

Florida Laws and Rules for Nursing

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LEARNING OUTCOME AND OBJECTIVES:

- ▶ Describe the Florida Board of Nursing.
- ▶ Contrast the Florida Board of Nursing with nursing professional organizations and the Florida Nurses Association.
- ▶ Discuss the levels of nursing practice in Florida.
- ▶ Define the factors for safe delegation to unlicensed assistive personnel.
- ▶ Explain the requirements for renewing a nursing license in Florida.
- ▶ Differentiate between ethical and legal issues.
- ▶ Discuss Florida nursing law violations and disciplinary actions.

The Nurse Practice Act

- ▶ Although the first hospital in North America was established by the Spanish in St. Augustine in 1597 and by the 1800s medical training in Florida and throughout the United States was still largely through apprenticeships.
- ▶ Folk medicine, homeopathy, herbal medicine, and midwifery predominated.



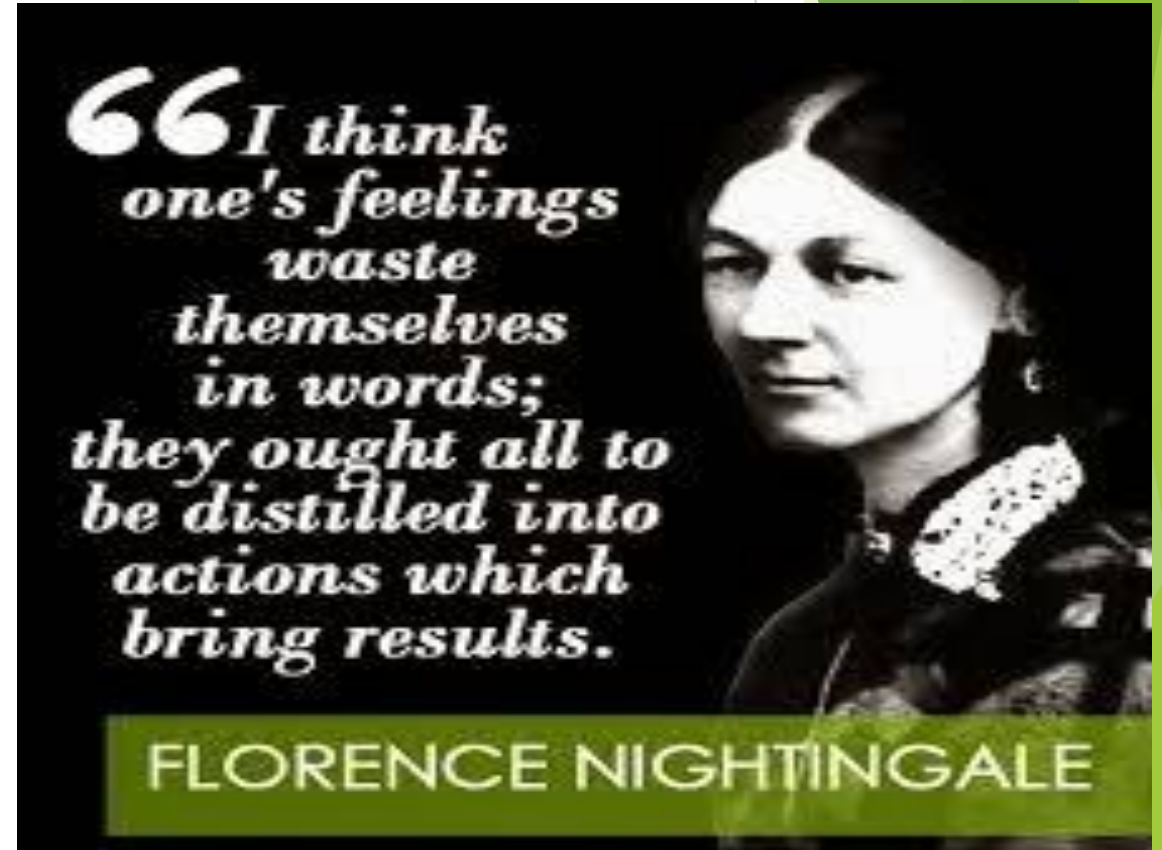
The Nurse Practice Act

- ▶ Midwives, mostly African American women, provided much of the medical care, particularly maternity care, in impoverished and isolated rural communities throughout the South.



