



Wyoming State Board of Nursing

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**OPINION:REFUSING PATIENT CARE  
ASSIGNMENT**

**APPROVED DATE: April 9, 2014**

**REVIEWED DATE:** July 2016

**REVISED DATE:** April 1, 2014

**ORIGINATING COMMITTEE:**

Practice & Education Committee

An advisory opinion adopted by WSBN is an interpretation of what the law requires. While an advisory opinion is not law, it is more than a recommendation. In other words, an advisory opinion is an official opinion of WSBN regarding the practice of nursing as it relates to the functions of nursing. Facility policies may restrict practice further in their setting and/or require additional expectations related to competency, validation, training and supervision to assure the safety of their patient population and/or decrease risk.

Within the Scope of Practice/Role of \_\_\_APRN \_\_\_X\_\_\_RN \_\_\_X\_\_\_LPN \_\_\_X\_\_\_CNA

**ADVISORY OPINION  
REFUSING PATIENT CARE ASSIGNMENTS**

In accordance with Wyo. Stat. §33-21-122(c)(iii) of the Wyoming Nursing Practice Act (NPA), the Wyoming State Board of Nursing (WSBN) has approved the following Advisory Opinion on Refusing Patient Care Assignments.

The American Nurses Association (ANA) Code of Ethics for Nurses with Interpretive Statements, Provision 4, states, "The nurse is responsible and accountable for individual nursing practice and determines the appropriate delegation of tasks consistent with the nurse's obligation to provide optimum patient care." The nurse's decision regarding accepting or making work assignments is based in the legal, ethical, and professional obligation to assume responsibility for nursing judgment and action.

The ANA upholds that registered nurses (RNs) – based on their professional and ethical responsibilities – have the professional right to accept, reject or object in writing to any patient assignment that puts patients or themselves at serious risk for harm. The professional obligations of the RN to safeguard patients are grounded in the Nursing's Social Policy Statement (ANA, 2010), Code of Ethics for Nurses with Interpretive Statements (ANA, 2010), Nursing: Scope and Standards of Practice (ANA, 2010), and state statutes, as well as administrative rules and regulations governing nursing practice.

In a situation when a licensed nurse or certified nursing assistant is temporarily assigned to an unfamiliar patient care area, the licensed nurse or certified nursing assistant is expected to utilize core knowledge and competence to provide patient care. The duties expected of the licensed nurse or certified nursing assistant should be outlined, and the licensed nurse or certified nursing assistant should have the ability to perform those duties. Further, the licensed nurse or certified nursing assistant in such a situation should be under the on-site supervision of a RN who is prepared by virtue of education and experience to practice competently in a specific area.

**A licensed nurse or certified nursing assistant who doubts his/her competence to perform a requested act**

**has an affirmative obligation to:**

- 1. Collaborate with the appropriate supervisory nursing personnel to assist in the performance of the patient care task/act; and/or**
- 2. Request the educational preparation and supervised clinical practice necessary to perform the patient care task/act.**

**If the appropriate training or supervision with demonstrated competency is not provided, the licensed nurse or certified nursing assistant is obligated to refuse to perform the act and to inform the supervisory nursing personnel.**

**Aside from risk of harm to patient or self, other grounds for refusal of an assignment include religious protection, a conscience clause (clauses excusing health care professionals from providing care for reasons of conscience such as abortion or sterilization), or objections that uphold the public good. In these cases, the licensed nurse or certified nursing assistant should express his/her reservations and then explore options.**

#### **REFERENCES**

- American Nurses Association Code of ethics. Retrieved January 17, 2014 from <http://www.nursingworld.org/MainMenuCategories/EthicsStandards/CodeofEthicsforNurses/Code-of-Ethics.pdf>.
- ANA Position Statement: Patient Safety: Rights of Registered Nurses When Considering a Patient Assignment (Approved 3/12/09). Retrieved 1/10/2014 from: <http://www.nursingworld.org/MainMenuCategories/Policy-Advocacy/Positions-and-Resolutions/ANAPositionStatements/Position-Statements-Alphabetically/Nurses-Role-in-Ethics-and-Human-Rights.pdf>.
- Cady, R. Refusal to care, JONA's Healthcare Laws, Ethics & Regulation, 10:2, Lippincott, Williams & Wilkins, (2008).
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