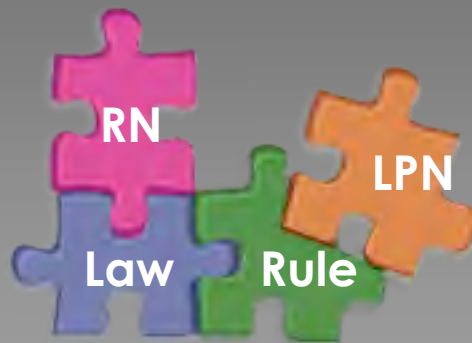


Nursing Law & Rules

Fitting the Puzzle Pieces
Together



Objective

**Describe 2
differences in RN &
LPN practice**

**Identify a strategy for
appropriate
utilization of LPNs or
UAPs in your
practice setting**

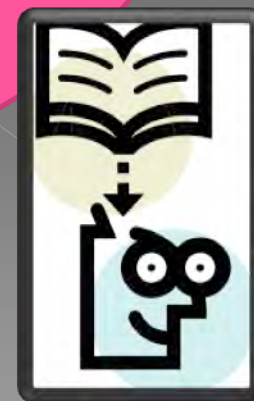


CE Disclaimers

**There is no
commercial
support for this
presentation**

**I have no conflicts
of interest related
to this
presentation**

“Lecture” –a means of transferring notes from the pages of the teacher to the pages of the students without going through the minds of either!



**Scope of Practice
The Law--The
What
4723.01 ORC**



What is a Scope of Practice?

- Establishes the range of reasonable activities that constitute a particular level of professional work
 - > Establishes boundaries
 - > Legal implications
 - > Benchmark against which practitioner's actions are measured
- It is NOT what someone else says it is

Legal Scope of Practice

LPNS

RNs

- **Independent functions**
 - Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen
 - Executing a nursing regimen through the selection, performance, management, & evaluation of nursing activities

- **No Independent functions—directed by only**
 - Physician, dentist, optometrist, podiatrist, chiropractor or registered nurse
 - Observation, patient teaching & care in a diversity of health care settings

Legal Scope of Practice

LPNS

RNS

- Assessing health status for the purpose of providing nursing care
 - Providing health counseling & health teaching
 - Teaching, administering, supervising, delegating, & evaluating nursing practice
-
- Contributions to the planning, implementation, & evaluation of nursing
 - Delegation of nursing tasks as directed by an RN
 - Teaching nursing tasks to LPNs & individuals to whom the LPN is authorized to delegate as directed by an RN

LEGAL SCOPE OF PRACTICE

Dependent practice for both RNs & LPNs

- Administration of medications & treatments authorized by physicians, advanced practice nurses etc. acting within their scope of practice
- RNs—also includes executing authorized regimens
- LPNs—also addresses limited role in intravenous therapy

Why Does it Matter?

- Unauthorized practice of nursing is a felony
- Practicing outside legal scope can result in disciplinary action by the Board
- Malpractice insurance implications
- It is the FIRST piece in the practice puzzle—the WHAT



Nursing Regulations—the How

Standards of Safe & Effective Nursing Practice—Chapter 4723-4 OAC

Standards for Applying the Nursing Process

4723-4-07 & 08 OAC

⦿ RNs

- > Assessment
- > Analysis
- > Planning
- > Implementation
- > Evaluation

⦿ LPNs

- > Assessment
- > Planning
- > Implementation
- > Evaluation



RNs

- **Assessment—Collection of data**
- **Analysis—identify, organize & interpret data & establish, accept or modify a nursing diagnosis**
- **Planning—Develop, maintain or modify the nursing plan of care**
- **Implementation—commensurate with education, knowledge & skills**
- **Evaluation**

LPNs

- **Assessment**—Contribute to the nursing assessment by collecting, reporting, & documenting objective & subjective data
- **Planning**—contribute to the development, maintenance, or modification of the nursing care plan
- **Implementation**—basic nursing care
- **Evaluation**—Contribute to the evaluation

**So what does
all this mean in
practice?**



Can an LPN do an Assessment?

- Look at scope of practice
- Look at Board of Nursing rules
- What is the reason for the assessment?
- What are the limits if any?
 - > May the LPN alter the plan of care?
 - > May the LPN document the assessment data?
 - > Who is “directing” & what does that look like?

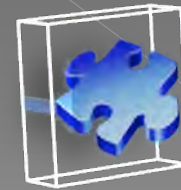
Delegation & Direction

Chapter 4723-13 OAC



Direction

- ◎ What does “direction” mean?
 - > Communicating a plan of care
 - > Does not imply “supervision” in the employment context



Delegation—Chapter 4723-13 OAC

- The transfer of responsibility for the performance of a selected nursing task from a licensed nurse authorized to perform the task to an individual who does not otherwise have the authority to perform the task.



Does an RN Delegate to the LPN?

◎ Direction

- > Communicating a plan of care

◎ Delegation

- > Performance of a selected task
- > Person not otherwise authorized to perform the task



Can an LPN Delegate?

- Look at scope of practice—are there limits?
- Who can direct the LPN in this activity?



Delegation to an unlicensed person

**Nurse accountable
for the decision to
delegate**

and

**For the overall
outcome**

There can be no sub-delegation



Delegation in Practice

- No task is always delegable
- Nurse cannot delegate medication administration except
 - > If law expressly allows it
 - > Certain over-the-counter medications
 - Topical medications to intact skin
 - Eye drops, ear drops, suppositories, foot soaks & enemas
- Cannot delegate the nursing process in its entirety

Nurse's Responsibilities

- Have the knowledge, skills & ability to perform the task
- Make sure the task is within the training, skill & ability of the unlicensed person
- Ensure the appropriate supervision, resources, & support are available



Nurse's Responsibilities

- Identify the individual/patient and the time frame for performing the task
- Evaluate that individual's needs
- Determine the task is delegable
- Communicate expectations clearly & thoroughly



Delegable Task

- Require no judgment based on nursing knowledge & expertise
- Can be performed according to exact, unchanging directions
- Performance does not require complex observations or critical decisions with respect to the task
- No repeated nursing assessments are needed to perform the task
- Consequences of incorrect performance are not life-threatening

Applying the Delegation Principles to Practice



Application

- Who makes the decision to delegate?
- Who is “liable” if there is a mistake?
- Supervision expectations? Must I be right there when the task is performed?



Questions???

Jan Lanier, RN, JD
Deputy Executive Officer
Ohio Nurses Association
(614) 448-1028
jlanier@ohnurses.org



ASSOCIATION
OHIO NURSES