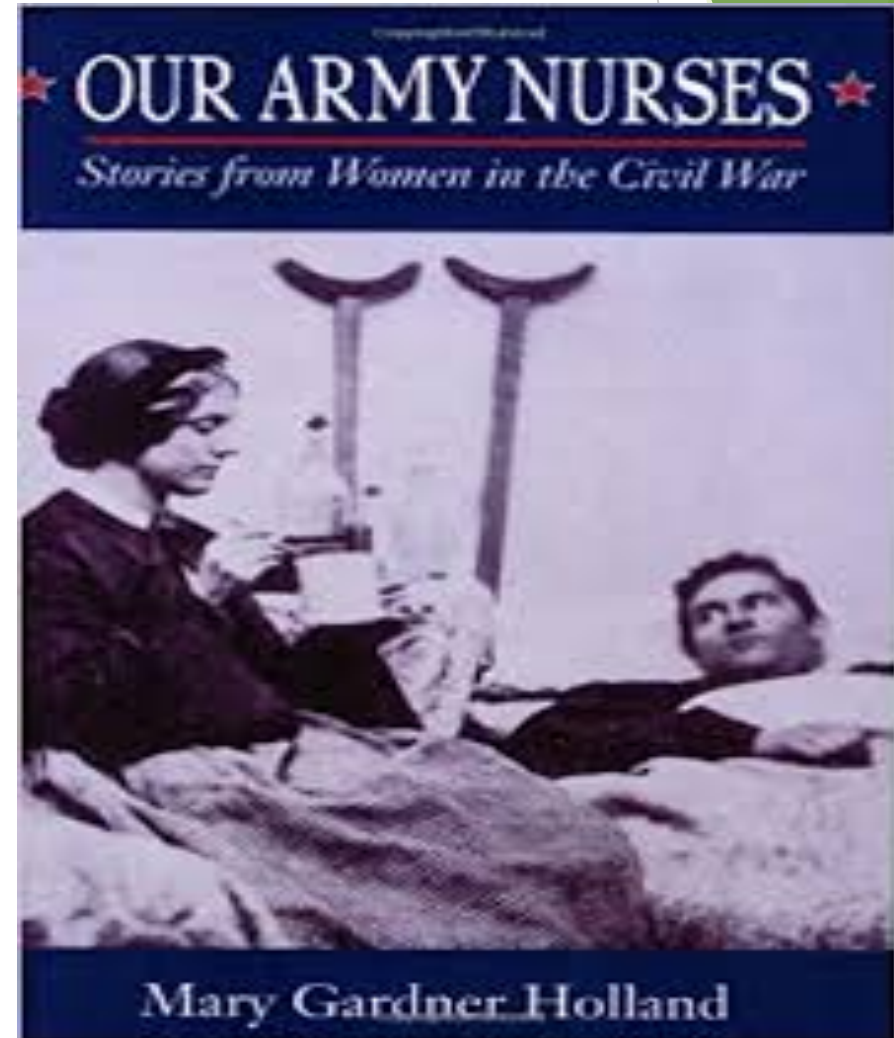
The Nurse Practice Act

- ▶ In England, Florence Nightingale had only just succeeded in establishing the first professional nurse training school in the world at St. Thomas' Hospital in London, the first class starting on July 9, 1860




Nurse Practice Act

- ▶ The hundreds of thousands of casualties during the U.S. Civil War created a need for caregivers and tens of thousands of women offered their services, mostly on a volunteer basis.



Nurse Practice Act

- ▶ In 1861, responding to the strong opposition to female volunteers, Dorothea Dix organized a march on Washington demanding that women be allowed to treat Union soldiers. She was quickly put in charge of nurses assigned to the U.S. Army.



In a world where there is so much to be done. I felt strongly impressed that there must be something for me to do.

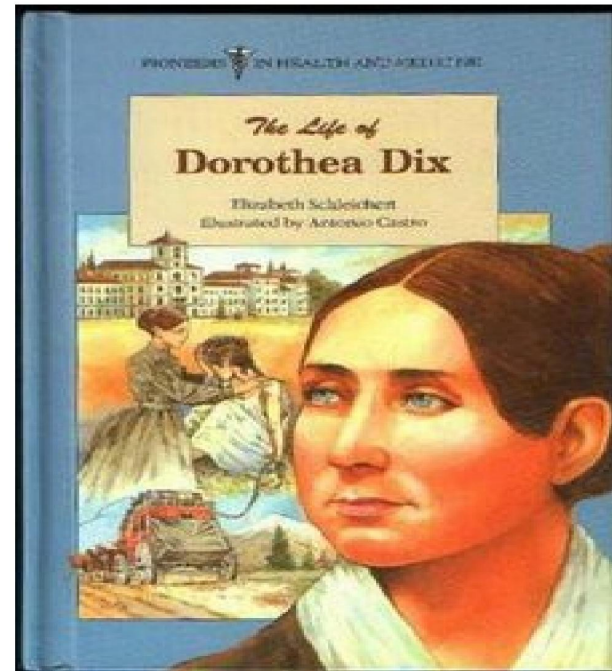
(Dorothea Dix)

