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STATE OF FLORIDA
BOARD OF NURSING

Final Order No. DOH-03-0406-DS-MOA
FILED DATE - 4/29/03
Department of Health
By: U. R. Kanan
Deputy Agency Clerk

IN RE: THE PETITION FOR DECLARATORY STATEMENT OF
JAMES R. HERBERT, R.N.

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 James R. Herbert, R.N. ("Petitioner"). Notice of the petition was published in the Florida Administrative Weekly on February 7, 2003, at Volume 29, Number 6. 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. Petitioner states that Registered Nurses who have received specialized training can place peripherally inserted central catheters (PICC).
4. Petitioner further states that, because the terminal tip of a PICC lies within the superior vena cava, dislodgement and/or fracture of the catheter can result in serious injury to the patient.
5. Petitioner further states that, in order to maximize patient safety and prevent accidental removal of the line, practitioners will often secure the PICC with a skin suture.

6. Petitioner inquires whether the placement of a skin suture for the purpose of securing a PICC is within the scope of practice of a Registered Nurse.

CONCLUSIONS OF LAW

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

8. It is the opinion of the Board that there is insufficient information upon which the Board can issue a declaratory statement as requested by Petitioner. Placement of a skin suture for the purpose of securing a PICC could be within the scope of practice of a Registered Nurse if an approved provider of nursing education or continuing education teaches suturing as part of PICC placement. However, the Board is not aware of the inclusion of this practice within the curriculum of any approved provider. Therefore, the Board DENIES this petition.

9. 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.

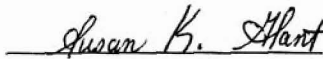
BOARD OF NURSING



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 James R. Herbert, R.N., Flagler Hospital, 400 Health Park Boulevard, Anderson-Gibbs Building, Suite 100, Saint Augustine, Florida 32086, this 29th day of April, 2003.



**Petition for Declaratory Statement
Before the Board of Nursing**

Friday, December 20, 2002

Practitioner Name: James R. Herbert, RN, CPHQ
License #: RN-2182072

Address: Flagler Hospital
400 Health Park Blvd.
Anderson-Gibbs Bldg., Suite 100
Saint Augustine, FL 32086

Phone:
Fax:
E-Mail:

Statute: Title XXXII, Chapter 464, Part I - Nursing; Sub-Section 464.001 through 464.027

Rule: Florida Administrative Code; Chapter 64B9

Circumstance: Registered Nurses, having received specialized training, can place peripherally inserted central catheters (PICC). Because the terminal tip of a PICC lies within the Superior Vena Cava, dislodgement and/or catheter fracture can potentially result in serious injury to the patient. To maximize patient safety and prevent accidental removal of the line, practitioners will often secure the PICC with a skin suture.

Question: According to FL law, is the placement of a skin suture for the purpose of securing a peripherally inserted central catheter within the scope of practice of a Registered Nurse?

Thank you for your time and attention.


James R. Herbert, RN

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