

STATE OF FLORIDA  
BOARD OF NURSING

Final Order No. AHCA-94-386 Date 9-17-94

RE: THE PETITION FOR DECLARATORY  
STATEMENT OF:

TERRI FRAIL, RN,  
CASE NO.: BON-DS-94-03

FILED

Agency for Health Care Administration  
AGENCY CLERK

R.S. Power, Agency Clerk  
By: Brandon K. Moore  
Deputy Agency Clerk

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 August 12, 1994, in Orlando, Florida, for the purpose of considering the Petition for Declaratory Statement filed by Terri Frail. Having considered the petition, the supporting documentation provided by Petitioner and the recommendation of the Nursing Practice Committee, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Terri Frail is a registered nurse licensed in the state of Florida. She is the Director of Labor and Delivery Nursing Services at North Shore Medical Center in Miami, Florida.

2. Petitioner asks whether it is within the scope of practice for professional nurses as defined in Section 464.003(3), Florida Statutes, to evaluate patients prior to the initiation of IV oxytocin and to follow physician orders for labor induction or augmentation with oxytocin (also known as Pitocin).

3. North Shore Medical Center has developed a course based on standards from the Association of Women's Health, Obstetric and Neonatal Nurses [AWHONN] and the American College of Obstetricians and Gynecologists [ACOG]. Nurses would be trained, tested, and skills validated prior to being approved for the proposed procedure.

4. The facility has two levels of registered nurses in labor and delivery, the staff nurse and the senior nurse. Approximately half of the nurses are senior level. These persons generally have a BSN and are more experienced and clinically skilled nurses.

5. Hospital policy requires that the physician be available to the labor and delivery patients within thirty minutes. In the event that a patient's condition may require intervention in a shorter time than the physician can arrive, the facility proposes to have the labor and delivery nurses provide the necessary evaluation and induction or augmentation of labor by use of IV oxytocin. Only patients known to the hospital and from whose physicians the medical record and standing orders were previously supplied would be considered for this procedure. Further, labor and delivery services has and would use fetal heart monitors as part of the assessment and evaluation. The petitioner agreed that the policy should clarify that only the senior nurses would be permitted to provide these services. The facility has also outlined contraindications for oxytocin in specific patient conditions and procedures to be followed for complications.

6. 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. Frail 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. 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.

4. It is within the scope of practice under Section 464.003(3)(a), Florida Statutes, for specially trained registered professional nurses in labor and delivery to evaluate

specifically identified patients, for whom prior approval has been noted by the physician of record in the patient's medical record, and to initiate IV oxytocin (Pitocin) to induce or augment labor.

5. Petitioner is notified she 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 8 day of September 1994.

BOARD OF NURSING

Betty Ann Taylor  
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 TERRI FRAIL, RNC, BSN, Director of Labor and Delivery, North Shore Medical Center, Inc., 1100 NW 95th Street, Miami, Florida 33150-2098, this 13th day of September, 1994.

Brandon L. Moore  
Brandon L. Moore  
Deputy Agency Clerk