izquotes.com

Dragon Dix

Dorothea Dix:
Requirements to volunteer for field service in the Civil War

- ~ 30 years of age
- ~ “Plain looking”
- ~ Without curls
- ~ Only brown or black clothing
- ~ No ornaments, jewelry, or hoops



Nurse Practice Act

- ▶ All NPAs include:
- ▶ Authority, power, and composition of a board of nursing
- ▶ Education program standards
- ▶ Standards and scope of nursing practice
- ▶ Types of titles and licenses
- ▶ Requirements for licensure
- ▶ Grounds for disciplinary action, other violations, and possible remedies”

FLORIDA NURSING LAWS AND RULES

Florida Nurse Practice Act

- ▶ In Florida, nursing standards are codified in the Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.).
- ▶ The Florida Statutes are a permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections.
- ▶ The Florida Statutes are updated annually by laws that create, amend, transfer, or repeal statutory material (Florida Legislature, 2016a).



FLORIDA NURSING LAWS AND RULES

- ▶ The Florida Nurse Practice Act is outlined in the Florida Statutes, Title XXXII, Chapter 464, Regulation of Professions and Occupations (Florida Legislature, 2016b).
- ▶ The sole legislative purpose of the NPA is to “ensure that every nurse practicing in this state meets minimum requirements for safe practice.
- ▶ It is the legislative intent that nurses who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.”



Florida Board of Nursing

The practice of nursing in Florida is licensed by the Florida Board of Nursing (BON), which is under the jurisdiction of the Florida Department of Health. The BON is funded and supported by mandatory licensure fees paid by nurses wishing to practice legally in the state of Florida.

- ▶ Health professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:
- ▶ Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact that may result from regulation.
- ▶ The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.
- ▶ Less restrictive means of regulation are not available.

Florida Board of Nursing: Members

- ▶ The Florida Board of Nursing consists of 13 members. All members must be residents of the state of Florida. The board must consist of:
 - ▶ Seven registered nurses who represent diverse fields and who have been engaged in the practice of professional nursing for at least four years, including at least:
 - ▶ One advanced registered nurse practitioner
 - ▶ One nurse educator member of an approved program
 - ▶ One nurse executive
 - ▶ Three practical nurses who have practiced for at least four years prior to their appointment
 - ▶ Three members who have never been licensed nurses and who are in no way connected with the practice of nursing
- ▶ The members are appointed by the governor for terms of four years.

Florida Board of Nursing: RESPONSIBILITIES

- ▶ The NPA authorizes the Florida Board of Nursing to make and enforce rules and regulations for registered nurses, practical nurses, certified nurse assistants, certified nurse-midwives, nurse practitioners, clinical nurse specialists, registered nurse first assistants, and certified registered nurse anesthetists (Florida Legislature, 2016b).
- ▶ The BON “licenses, monitors, disciplines, educates, and, when appropriate, rehabilitates its licensees to assure their fitness and competence in providing healthcare services for the people of Florida” (FLBON, 2017). They are responsible for enacting the rules outlined in the Florida Administrative Code.

Florida Nursing Rules

- ▶ The Florida Administrative Code is the official compilation of administrative rules for the state of Florida.
- ▶ The Department of State oversees the publishing of the F.A.C. and updates it weekly (FLDOS, 2010b).
- ▶ Chapter 64B9 of the F.A.C. outlines rules related to nursing.

Florida Center for Nursing

The Florida Center for Nursing is distinct from the Board of Nursing and, as outlined in the Nurse Practice Act, was formed to “address issues of supply and demand for nursing, including issues of recruitment, retention, and utilization of nurse workforce resources” (Florida Legislature, 2016b).

The center has a separate board of directors and is partly funded by fees imposed at the time of licensure and licensure renewal.

