

DEPARTMENT OF HEALTH

Board of Nursing

The Board of Nursing hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Kathleen Davitt, R.N. The Board reviewed the petition at its meeting held on October 8-9, 2003, in Jacksonville, Florida. The Board's Final Order, filed in this cause on November 14, 2003, finds that under the specific facts of the petition, it is not within the scope of practice for a registered nurse trained in ACLS (Advanced Cardiac Life Support) to defibrillate a patient upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory care setting prior to ACLS code team arrival or physician verbal or written order. It is within the scope of practice for a registered nurse trained in ACLS to defibrillate a patient upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory care setting if there are standing orders and protocols to follow in that situation

A copy of the Petition and the Board's Final Order may be obtained by contacting the Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.

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JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

By: Heather Coleman
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

IN RE: **PETITION FOR DECLARATORY STATEMENT**
KATHLEEN DAVITT, RN

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COMMITTEE

FINAL ORDER

This matter came before the Board of Nursing (hereinafter the "Board") on October 9-10, 2003 in Jacksonville, Florida, for consideration of the referenced Petition for Declaratory Statement. The Notice of petition for Declaratory Statement was published on September 19, 2003, in Vol. 29, No. 38, in the Florida Administrative Weekly.

The petition filed by *Kathleen Davitt, RN* inquired as to the following:

1. Is it within the scope of practice for a registered nurse in the state of Florida trained in ACLS to defibrillate a patient (using a defibrillator not an AED) upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory care setting prior to ACLS code team arrival or physician verbal or written order?

2. Is it within the scope of practice for a registered nurse in the state of Florida trained in ACLS to defibrillate a patient (using a defibrillator not an AED) upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory procedure setting prior to ACLS code team arrival, if there are standing orders and protocols for the nurse to follow in that situation?

Findings of Fact

1. The Petitioner is a registered nurse licensed in the state of Florida.
2. The Petitioner works at the Naval Hospital Jacksonville.
3. ACLS stands for the American Heart Associations' Advanced Cardiac Life Support.

4. ACLS teaches nurses algorithms for ventricular fibrillation and ventricular tachycardia with an emphasis on early defibrillation.
5. Nurses that attend ACLS training are instructed in this treatment protocol and are expected to provide a return demonstration in the course.
6. AED stands for Automated External Defibrillator.

Conclusions of Law

7. The Board of Nursing has authority to issue this Final Order pursuant to section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.
8. Section 464.003, F.S., defines the practice of professional nursing and the practice of practical nursing.
9. Section 464.018(n), F.S., makes it a disciplinary violation for a licensed nurse to fail to meet the minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience.
10. ACLS certification alone does not allow a health care professional to initiate defibrillation.
11. ACLS trained nurses must work under a medical director/physicians orders when initiating defibrillation, following specific well-defined facility policies and procedures.
12. Not all defibrillators are set like the AED to determine exact arrhythmias, so a physician would need to diagnose and order the rhythm and defibrillation.
13. It is not within the scope of practice for a registered nurse in the state of Florida trained in ACLS to defibrillate a patient (using a defibrillator not an AED) upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory care setting prior to ACLS code team arrival or physician verbal or written order.

14. It is within the scope of practice for a registered nurse in the state of Florida trained in ACLS to defibrillate a patient (using a defibrillator not an AED) upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory procedure setting prior to ACLS code team arrival, if there are standing orders and protocols for the nurse to follow in that situation.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 12 day of November, 2003.

BOARD OF NURSING



Dan Coble, RN, PhD,
Executive Director *on behalf of*
ROSA RAMOS, RN, CHAIR

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to: Kathleen Davitt, Naval Hospital Jacksonville, 2080 Child Street, Jacksonville, FL, 322144, and by interoffice delivery to Rosanna Catalano, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, FL 32399-1050, and William Large, General Counsel, Department of Health, 4052 Bald Cypress Way, Bin A-02, Tallahassee, FL 32399-1703 this 14th day of November, 2003.

Erica S. Prind

Naval Hospital Jacksonville
2080 Child Street
Jacksonville, FL
32214
Phone: (904) 542-9185
Facsimile: (904) 542-9184

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Heather Coleman*
DATE 9/4/03

August 29, 2003

Florida Board of Nursing
Department of Health's Agency Clerks Office
4052 Bald Cypress Way Bin #A02
Tallahassee, Fl. 32399-1703

Petition for Declaratory statement Before the State of Florida Board of Nursing

I, Kathleen Davitt, would like to petition the State of Florida Board of Nursing for a declaratory statement regarding section 464 of the Florida Statutes, The Nurse Practice Act.

A great deal of emphasis has been placed on the immediate defibrillation of lethal dysrhythmias to improve patient outcomes in cardiac arrest situations. The American Heart Associations' Advanced Cardiac Life Support algorithms for ventricular fibrillation and ventricular tachycardia emphasize early defibrillation. Nurses that attend ACLS training are instructed in this treatment protocol, and are expected to provide a return demonstration in the course. This creates role confusion as to whether or not it is within the scope of practice for a registered nurse to initiate this treatment.

A. Is it within the scope of practice for a registered nurse in the state of Florida trained in ACLS to defibrillate a patient (using a defibrillator not an AED) upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory care setting prior to ACLS code team arrival or physician verbal or written order?

B. Is it within the scope of practice for a registered nurse in the state of Florida trained in ACLS to defibrillate a patient (using a defibrillator not an AED) upon recognizing ventricular fibrillation or ventricular tachycardia in an inpatient or ambulatory procedure setting prior to ACLS code team arrival, if there are standing orders and protocols for the nurse to follow in that situation?

Thank you for your time and consideration in this matter.

Sincerely,



Kathleen Davitt RN

kd

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