiring epidural anesthesia.

7. The facility has approximately 2000 deliveries annually. The cesarean section rate for October 1, 1991, to September 30, 1992, was 16%. Endotracheal intubation is a low volume procedure.

8. Among hospitals in Florida surveyed by Petitioners, endotracheal intubation during resuscitation of a neonate at birth is limited to ARNPs, certified nurse midwives and anesthetists, neonatologists, pediatricians, obstetricians, transport nurses from Level III institutions, and occasionally respiratory therapists.

9. At Munroe Regional Medical Center Maternal Child Health Staff must complete the American Heart Association's Neonatal Resuscitation Self Study. This, however, validates a nurse's role as an assistant rather than actually performing the procedure.

10. Because of the low volume of patients requiring endotracheal intubation, nurses at Munroe would have difficulty obtaining a skills validation or return demonstrations. According to the American Heart Association Textbook of Neonatal Resuscitation, endotracheal intubation is a difficult skill to maintain and master.

11. From the material presented, it does not appear that Munroe Regional Medical Center at present has the appropriate education and skills validation for the registered nurse to engage in endotracheal intubation during resuscitation of a neonate at birth.

12. 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.

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

13. 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. Prosser and Ms. Dalton is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-4.001, Florida Administrative Code. Petitioners have the requisite interest to maintain this proceeding.

3. It is the opinion of the Board of Nursing that registered professional nurses in the Maternal Child Health Department at Munroe Regional Medical Center do not have the appropriate training and education to perform the high risk procedure of endotracheal intubation during resuscitation of a neonate at birth.

4. Petitioners 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.

Done and ordered this 19th day of April,  
1993.

BOARD OF NURSING

Betty Ann Taylor RN  
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 ELLEN PROSSER, RN, BSN, and HELEN DALTON, RN, BSN, Munroe Regional Medical Center, 131 Southwest 15th Street, Ocala, Florida 34478, this 19th day of April, 1993.

Judith Pittman