- ▶ The Florida Center for Nursing is a state workforce center established in Florida Statute (F.S. 464.0195) to recommend solutions to address Florida’s nursing shortage.
- ▶ It is here to inform, educate, and update you on nursing shortage issues and solutions.
- ▶ By collecting, analyzing, and reporting on the nursing workforce, the Center seeks to ensure an adequate supply of direct care providers for the health of all Floridians.



PROFESSIONAL ORGANIZATIONS

- ▶ One of the hallmarks of a profession is that its members band together in collegial association to provide a variety of services for its members.
- ▶ These services include such things as continuing education, collective bargaining, legislative advocacy, and information about the profession.
- ▶ These organizations are not set up by state laws or through the government.



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Florida Board of Nursing vs. PROFESSIONAL ORGANIZATIONS

- ▶ The mission of professional associations is characterized by that of the Florida Nurses Association:
 - ▶ “To serve and support all registered nurses through professional development, advocacy, and the promotion of excellence at every level of professional nursing practice”
- ▶ The primary difference between the Florida Board of Nursing and professional organizations is that professional organizations:
 - ▶ Have no legal authority, whereas the Florida Board of Nursing has authority because it was established by the Nurse Practice Act with the unambiguous function of promoting and protecting the health of citizens through safe nursing practice.

LEVELS OF NURSING PRACTICE IN FLORIDA

- ▶ The practice of nursing is regulated by the state in order to protect members of the public who need nursing care.
- ▶ Safe, competent nursing practice is grounded in the law as written in the state's Nurse Practice Act and its rules. Because nursing is a dynamic practice, questions may arise about whether certain tasks are within the nurse's scope of practice.
- ▶ All nursing care should be consistent with the nurse's preparation, education, experience, knowledge, demonstrated competency, and the laws and rules governing nursing.

A licensed practical nurse (LPN) means any person licensed in Florida to practice practical nursing.

The practice of practical nursing is the performance of selected acts, including the administration of treatments and medications in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others.



- ▶ Practical nursing must be performed under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist.
- ▶ A practical nurse is responsible and accountable for making decisions that are based on his or her educational preparation and experience in nursing

IV THERAPY

The purpose of the administrative code rule related to administration of intravenous therapy by LPNs is to protect the public by ensuring the availability of intravenous therapy and its competent administration in the care of the ill, injured, or the infirm.

The administration of intravenous therapy is the therapeutic infusion and/or injection of substances through the venous peripheral system, consisting of activity which includes:

observing, initiating, monitoring, discontinuing, maintaining, regulating, adjusting, documenting, planning, intervening, and evaluating.

- ▶ Aspects of intravenous therapy which are outside the scope of practice of the licensed practical nurse unless under the direct supervision of the registered professional nurse or appropriate physician and which shall **not be performed** or initiated by licensed practical nurses **without direct supervision** include the following:
 - ▶ Initiation of blood and blood products
 - ▶ Initiation or administration of cancer chemotherapy
 - ▶ Initiation of plasma expanders
 - ▶ Initiation or administration of investigational drugs
 - ▶ Mixing intravenous solution
 - ▶ IV pushes, except heparin flushes and saline flushes

“UNDER THE DIRECTION” VERSUS “UNDER DIRECT SUPERVISION”

- ▶ It is important to note that “under the direction of a registered professional nurse” means that the registered professional nurse has delegated intravenous therapy functions to a qualified licensed practical nurse.
- ▶ The registered professional nurse does not in all instances have to be on the premises in order for the licensed practical nurse to perform the delegated functions.
- ▶ This must be distinguished from “direct supervision,” which means on the premises and immediately physically available.

SUPERVISION IN NURSING HOME FACILITIES

Licensed practical nurses may supervise certified nursing assistants (CNAs) and unlicensed personnel in nursing home facilities pursuant to F.A.C. 64B9-16.

The LPN, however, must complete a minimum 30-hour, post-basic supervisory education course (or a supervisory course at a post-graduate level) and demonstrate a work history of no less than six months of full-time clinical nursing experience in a hospital or nursing home.

A registered nurse must provide supervision to the LPN.

Professional Nursing

A **registered nurse (RN)** means any person licensed in Florida to practice professional nursing. The practice of professional nursing means 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 :

- ▶ 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
- ▶ 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
- ▶ The supervision and teaching of other personnel in the theory and performance of any of the acts described in this subsection

Nursing Diagnosis and Treatment

- ▶ A nursing diagnosis is defined as the observation and evaluation of physical or mental conditions, behaviors, signs and symptoms of illness, and reactions to treatment, and the determination as to whether such conditions, signs, symptoms, and reactions represent a deviation from normal.
- ▶ Nursing diagnosis is in the scope of practice of the registered nurse and defines his/her role.
- ▶ A nursing treatment is the establishment and implementation of a nursing regimen for the care and comfort of individuals, the prevention of illness, and the education, restoration, and maintenance of health.

