



STATE BOARD OF NURSING

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ADVISORY OPINION SCOPE OF PRACTICE DECISION TREE

The mission of the Wyoming State Board of Nursing is to serve and safeguard the people of Wyoming through the regulation of nursing education and practice.

Rationale

“The profession of nursing is a dynamic discipline. Practice potentials change and develop in response to health care needs of society, technical advancements, and the expansion of scientific knowledge. All licensed nurses share a common base of responsibility and accountability defined as the practice of nursing. However, competency based practice scopes of individual nurses may vary according to the type of basic licensure preparation, practice experiences, and professional development activities. The parameters of the practice scopes are defined by basic licensure preparation and advanced education. Within this scope of practice, all nurses

should remain current and increase their expertise and skill in a variety of ways, e.g., practice experience, in-service education, and continuing education. Practice responsibility, accountability, and relative levels of independence are also expanded in this way. The licensed nurse is responsible and accountable, both professionally and legally, for determining his/her personal scope of nursing practice. Since the role and responsibilities of nurses, and consequently the scope of nursing practice, is ever changing and increasing in complexity, it is important that the nurse makes decisions regarding his/her own scope of practice” (Arizona State Board of Nursing, 2005).

THE PRACTICE OF NURSING

The Practice of Professional (Registered) Nursing includes the following:

"Practice of professional nursing" means the performance of professional services requiring substantial knowledge of the biological, physical, behavioral, psychological and sociological sciences, and of nursing theory as the basis for applying the nursing process which consists of assessment, diagnosis, planning, intervention and evaluation. The nursing process is utilized in the promotion and maintenance of health, case finding and management of illness, injury or infirmity, restoration of optimum function and achievement of a dignified death. Nursing practice includes but is not limited to administration, teaching, counseling, supervision, delegation, evaluation of nursing practice and execution of the medical regimen. The therapeutic plan

includes the administration of medications and treatments prescribed by any person authorized by state law to prescribe. Each registered professional nurse is accountable and responsible for the quality of nursing care rendered; [WNP 33-21-120, (a) (xi)]

The Practice of Practical Nursing:

"Practice of practical nursing" means the performance of technical services and nursing procedures which require basic knowledge of the biological, physical, behavioral, psychological and sociological sciences. These skills and services are performed under the direction of a licensed physician or dentist, advanced practice registered nurse or registered professional nurse. Standardized procedures that lead to predictable outcomes are utilized in the observation and care of the ill, injured and infirm, in provision of care for the

maintenance of health, in action directed toward safeguarding life and health, in administration of medications and treatments prescribed by any person authorized by state law to prescribe and in delegation to appropriate assistive personnel as provided by state law and board rules and regulations [WNP 33-21-120, (a) (x)]

Advanced Practice Registered Nursing:

"Advanced practice registered nurse (APRN)" means a nurse who:

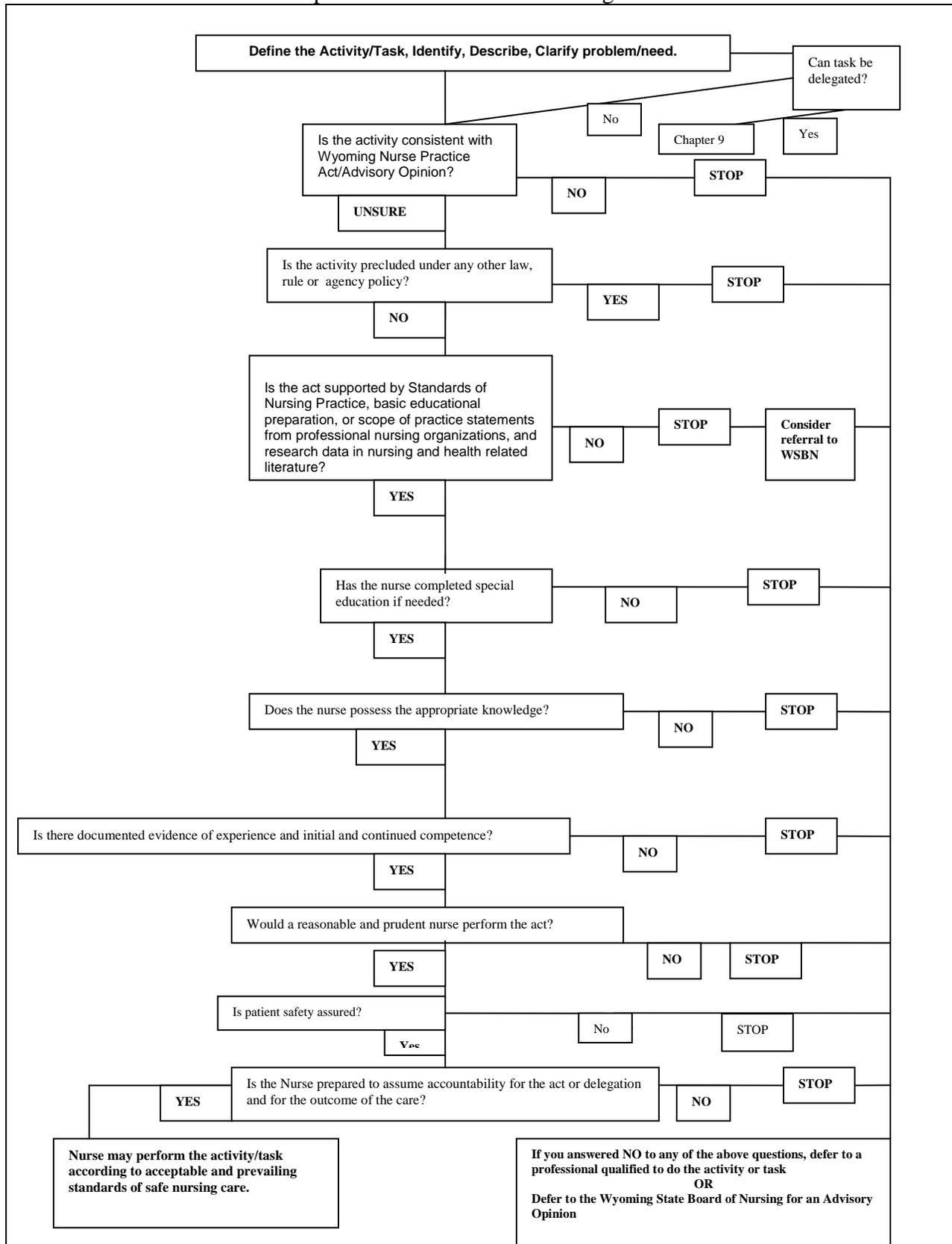
(A) May prescribe, administer, dispense or provide nonprescriptive and prescriptive medications including prepackaged medications, except schedule I drugs as defined in W.S. 35-7-1013 and 35-7-1014;

