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STATE OF FLORIDA
BOARD OF NURSING

Final Order No. DOH-03-0408-DS-MOA
FILED DATE - 4/29/03
Department of Health

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
BARBARA MASHOUR-SMITH, R.N.

By: Wicki R. Kanon
Deputy Agency Clerk

FINAL ORDER

THIS MATTER came before the Board of Nursing ("Board") pursuant to Section 120.565, Florida Statutes, at a duly-noticed public meeting held in Orlando, Florida, on February 13, 2003, for the purpose of considering the Petition for Declaratory Statement filed by Barbara Mashour-Smith, R.N. ("Petitioner"). Notice of the petition was published in the Florida Administrative Weekly on November 22, 2002, at Volume 28, Number 47. Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioner is a Registered Nurse licensed to practice nursing in the state of Florida.
2. Section 464.003(3)(a), Florida Statutes, defines the practice of professional nursing as "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.
 - "3. The supervision and teaching of other personnel in the theory and performance of any of the above acts."
3. Section 464.012(4)(a), Florida Statutes, provides that a Certified Registered Nurse Anesthetist (CRNA) "may, to the extent authorized by established protocol approved by the medical staff of the facility in which the anesthetic service is performed, perform any or all of the following:
 - "1. Determine the health status of the patient as it relates to the risk factors and to the anesthetic management of the patient through the performance of the general functions.
 - "2. Based on history, physical assessment, and supplemental laboratory

results, determine, with the consent of the responsible physician, the appropriate type of anesthesia within the framework of the protocol.

"3. Order under the protocol preanesthetic medication.

"4. Perform under the protocol procedures commonly used to render the patient insensible to pain during the performance of surgical, obstetrical, therapeutic, or diagnostic clinical procedures. These procedures include ordering and administering regional, spinal, and general anesthesia; inhalation agents and techniques; intravenous agents and techniques; and techniques of hypnosis.

"5. Order or perform monitoring procedures indicated as pertinent to the anesthetic health care management of the patient.

"6. Support life functions during anesthesia health care, including induction and intubation procedures, the use of appropriate mechanical supportive devices, and the management of fluid, electrolyte, and blood component balances.

"7. Recognize and take appropriate corrective action for abnormal patient responses to anesthesia, adjunctive medication, or other forms of therapy.

"8. Recognize and treat a cardiac arrhythmia while the patient is under anesthetic care.

"9. Participate in management of the patient while in the postanesthesia recovery area, including ordering the administration of fluids and drugs.

"10. Place special peripheral and central venous and arterial lines for blood sampling and monitoring as appropriate."

4. Diprivan® is an intravenous sedative/hypnotic agent and is indicated for induction and maintenance of general anesthesia in adults; adult sedation in monitored anesthesia care; intensive care unit sedation for intubated, mechanically ventilated adults; pediatric anesthesia (with age-specific limitations); neuroanesthesia; and cardiac anesthesia.

5. Petitioner asks the following questions:

a. Is it within the scope of practice for a registered nurse who is not a CRNA to administer Diprivan to a monitored and intubated patient pursuant to a verbal or written order given by a licensed independent practitioner?

b. Is it within the scope of practice for a nurse who is not a CRNA to monitor an intubated patient that has received Diprivan pursuant to a verbal or written order given by a licensed independent practitioner?

c. Is there a difference between the administration and management of Diprivan (for a monitored and intubated patient) by a registered nurse

who is not a CRNA, if the Diprivan is being given as sedation for a procedure performed at the bedside versus as an anesthetic for an OR procedure?

CONCLUSIONS OF LAW

6. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Chapter 28-4, Florida Administrative Code.

7. The Board answers the Petitioner's questions as follows:

a. Yes, if the registered nurse is trained and certified in Advanced Cardiac Life Support, and is following the established policies and procedures of the facility where the nurse performs the acts indicated.

b. Same answer as "a".

c. The Board declines to answer this question because the Petition provides insufficient information.

8. This Order constitutes final agency action and may be appealed by any party pursuant to Section 120.68, Florida Statutes, and Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, by filing a notice of appeal conforming to the requirements of Rule 9.110(d), Florida Rules of Appellate Procedure, both with the appropriate District Court of Appeal, accompanied by the appropriate filing fee, and with the department's clerk of agency proceedings, within thirty (30) days of rendition of this Order.

DONE AND ORDERED this 24 day of April, 2003.

BOARD OF NURSING



Dan Coble, Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Barbara Mashour-Smith, R.N., 800 Prudential Drive, Jacksonville, Florida 32207; and to Susan B. Bodell, Assistant Attorney General, Office of the Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 29th day of April, 2003.

Susan K. Hunt



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BAPTIST MEDICAL CENTER

Barbara Mashour-Smith, RN
Manager, Performance Improvement/Regulatory Compliance

September 4, 2002

CERTIFIED MAIL NO: 7099340000202510949

To: Department of Health's Agency Clerk's Office
4052 Bald Cypress Way
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From: Barbara Mashour-Smith, RN
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CLERK *Yvonne R. Kenon*
DATE 9/9/02

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02 SEP -9 AM 11:35

Re: Petition for Declaratory Statement before the Florida Board of Nursing

A declaratory statement is sought based on:

1. The 2002 Florida statutes Title XXXII regulation of Professions and Occupations, Chapter 464 Nursing, Part I Nurse Practice Act, 464.012, Subsection 4(a) The certified registered nurse anesthetist may....
2. Recent Florida Board of Nursing final order No. DOH-02-0365-DS-MQA (file date 3-5-02)

Baptist Medical Center would like to determine if administration and management of Diprivan for a monitored patient who is intubated, is within the scope of a practice for a registered nurse, who is not a CRNA. It would be appreciated if you would respond to the following questions:

1. Is it within the scope of practice for a registered nurse, who is not a CRNA, to administer Diprivan to a monitored and intubated patient pursuant to a verbal or written order given by a licensed independent practitioner?
2. Is it within the scope of practice for a nurse, who is not a CRNA, to monitor an intubated patient that has received Diprivan pursuant to a verbal or written order given by a licensed independent practitioner?
3. Is there a difference between the administration and management of Diprivan (for a monitored and intubated patient) by a registered nurse, who is not a CRNA, if the Diprivan is being given as sedation for a procedure performed at the bedside versus as an anesthetic for an OR procedure?

Thank you in advance for your assistance and I look forward to your response.

Sincerely,

Barbara Mashour-Smith

Barbara Mashour-Smith, RN
Manager, Performance Improvement and Regulatory Compliance

C: Tracy E. Williams, Vice President

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