Specialty Certification: ADVANCED REGISTERED NURSE PRACTITIONER

- ▶ Now known as Advanced Practice Registered Nurse (APRN)
- ▶ means any person licensed in Florida to practice professional nursing and certified in advanced or specialized nursing practice, including certified registered nurse anesthetists, certified nurse midwives, and nurse practitioners.
- ▶ The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation defined by the Board of Nursing and his/her specialty.
- ▶ APRN include certified registered nurse anesthetists, certified nurse midwives, and nurse practitioners. Within the established framework, an advanced registered nurse practitioner may:
 - ▶ Monitor and alter drug therapies
 - ▶ Initiate appropriate therapies for certain conditions
 - ▶ Order diagnostic tests and physical and occupational therapy

Specialty Certification: Certified Registered Nurse Anesthetist

- ▶ The 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:
 - ▶ 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
 - ▶ 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
 - ▶ Order under the protocol preanesthetic medication
 - ▶ 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, which include ordering and administering regional, spinal, and general anesthesia; inhalation agents and techniques; intravenous agents and techniques; and techniques of hypnosis

Specialty Certification: Certified Nurse Midwife

- ▶ The certified nurse midwife may, to the extent authorized by an established protocol which has been approved by the medical staff of the healthcare facility in which the midwifery services are performed, or approved by the nurse midwife's physician backup when the delivery is performed in a patient's home, perform any or all of the following:
 - ▶ Perform superficial minor surgical procedures
 - ▶ Manage the patient during labor and delivery, to include amniotomy, episiotomy, and repair
 - ▶ Order, initiate, and perform appropriate anesthetic procedures
 - ▶ Perform postpartum examination
 - ▶ Order appropriate medications
 - ▶ Provide family planning services and well-woman care
 - ▶ Manage the medical care of the normal obstetrical patient and the initial care of a newborn patient

Nurse Practitioner

- ▶ The nurse practitioner may perform any or all of the following acts within the framework of established protocol:
 - ▶ Manage selected medical problems
 - ▶ Order physical and occupational therapy
 - ▶ Initiate, monitor, or alter therapies for certain uncomplicated acute illnesses
 - ▶ Monitor and manage patients with stable chronic diseases
 - ▶ Establish behavioral problems and diagnosis and make treatment recommendations

Specialty Certification: CLINICAL NURSE SPECIALIST

A **clinical nurse specialist (CNS)** means any person licensed in Florida to practice professional nursing and certified in nurse specialist practice.

Clinical nurse specialist practice is the delivery and management of advanced practice nursing care to individuals or groups, including the ability to:

- Assess the health status of individuals and families using methods appropriate to the population and area of practice
- Diagnose human responses to actual or potential health problems
- Plan for health promotion, disease prevention, and therapeutic intervention in collaboration with the patient or client
- Implement therapeutic interventions based on the nurse specialist's area of expertise and within the scope of advanced nursing practice, including, but not limited to, direct nursing care, counseling, teaching, and collaboration with other licensed healthcare providers
- Coordinate healthcare as necessary and appropriate and evaluate with the patient or client the effectiveness of care

CERTIFIED REGISTERED NURSE FIRST ASSISTANT

- ▶ Florida Statutes encourage the use of RN first assistants who meet the qualifications as “assistants at surgery” by physicians and hospitals to provide quality, cost-effective surgical intervention to healthcare recipients in the state.
- ▶ Registered nurse first assistants meet the qualifications listed in F.S. 464.027 (Florida Legislature, 2016b):
- ▶ RN licensure
- ▶ Certification in perioperative nursing
- ▶ Certificate from, and successful completion of, a recognized program (a recognized program addresses all content of the Association of periOperative Registered Nurses’ Core Curriculum for the Registered Nurse First Assistant, and includes one academic year, defined as 45 hours of didactic instruction and 120 hours of clinical internship or its equivalent of two college semesters)

Practice of Certified Nursing Assistants

A **certified nursing assistant (CNA)** means a person who meets the qualifications specified in the Florida Statutes and who is certified by the BON as a certified nursing assistant. The practice of a certified nursing assistant means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with:

- Personal care
- Maintaining mobility
- Nutrition and hydration
- Toileting and elimination
- Assistive devices
- Safety and cleanliness
- Data gathering
- Reporting abnormal signs and symptoms
- Postmortem care
- Patient socialization and reality orientation
- End-of-life care
- Cardiopulmonary resuscitation and emergency care
- Residents' or patients' rights
- Documentation of nursing-assistant services



DELEGATION TO UNLICENSED ASSISTIVE PERSONNEL

- ▶ Registered nurses and LPNs must follow the rules from the Florida Administrative Code when delegating tasks to unlicensed assistive personnel (UAPs).
- ▶ UAPs are persons who do not hold licensure from the Division of Health Quality Assurance of the Department of Health but who have been assigned to function in an assistive role to registered nurses or licensed practical nurses in the provision of patient-care services.
- ▶ Examples of UAPs are CNAs, home health aides, patient care technicians, surgical assistants, and patient care assistants.

DELEGATION TO UNLICENSED ASSISTIVE PERSONNEL

- ▶ When the RN or LPN is delegating, he or she must use nursing judgment to consider the suitability of the task or activity to be delegated. Factors to weigh in selecting the task or activity include:
 - ▶ Potential for patient harm
 - ▶ Complexity of the task
 - ▶ Predictability or unpredictability of outcome, including the reasonable potential for a rapid change in the medical status of the patient
 - ▶ Level of interaction required or communication available with the patient
 - ▶ Resources both in equipment and personnel available in the patient setting

Delegation of Tasks Prohibited

- ▶ The registered nurse or licensed practical nurse, under direction of the appropriate licensed professional as defined in F.S. 464.003(3)(b), **shall not delegate:**
 - ▶ Those activities not within the delegating or supervising nurse's scope of practice
 - ▶ Nursing activities that include the use of the nursing process and require the special knowledge, nursing judgment, or skills of a registered or practical nurse, including:
 - ▶ The initial nursing assessment or any subsequent assessments
 - ▶ The determination of the nursing diagnosis or interpretations of nursing assessments
 - ▶ Establishment of the nursing care goals and development of the plan of care
 - ▶ Evaluation of progress in relationship to the plan of care
- ▶ Those activities for which the UAP has not demonstrated competence

ETHICS VERSUS LAWS

- ▶ Nurses practice within a society governed by laws. Nurses also follow ethical standards of care at all times. Thus, nurses need to understand the basis of law (jurisprudence) in the United States and the relationship of law to ethics in the practice of nursing.



- ▶ Ethical principles serve as general guides for behavior.
- ▶ In contrast, laws flow from ethical principles and consist of rules about specific situations.
- ▶ These rules are enforced by an authority with the power to see that they are obeyed.

NURSING ETHICAL PERSPECTIVE: VIRTUE ETHICS

- ▶ Nursing is defined as “the protection, promotion, and optimization of health and abilities; prevention of illness and injury; facilitation of healing; alleviation of suffering through the diagnosis and treatment of human response; and advocacy in the care of individuals, family, groups, communities, and populations” (ANA, 2015c, p. 1).
- ▶ The virtue of caring is prominent in this definition.
- ▶ Virtue-based ethics is particularly suited to nursing practice, as it emphasizes a nurse’s obligations to the patient and the principles on which nursing practice are based (ANA, 2015b).
- ▶ Virtue ethics emphasizes a person’s character rather than rules or consequences in determining right action.

THREE MAJOR ETHICAL APPROACHES

- ▶ **Deontological.** Actions are guided by what a person ought to do rather than by what the outcome will be. Duty determines what is morally right.
- ▶ **Teleological.** Also called consequentialism. A behavior is morally right depending on the outcome, or consequences, of that action.
- ▶ **Virtue ethics.** A values-based approach that emphasizes the application of character traits as the basis for moral action. Rightness of action is based on implementation of key virtues such as honesty or benevolence.

CODE OF ETHICS FOR NURSES

- ▶ Codes of ethics are formal statements that set forth standards of ethical behavior for members of a group.
- ▶ In fact, one of the hallmarks of a profession is that its members subscribe to a code of ethics. Every member of a profession is expected to read, understand, and abide by the ethical standards of its occupation.