(B) Has responsibility for the direct care and management of patients and clients in relation to their human needs, disease states and therapeutic and technological interventions;

(C) Has a master's degree in nursing, or an advanced practice registered nurse specialty or has completed an accredited advanced practice registered nurse educational program prior to January 1, 1999; and

(D) Has completed an advanced program of study in a specialty area in an accredited nursing program, has taken and passed a national certification examination in the same area and has been granted recognition by the board to practice as an APRN [WNP 33-21-120, (a) (i)]

Scope of Practice Decision Making Model



**DECISION-MAKING PROCESS
INVOLVED IN USING THE DECISION-MAKING MODEL**

1. Define the Activity/Task:

Clarify what is the problem or need?

Is it a task that can be delegated?

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?

2. Is the activity permitted by Wyoming Nurse Practice Act?

NO – Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

Yes – Go to Question # 5 – Special education needed?

Unsure -- Go to Question # 3 – Precluded by other law, rule, or policy?

3. Is activity/task precluded under any other law, rule or policy?

No – Go to Question #4 – Consistent with...

Yes -- Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

4. Is the act supported by the Standards of Nursing Practice (ANA), basic educational preparation, or position statements from the professional organization most relevant to the practice question being asked, and research data in nursing and health related literature?

No – Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

Yes – Go to Question # 5 – Special education needs?

5. Has the nurse completed special education if needed?

No – Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

Yes – Go to Question # 6 – Possess appropriate knowledge?

6. Does nurse possess appropriate knowledge?

No – Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

Yes – Go to Question #7—Documented competency?

7. Is there documented evidence of experience and initial and continued competence?

No – Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

Yes – Go to Question #8 – Reasonable & prudent nurse?

8. Would a reasonable & prudent nurse perform the act?

No – Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

Yes – Go to Question #9 – Is patient safety assured?

9. Is patient safety assured?

No – Stop. Defer the activity/task to a professional qualified to do the activity/task

or to the Wyoming State Board of Nursing for a decision.

Yes – Go to Question #10

10. Is nurse prepared to accept the consequences of action?

No – Stop. Defer the activity/task to a professional qualified to do the activity/task or to the Wyoming State Board of Nursing for a decision.

Yes – Nurse may perform the activity/task according to acceptable and prevailing standards of nursing care.

OTHER CONSIDERATIONS IN DECISION-MAKING

The nurse is constantly involved in the decision-making and problem solving process, regardless of the practice setting. The following steps are basic to the process.

Clarify:

- What is the problem or need?
- Who are the people involved in the decision?
- Is it a problem of delegation?
- 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?

Assess:

- What are your resources?
- What are your strengths?
- What skills and knowledge are required?
- What or who is available to assist you?

Identify:

- What are possible solutions?

Options:

- What are the characteristics of an ideal solution?

- Is it feasible?
- What are the risks?
- What are the costs?
- Are they feasible?
- What are the implications of your decision?
- How serious are the consequences?

Point of Decision:

- What is the best decision?
- When should it be done?
- By whom?
- What are the implications or consequences of your decision?
- How will you judge the effectiveness of your decision?

