

Proposed Concepts for Possible Regulation MARYLAND BOARD OF NURSING

Introduction

The Maryland Board of Nursing is a regulatory agency which has been established by legislative action and implemented by the authority granted to the state. Its role and functions are often confused with those of professional associations. A professional association is the voluntary membership organization of practitioners. The focus of a professional association is to foster high standards and to promote the welfare of the profession to the end that society receives better service. In contrast, the focus of the regulatory agency is on safe practice and consumer protection. The regulatory agency "advocates" for the consumer, the professional organization "advocates" for the profession.

The Nurse Practice Act (NPA) defines the basic parameters of legal practice for registered nurses and licensed practical nurses. Since nursing practice is dynamic and responsive to societal health needs, it is impossible for the NPA to list all the specific duties that licensed nurses are or are not permitted to perform.

In concert with the NPA, the Rules, Regulations and the Declaratory Rulings clarify and further explain nursing practice. However, once again, every activity of licensed nurses should not or could not be delineated in the form of a regulation. Instead the Board establishes regulations to address the more comprehensive practice issues. It is critical to note that the regulations require the licensee to provide nursing care in circumstances which are consistent with one's preparation, education, experience, and knowledge.

In defining the scope and appropriateness of nursing practice, the Maryland Board Of Nursing considers the safety and needs of the health care consumer to be of primary importance. The intent of this document is to present a process to guide the individual licensee in clarifying nursing practice questions. It is not the purpose of this document to replace the issuance of declaratory rulings or scope of practice decisions by the Board.

Guidelines for Decision Making

Each licensee (registered nurse, nurse manager/administrator, nursing faculty, advanced practice nurse or licensed practical nurse) is involved in scope of practice decision-making and problem solving, regardless of the practice setting. Although each views the situation from a different perspective, the process is the same. Basic to this process are the following steps:

- A. **CLARIFY** - What is the problem or need? Who are the people involved in the decision? What is the decision to be made and where (what setting or organization) will it take place? Why is the question being raised now? Has it been discussed previously? Who is asking you to do this act (nurse manager/administrator or other licensed health professional)?
- B. **ASSESS** - What skills and knowledge are required? What or who is available to assist you? What are your resources? What are your strengths? What are your limitations and the constraints of the situation? Will you be able to respond to potential complications in such a way

as to assure patient safety?

- C. **IDENTIFY OPTIONS** - What are possible solutions? What are other characteristics of an idea solution? Is it feasible? What are the risks? What are the costs? Are they reasonable? What are the implications of each option?
- D. **POINT OF DECISION** - From those options, what is the best decision? When should it be implemented? By whom? What are the consequences of your decision? How will you judge the effectiveness of your decision?

GIVEN THE ABOVE, BEGIN THE PROCESS OF REACHING A DECISION BY PERFORMING EACH OF THE FOLLOWING STEPS.

- 1. **Describe the act to be performed.**
- 2. **Review the scope of practice in the Nurse Practice Act for your licensure level, e.g.**

RN (see 8:101(f) and COMAR 10.27.09) assessment, nursing diagnosis, setting goals, planning care strategies, implementing care, delegating care to qualified others, supervising, evaluating, teaching, managing care, maintaining client safety, collaborating with other health care members and assigning nursing care functions to other licensees.

LPN (see 8:101(e) and COMAR 10.27.10) contributing to assessment; participating in development of the plan of care; implementing aspects of care as directed; maintaining client safety; participating in evaluating care; and, delegating and supervising qualified others who perform nursing acts.

- 3. **Is this act expressly permitted or prohibited by the NPA or by any other Statute or Regulation applicable to your practice setting?**

UNSURE	WITHIN SCOPE FOR YOUR LICENSE	PROHIBITED
Contact the Board of Nursing for Guidance	GO TO #5	STOP

- 4. **Is the act addressed in a current Declaratory Ruling (although not binding on anyone other than the petitioner) that could give guidance on this or similar Act?**

YES	NO
Review DR and go to #5	Go to #5

5. Is the act consistent with the following?

- a) National nursing organizations standards of practice, guidelines, position statements, and/or policies
- b) Nursing literature and research
- c) Literature or research in another health professional discipline

YES	NO	CONTACT THE BOARD OF NURSING FOR GUIDANCE AND/OR INFORMATION ON PETITIONING THE BOARD FOR A DECLARATORY
	or	
Go to #6 RULING		

6. Is the performance of the act expressly permitted or prohibited by appropriately established facility/agency policies, procedures, and/or practice guidelines?

YES	NO	CONTACT NURSING ADMINISTRATION OR THE FACILITY'S STANDARDS COMMITTEE
Go to #7	STOP	

7. Do you personally possess the depth and breadth of knowledge to perform the act safely and effectively; and, can you document successful completion of an additional competency based education offering which prepares you to perform the act?

YES	NO	UNTIL ADDITIONAL KNOWLEDGE GAINED
Go to #8	STOP	

8. Do you personally possess current clinical skills and comfort level to perform the act safely?

YES	NO	UNTIL CLINICAL SKILLS AND COMFORT LEVEL ARE ATTAINED
Go to #9	STOP	

9. Is the performance of the act within the accepted "standard of care" which would be provided in similar circumstances by reasonable and prudent nurses who have similar training and experience? *

YES	NO	STOP PERFORMANCE OF ACT MAY PLACE BOTH CLIENT AND NURSE AT RISK!
Go to #10		

10. Are you prepared to accept the consequences of your action?

YES NO

**PERFORM STOP
THE ACT**

**THE ACCOUNTABILITY IS NOT ASSUMED. NOTIFY
APPROPRIATE PERSON(S) THAT THE ACT WILL NOT BE
PERFORMED**

*With valid order when necessary, and in accordance with agency policies and procedures