

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE: The Petition for Declaratory
Statement of:

Case No. BON-DS-89-1

SANDRA K. CORCORAN, R.N.,
ANN COOEY, R.N., and
BETTY MONTGOMERY, L.P.N.

FINAL ORDER

THIS CAUSE came before the Board of Nursing pursuant to Section 120.565, F.S., and Rule 28-4, F.A.C. on April 14, 1989 in Miami, Florida for the purpose of considering the Amended Petition for Declaratory Statement filed by Sanda K. Corcoran, R.N., Ann Coeey, R.N., and Betty Montgomery, L.P.N. (hereinafter Petitioners). Petitioners were not present. Having considered the Petition and supporting documentation provided by Petitioners, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioners Sandra K. Corcoran and Ann Coeey are registered nurses in the State of Florida employed by Sacred Heart Hospital, Pensacola, Florida; Petitioners Betty Montgomery is a licensed practical nurse in the State of Florida also employed by Sacred Heart Hospital.

2. Petitioners are in doubt as to whether the performing of certain intravenous therapy services is within the scope of practice of practical nursing as defined in Chapter 464, F.S.

More specifically, Petitioners are in doubt as to whether licensed practical nurses may perform venipuncture, piggyback administration (superimposing intravenous fluids), and flushing of reseals.

3. In their Amended Petition for Declaratory Statement filed with the Board, Petitioners request the Board to answer substantially the following questions: Whether the performance of intravenous therapy services by licensed practical nurses is within the scope of practice of a licensed practical nurse as defined in Chapter 464, F.S.; more specifically, whether licensed practical nurses may perform venipuncture, piggyback administration (superimposing intravenous fluids) and flushing of reseals.

4. Petitioners attached to their amended petition the course outline for the intravenous fluids therapy course held for licensed practical nurses at Sacred Heart Hospital.

5. The petition was noticed by the Board in the Florida Administrative Weekly in Vo. 15, No. 5 at page 467 on February 3, 1989.

6. Petitioners, as registered and licensed practical nurses employed by Sacred Heart Hospital in Pensacola, Florida, assert that the severe shortage of registered nurses in the State of Florida necessitates increased support of the job duties of a registered nurse from licensed practical nurses. Petitioners also assert that the use of licensed practical nurses to perform

intravenous therapy services is a common and generally accepted practice in many hospitals in the State of Florida; however, it should be noted that the petition does not name any specific hospital. Petitioners also assert that performing of intravenous therapy services by licensed practical nurses is specifically permitted under the California Nurse Practice Act.

7. Petitioners have provided with their petition an outline of the intravenous therapy course which would be given to licensed practical nurses at Sacred Heart Hospital.

8. Petitioners' particular question goes to Section 464.003(3)(b), F.S. which provides the following definition:

"Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatrist, or licensed dentist.

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, F.S. and Rule Chapter 28-4, F.A.C.

2. The amended petition filed by Petitioners is in substantial compliance with the provisions of Section 120.565,

F.S. and Rule Chapter 28-4.001, F.A.C. and Petitioners have the requisite interest as registered and licensed practical nurses employed within a hospital setting to maintain this proceeding.

3. Section 464.003(3)(b), F.S. provides the following definition:

"Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatrist, or licensed dentist.

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

4. In considering the Petitioners' Request for Declaratory Statement, the Board has considered the course outline submitted with the amended petition as the suggested training for licensed practical nurses performing intravenous therapy services within Sacred Heart Hospital. The Board concludes that the program as submitted is inadequate to prepare licensed practical nurses for the performing of intravenous therapy services in that the program lacks specificity and clarity in its components and is inadequate to sufficiently prepare a licensed practical nurse for the performing of intravenous therapy services.

5. Furthermore, the Board concludes that the declaratory statement does not specifically address the extent of intravenous therapy services to be performed by licensed practical nurses, thus rendering it difficult for the Board to fully address the question of whether the performing of intravenous services by licensed practical nurses is within the scope of practice of licensed practical nurse as defined by Section 464.003(3)(b), F.S.

6. The Board is of the opinion that based upon the general nature of the amended petition and the lack of specificity and clarity in the course outlined for the training of licensed practical nurses performing intravenous therapy services in Sacred Heart Hospital, that is beyond the scope of practice of a licensed practical nurse to provide intravenous therapy services based upon completion of the course submitted with the petition.

WHEREFORE, it is therefore Ordered that because the Board has determined that the course outline submitted by Petitioners as being offered at Sacred Heart Hospital does not sufficiently prepare licensed practical nurses to provide intravenous therapy services, that it is beyond the scope of a licensed practical nurse to provide intravenous therapy services on the basis of having completed such program.

Petitioners are hereby notified that they may appeal this order by filing one copy of the notice of appeal with the clerk of the agency and by filing a filing fee and one copy of the notice of appeal with the District Court of Appeal within thirty (30) days of the date this final order is filed.

DONE and ORDERED this 17 day of July, 1989.

BOARD OF NURSING

Jeanne Stark
JEANNE STARK, R.N., CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing final order has been sent to SANDRA K. CORCORAN, R.N., 206 Azalea Street, Gulf Breeze, Florida 32561, ANN COOEY, R.N., 11620 Chemstrand Road, #9, Pensacola, Florida 32514 and BETTY MONTGOMERY, L.P.N., 727 Boxwood Drive, Pensacola, Florida 32503 by Certified Mail and Karen O. Emmanuel, Emmanuel, Sheppard & Condon, 30 South Spring Street, P. O. Drawer 1271, Pensacola, Florida 32596 by U.S. Mail this 17 day of July, 1989.

Judie Ritter
JUDIE RITTER,
EXECUTIVE DIRECTOR

JK

FILED

JUL 17 1989

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FLORIDA STATE
BOARD OF NURSING