APPLICATION OF GUIDELINES FOR DECISION-MAKING

Clarify what it is you are being asked to do:

◆Gather facts that may influence the decision.

- If the activity or task involves delegation, have you reviewed chapters 3, 7, and 9 of Administrative Rules and Regulations as well as Provision Four of the Nursing Code of Ethics (Fowler, 2008)?
- Are there written policies and procedures available to describe how and under what conditions you will perform this task?
- Does the new responsibility require professional judgment or simply the acquisition of a new skill?
- Is this *new* expectation for all RNs? LPNs? APRNs?
- Has this been done before by others in your unit or health care facility?
- Is it just new to you?
- Has a professional nursing organization (most relevant to the question being asked) issued a position statement on this topic?
- What about the other facilities in your community or region?
- What are the nurse manager's expectations about you or other RNs, LPNs, APRNs, becoming responsible for this procedure?
- When will this become effective?
- Will there be an opportunity to help you attain the needed clinical competency?
- Who will be responsible for the initial supervision and evaluation of this newly performed task?
- Will you be given additional time to learn the skill if you need it?

Assess Your Own Abilities:

- Are you clinically competent to perform this procedure?
- Do you currently have the knowledge and skills to perform the procedure?
- Have you had experience in previous jobs with this procedure?
- Who is available to assist you who has that skill and knowledge?
- Is that person accessible to you?
- Do you believe you will be able to learn the new skill in the allotted time?
- How can you determine that you are practicing within your scope of nursing?
- What is the potential outcome for the patient if you do or do not perform the procedure?

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Identify options and implications of your decision. The options include:

The responsibility/task is not prohibited by the Nurse Practice Act.

If you believe that you can provide safe patient care based upon your current knowledge base, or with additional education and skill practice, you are ready to accept this new responsibility. You will then be ethically and legally responsible for performing this new procedure at an acceptable level of competency.

If you believe you will be unable to perform the new task competently, then further discussion with the nurse manager is necessary. At this point you may also ask to consult with the next level of management or nurse executive so that you can talk about the various perspectives of this issue.

It is important that you continue to assess whether this is an isolated situation just affecting you, or whether there are broader implications. In other words, is this procedure new to you, but nurses in other units or health care facilities with similar patient populations already are performing? To what do you relate your reluctance to accept this new responsibility? Is it a work load issue or is it a competency issue?

At this point, it is important for you to be aware of the legal rights of your employer. Even though you may have legitimate concerns for patient safety and your own legal accountability in providing competent care, your employer has the legal right to initiate employee disciplinary action, including termination, if you refuse to accept an assigned task. Therefore, it is important to continue to explore options in a positive manner, recognizing that both you and your employer share the responsibility for safe patient care.

The Wyoming Nurse Practice Act (July, 2005) serves as your guide for the legal definition of nursing and the parameters that indicate deviation from or violation of the law. Additional resources decisions include the American Nurses Association (ANA) Code of Ethics for Nurses (Fowler, 2008), Nursing: Scope & Standards of Practice (ANA, 2004), the scope & standards of practice for specialty areas of nursing (ANA) as well as position statements issued by national nursing organizations.

Point of decision/Implications.

Your decision maybe:

Accept the newly assigned task. You have now made an agreement with your employer to incorporate this new responsibility, under the conditions outlined in the agency's procedure manual. You are now legally accountable for its performance.

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Agree to learn the new procedure according to the plans established by the employer for your education, skills practice and evaluation. You will be responsible for letting your nurse manager know when you feel competent to perform this skill. Make sure that documentation is in your personnel file validating this additional education. If you do not believe you are competent enough to proceed after the initial in-service, then it is your responsibility to let the educator and nurse manager know you need more time. Together you can develop an action plan for gaining competency.

Refuse to accept the newly assigned task. You will need to document your concerns for patient safety as well as the process you use to inform your employer of your decisions. Keep a personal copy of this documentation and send a copy to the nurse executive. Courtesy requires you also send a copy to your nurse manager. When you refuse to accept the assigned task, be prepared to offer options such as transfer to another unit (if this new role is just for your unit) or perhaps a change in work assigned tasks with your colleagues. Keep in mind though, when you refuse an assignment you may face disciplinary action, so it is important that you be familiar with your employer's grievance procedure.

For additional information on the *Nurse Practice Act, Rules and Regulations, and Advisory Opinions* see the Wyoming State Board of Nursing web page: <http://nursing.state.wy.us>

References

- American Nurses Association. (2004). *Nursing: Scope & standards of practice*. Silver Springs, MD: American Nurses Association.
- Arizona Board of Nursing, 9/05
- Arkansas Board of Nursing, 1/99
- Fowler, M.D. (Ed.). (2008). *Guide to the code of ethics for nurses*. Silver Springs, MD: American Nurses Association.
- Kentucky Board of Nursing, 4/05
- New Jersey Board of Nursing, 6/99
- Wyoming Nurse Practice Act, 2005

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