

STATE OF FLORIDA
BOARD OF NURSING

FILED

JUN 24 1992

IN RE: THE PETITION FOR DECLARATORY
STATEMENT OF:

FLORIDA STATE
BOARD OF NURSING

NANCY JENSON, R.N. AND
SUSAN LUCHKA, R.N.

Case No.: BON-DS-92-01

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 April 10, 1992, in Miami, Florida for the purpose of considering the Petition for Declaratory Statement filed by Nancy Jenson and Susan Luchka. Having considered the petition, the supporting documentation provided by Petitioners, and testimony at the hearing, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Nancy Jenson is a registered nurse licensed in the state of Florida. She is the Director of Nursing at Lawnwood Regional Medical Center in Fort Pierce, Florida. Susan Luchka is a registered nurse licensed in the state of Florida. She is a nurse clinician in the Critical Care Division of Lawnwood.

2. Petitioners ask whether it is within the scope of practice for professional nurses as defined in Section 464.003(3), Florida Statutes, to give analgesia via an intrapleural catheter.

3. Lawnwood Regional Medical Center has developed an intrapleural policy and procedure that sets forth the plan to provide pain relief for the postoperative patient by injecting local analgesia into the pleural space. The plan outlines that the surgeon shall order the local analgesia, specifying the amount, frequency, and method and shall administer the initial dose. The policy also provides for emergency protocol. The physician's and the registered nurse's responsibilities are set forth in the plan.

4. Lawnwood Regional Medical Center established a post-basic education program for certification, demonstration, and post-testing of the registered nurses who are to engage in this intrapleural catheter pain management. The Board reviewed the educational outline, professional bibliography, and post-test. A sample patient care plan and critical care quality improvement form were also reviewed.

5. This Petition was properly noticed by the Board 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. Jenson and Ms. Luchka 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. 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 the laws of this state to prescribe such medications and treatments.

4. It is within the scope of practice under Section 464.003(a), Florida Statutes, for the registered nurse to give analgesia via an intrapleural catheter provided that the nurse has had appropriate training and validation of the education, that the facility establishes adequate protocols, and that the physician/nursing responsibilities have been adequately delineated.

6. Petitioners are notified they may appeal this Order by filing one copy of a Notice of Appeal with the Clerk of the Board, and by filing a filing 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 24th day of June,
1992.

BOARD OF NURSING

Betty Ann Taylor R.N.
Betty A. Taylor R.N., M.S.N.
Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to NANCY JENSON, RN, MHA, CNA, Director of Nursing, and SUSAN LUCHKA, RN, CCRN, Critical Care Division, Lawnwood Regional Medical Center, 1700 South 23rd Street, Post Office Box 188, Fort Pierce, Florida 34954-0188, this 24th day of June, 1992.

Dennis M. Grant
Dennis M. Grant
Business Manager