PROVISIONS OF THE CODE OF ETHICS FOR NURSES

- ▶ **Provision 1.** The nurse practices with compassion and respect for the inherent dignity, worth, and unique attributes of every person.
- ▶ **Provision 2.** The nurse's primary commitment is to the patient, whether an individual, family, group, community, or population.
- ▶ **Provision 3.** The nurse promotes, advocates for, and protects the rights, health, and safety of the patient.
- ▶ **Provision 4.** The nurse has authority, accountability, and responsibility for nursing practice; makes decisions; and takes action consistent with the obligation to promote health and to provide optimal care.
- ▶ **Provision 5.** The nurse owes the same duties to self as to others, including the responsibility to promote health and safety, preserve wholeness of character and integrity, maintain competence, and continue personal and professional growth.
- ▶ **Provision 6.** The nurse, through individual and collective effort, establishes, maintains, and improves the ethical environment of the work setting and conditions of employment that are conducive to safe, quality health care.
- ▶ **Provision 7.** The nurse, in all roles and settings, advances the profession through research and scholarly inquiry, professional standards development, and the generation of both nursing and health policy.
- ▶ **Provision 8.** The nurse collaborates with other health professionals and the public to protect human rights, promote health diplomacy, and reduce health disparities.
- ▶ **Provision 9.** The profession of nursing, collectively through its professional organizations, must articulate nursing values, maintain the integrity of the profession, and integrate principles of social justice into nursing and health policy.

NURSING ETHICAL PRINCIPLES

- ▶ Ethical principles are fundamental concepts by which people make decisions. Five ethical principles mark the practice of professional nursing and are inherent in the Code of Ethics for Nurses:
- ▶ Altruism
- ▶ Autonomy
- ▶ Human dignity
- ▶ Integrity
- ▶ Social justice

ETHICAL DILEMMAS

- ▶ Ethical dilemmas in healthcare facilities frequently arise when modern medicine keeps hearts and lungs functioning much longer than thinking brains.
 - ▶ To help resolve these perplexing issues, many institutions appoint ethics committees made up of healthcare professionals, ethicists, lawyers, and clergy.
 - ▶ The task of ethics committees is to help decision makers resolve ethical dilemmas.
- ▶ **Ethical decision-making process:**
 - ▶ Gather relevant facts about the patient's age, diagnosis, advanced healthcare directive, and applicable laws.
 - ▶ Identify and clearly state proposed actions together with the ethical principles represented by each proposed action.
 - ▶ Determine who can make the decision and assist the person or persons to make it.
 - ▶ Provide emotional support for everyone involved in resolving the dilemma.

Laws and Rules

- ▶ Laws flow from ethical principles and are limited to specific situations and codified by detailed language. Laws establish rules of conduct and are formulated by an authority with power to enforce them. As such, laws change with time and circumstances.
 - ▶ The state of Florida has the power to create and enforce laws governing the profession of nursing, including licensure. In the states, the division of power mirrors that of the federal government:
 - ▶ The legislative branch makes laws on behalf of the people.
 - ▶ The judicial branch interprets these laws and adjudicates disputes, fulfilling its purpose to administer justice without partiality.
 - ▶ The executive branch administers and enforces the laws, using the police power of the state.

Laws and Rules

SOURCES OF LAW	Statutory	Administrative
Type		
Source	Laws passed by legislative bodies of federal, state, and local governments	Executive powers, delegated by the legislative branch
Functions	Protects and provides for the general welfare of society	Carries out special duties of various agencies
Example	The Florida legislature passed the Nurse Practice Act, which is outlined in the Florida Statutes, Title XXXII, Chapter 464, Regulation of Professions and Occupations	The Florida Department of State maintains statewide rules for nurses, which are outlined in the Florida Administrative Code, Division 64B9, Board of Nursing

DISCIPLINE RELATED TO NURSING PRACTICE

- ▶ The Florida Board of Nursing protects the public's health and welfare by overseeing and ensuring the safe practice of nursing.
- ▶ It regulates and oversees nursing practice by enforcing the nursing laws of Florida. Violations of the Florida law related to nursing (F.A.C. 64B9 and fF.S. 456 and 464) are serious and may result in complaints being filed and in discipline by the Board of Nursing...
- ▶ The BON utilizes its authority to decide whether misconduct or unsafe practice has occurred and what action should be taken. Violations are taken very seriously since they can put patients at risk.
- ▶ This is why every nurse is responsible for understanding his/her scope of practice and other requirements outlined in the law.

