

STATE OF FLORIDA
BOARD OF NURSING

IN RE: THE PETITION
FOR DECLARATORY
STATEMENT OF
DANIEL SFORZA, BSN RN

Deputy Agency Clerk
Final Order No. DOH-17-1896-*DS* -MQA
FILED DATE - *OCT 24* 2017
Department of Health
By: *Amber Greene*
Deputy Agency Clerk

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (hereinafter Board) pursuant to §120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code, at a duly-noticed meeting in Orlando, Florida on October 5, 2017, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A) filed by DANIEL SFORZA, BSN RN (hereinafter Petitioner). Having considered the petition and being otherwise fully advised in the premises, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. This petition was noticed by the Board in Vol. 43, No. 167, dated August 28, 2017 of the Florida Administrative Register .
2. Petitioner, DANIEL SFORZA, BSN RN, is registered nurse licensed to practice nursing in the State of Florida. He did not provide his license number.
3. Petitioner inquires whether registered nurses can have an expanded procedural role in gastroenterology nursing and endoscopy.
4. Specifically, are registered nurses in a hospital permitted, during the placement of a percutaneous endoscopic gastrostomy tube (PEG tube), to prepare the abdomen, administer lidocaine anesthetic, perform an incision, place a trocar, thread the wire/thread and position the PEG tube.

5. Petitioner seeks a statement of general applicability, which is not permitted in response to a petition for declaratory statement.

CONCLUSIONS OF LAW

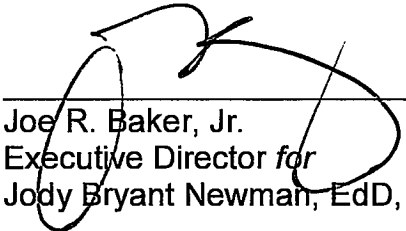
1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

2. The petition filed in this cause is not in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

WHEREFORE, the petition of DANIEL SFORZA is dismissed.

DONE AND ORDERED this 23rd day of Oct, 2017.

BOARD OF NURSING



Joe R. Baker, Jr.
Executive Director for
Jody Bryant Newman, EdD, EdS, Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail to Petitioner DANIEL SFORZA, BSN RN, 204 Three

Islands Blvd #108, Hallandale Beach FL 33009, and by email to Donna Oxford,

Donna.Oxford@myfloridalegal.com this ^{21st} day of October, 2017.

Amber Greene

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE AUG 22 2017

Daniel Sforza BSN RN
204 Three Islands Blvd, Apt 108
Hallandale Beach, FL 33009
203-592-1501 cell

August 14, 2017

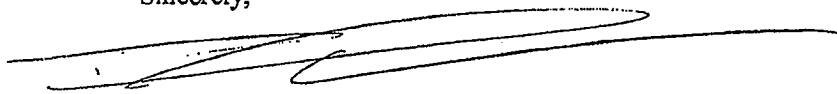
Department of Health's Agency Clerk's Office
4052 Bald Cypress Way
Bin #A02
Tallahassee, Florida 32399-1703.

RECEIVED
AUG 16 2017
DEPARTMENT OF HEALTH
LEGAL OFFICE

Dear Sir or Madam,

The Attached Letter is a revised petition for a declaratory statement before the Florida Board of Nursing. This letter is in response to the revision request dated August 1, 2017.

Sincerely,



Daniel Sforza BSN RN
08/14/2017

Daniel Sforza BSN RN
204 Three Islands Blvd, Apt 108
Hallandale Beach, FL 33009
203-592-1501 cell

August 14, 2017

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

Dear Sir or Madam,

Petition for Declaratory Statement Before the Florida Board of Nursing

Is it within the scope of practice for a registered nurse in the state of Florida, educated and experienced in gastroenterology nursing and endoscopy, to be given an expanded procedural role? This role would be performed in the presence of and under the direct supervision of a physician endoscopist while in the endoscopy suite of a hospital. RNs working in gastroenterology and endoscopy suite are trained and experienced within their field. Their skill sets are validated through the education department of the hospital. RNs follow the policies and procedures set in place by the hospital.

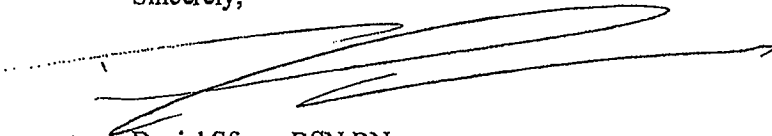
The procedural roles in question occur during the placement of a Percutaneous Endoscopic Gastrostomy Tube (PEG tube). These roles include: abdomen preparation, local infiltration of lidocaine anesthetic, incision, trocar placement, threading the wire/thread, and positioning the gastrostomy tube. The RNs performing this role would follow hospital policy and procedure, after being trained and validated on their competency.

The Society of Gastroenterology Nurses and Associates (SGNA), supports the position that such a nurse can be given the responsibility for performing the role in question if it falls within the scope of their state nurse practice act and institutional policy.

The role in question currently falls within my hospital's institutional policy. Prior to the hospital creating procedural guidelines and training protocol for nurses performing such procedures, I would like to confirm that they fall within the scope of practice act for the state of Florida.

Thank you for your time.

Sincerely,



Daniel Sforza BSN RN
08/14/2017

Daniel Sforza
204 Three Islands Blvd Apt 108
Hollandale Beach, FL 33009

FL 331
15 AUG 17
PM 11

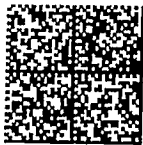
Department of Health's Agency Clerk's Office
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Bin # A02
Tallahassee, Florida 32399-1703

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