Citations

- ▶ Violations of Florida law that may result in citations include, but are not limited to:
 - ▶ False, deceptive, or misleading advertising
 - ▶ Improper use of a nursing title
 - ▶ Unprofessional conduct (see below)
 - ▶ Issuance of a worthless bank check to the Department or to the Board
 - ▶ Failure to report address change
 - ▶ Failure to pay a Board-ordered administrative fine by the time ordered
 - ▶ Failure to complete a Board-ordered continuing education course by the time ordered
 - ▶ Failure when requested to document full compliance with the continuing education requirements
 - ▶ Failure to submit updates of required information in practitioner profile within 15 days after the final activity that renders such information a fact
 - ▶ Providing to another individual a confidential password, access code, keys, or other entry mechanisms, which results in a violation of, or threatens, the integrity of a medication administration system or an information technology system
 - ▶ Citations result in monetary penalties as outline in F.A.C. 64B9-8.

UNPROFESSIONAL CONDUCT

- ▶ Unprofessional conduct shall include:
- ▶ Inaccurate recording
- ▶ Misappropriating drugs, supplies, or equipment
- ▶ Leaving a nursing assignment without advising licensed nursing personnel
- ▶ Stealing from a patient
- ▶ Violating the integrity of a medication administration system or an information technology system
- ▶ Falsifying or altering of patient records or nursing progress records, employment applications, or time records
- ▶ Violating the confidentiality of information or knowledge concerning a patient
- ▶ Discriminating on the basis of race, creed, religion, sex, age, or national origin in the rendering of nursing services as it relates to human rights and dignity of the individuals
- ▶ Engaging in fraud, misrepresentation, or deceit in taking the licensing examination
- ▶ Impersonating another licensed practitioner or permitting another person to use his certificate for the purpose of practicing nursing
- ▶ Providing false or incorrect information to the employer regarding the status of the license
- ▶ Practicing beyond the scope of the licensee's license, educational preparation, or nursing experience
- ▶ Using force against a patient, striking a patient, or throwing objects at a patient
- ▶ Using abusive, threatening, or foul language in front of a patient or directing such language toward a patient

Denial of a License or Disciplinary Action

- ▶ According to Florida Statute 464.018, the following partial list of acts constitute grounds for denial of a license or disciplinary action for all health professions outlined in the aforementioned statute:
 - ▶ Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the Department or the Board
 - ▶ Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country
 - ▶ Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing

Denial of a License or Disciplinary Action

- ▶ Being found guilty, regardless of adjudication, of any of the following offenses:
 - ▶ Forcible felony
 - ▶ Theft, robbery, and related crimes
 - ▶ Fraudulent practices
 - ▶ Lewdness and indecent exposure
 - ▶ Assault, battery, and culpable negligence
 - ▶ Child abuse, abandonment, neglect, and exploitation
 - ▶ Domestic violence



Denial of a License or Disciplinary Action

- ▶ Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so
- ▶ False, misleading, or deceptive advertising
- ▶ Unprofessional conduct, as defined by Board rule
- ▶ Engaging or attempting to engage in the possession, sale, or distribution of controlled substances
- ▶ Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition
- ▶ Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the Department or the Board
- ▶ Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience
- ▶ Disciplinary action may take the form of citations, fines, probation, suspension, or revocation of licenses. (For more information, see F.A.C. 64B9-8.)

Intervention Project for Nurses (IPN)

- ▶ Florida's Intervention Project for Nurses was established in 1984. As part of a disciplinary process or separate from it, the mission of IPN is to provide "state-wide education, support, and monitoring to nurses with impairing conditions such as substance use disorders, psychiatric, and physical conditions. Nurses are most often referred to IPN by nursing employers due to potential safety to practice concerns"

The program's objectives are as follows:

- ▶ To protect, health, safety, and welfare of the public, as risks to patients increase when a nurse providing care has an active impairing condition
- ▶ To offer consultation and educational programs to encourage earlier identification and action when fitness to practice concerns are present
- ▶ To provide support and monitoring to nurses appropriate for IPN while assisting each to maintain professional licensure
- ▶ To supply a cost-effective avenue to help nurses as an alternative to the traditional disciplinary process
- ▶ To retain nurses in the nursing profession

CONCLUSION

- ▶ The Florida laws related to nursing are in place to define the Board of Nursing, which then, along with the law itself, sets the standards of competent nursing practice and standards for promoting patient safety.
- ▶ By so doing, the mission of the Board of Nursing to promote and protect the health of citizens through safe nursing practice is achieved (Russell, 2012).