

Louisiana State Board of Nursing

DECLARATORY STATEMENT ON PATIENT SAFETY REGISTERED NURSES AND ADVANCED PRACTICE REGISTERED NURSES WORKING EXTENDED HOURS

Preamble

The Louisiana State Board of Nursing (LSBN) received numerous inquiries from nurses practicing in the community as well as nursing employers, seeking guidance regarding the number of hours a Registered Nurse (RN) or an Advanced Practice Registered Nurse (APRN) may practice consecutively without negatively impacting patient safety. Particularly, the inquiries included concerns of nurse fatigue after working multiple shifts at one or more facilities and/or mandatory overtime. At the direction of the LSBN Board of Directors, staff created an ad-hoc committee to develop a Declaratory Statement on Patient Safety, RNs and APRNs Working Extended Hours. The intent of this declaratory statement is to provide thoughtful direction to assist nurses and employers in addressing their concerns.

Authority

Pursuant to L.R.S. 49:963 and LAC 46:XLVII.3321, the Board of Nursing is authorized to issue declaratory statements in response to requests for clarification of the effect of rules and regulations or of L.R.S. 37:911 et seq. as revised and amended.

Definitions

Fatigue: “physical and/or mental exhaustion that can be triggered by stress, medication, overwork or mental and physical illness or disease” (Emergency, 2013, p. 1). Symptoms of fatigue include: “conducting multiple rechecks of completed tasks”; “drooping eyelids or red eyes; nodding off while awake; diminished reaction time; increased restlessness, lethargy, irritability, and/or anxiety; impaired concentration or memory; diminished reflexes; and impaired decision making” (American Association of Nurse Anesthetists, 2015, p. 1).

Overtime: “time actually worked beyond a prescribed threshold” (Fair Labor Standards Act, 2002, p. 2).

Accountability: “being answerable for one's actions or inactions. The registered nurse answers to self, patient, agency, profession and society for the effectiveness and quality of nursing care rendered. It is the personal responsibility of each nurse to maintain competency in practice. If the assigned nurse does not possess the specialized nursing knowledge, skills and abilities required to provide the required care, said nurse shall notify the appropriate supervisory nursing personnel” (Louisiana Code §3703, 2016, p. 72).

Managing and Supervising the Practice of Nursing: “those activities which serve to fulfill the accountability of the registered nurse for the total nursing care of the individual when tasks in the nursing care are delegated to other nursing personnel. These activities include: a) judging the priority of nursing needs of the individual(s); b) determining actions required to meet the needs; c) assigning personnel, including self, qualified to implement the prescribed nursing care or components of that care (Louisiana Code §3703, 2016, p. 73)

Key Concepts

- 1) Prolonged sleep deprivation “decreases reaction times as well as diminishes reasoning skills and performance. Fatigued individuals have impaired language, retention of information, short-term memory, and motor skills” (American Association of Nurse Anesthetists, 2015, p. 2).
- 2) “Both registered nurses and employers have an ethical responsibility to carefully consider the need for adequate rest and sleep when deciding whether to offer or accept work assignments, including on-call, voluntary, or mandatory overtime.” (American Nurses Association, 2014, p.1)

National Recommendations and Mandates

- 1) The *Association of Operating Room Nurses* (2014) opines that nurses “should not be required to work in direct patient care for more than 12 consecutive hours in a 24-hour period and not more than 60 hours in a seven-day work week. All work hours (i.e., regular hours and call hours worked) should be included in calculating total work hours” (p. 2).
- 2) The *American College of Emergency Physicians* (2016) has stated that nurses should have a “rest interval between duty hour periods for shifts twelve hours or less, and a 14-hour rest period after shifts exceeding 24 hours” (p. 5).
- 3) The *National Association of Neonatal Nurse Practitioners* (2014) recommends: “that, regardless of work setting and patient acuity, NNPs’ maximum shift length be 24 hours, that a period of protected sleep time be provided following 16 consecutive hours of working, and that the maximum number of working hours per week be 60 hours” (p. 1).
- 4) The *American Nurses Association* (2014) has indicated “nurses should work no more than 40 hours in a 7-day period and limit work shifts to 12 hours in a 24-hour period, including on-call hours worked” (p. 2)
- 5) The *Federal Motor Carrier Safety Administration* (2014) recommends that operators of passenger vehicles drive no more than 10 consecutive hours following 8 consecutive hours off-duty.
- 6) The *Federal Aviation Administration* (2016) mandates that pilots must have had a 10 consecutive-hour rest period including a minimum eight uninterrupted hours of sleep opportunity immediately preceding the flight duty plan or reserve assignment.

LSBN Position Statements

After due deliberation and in accordance with L.R.S. 37:911 et seq. as re-enacted and amended, the Board supports the following positions in order to safeguard the life and health of the citizens of Louisiana:

- 1) That in accordance with the Nurse Practice Act, it is the RN’s and APRN’s professional responsibility to refuse to accept an assignment for which he/she does not feel safe to practice. The RN’s and APRN’s decision to refuse an assignment should be based, in part, on his/her level of fatigue which may or may not be related to working shifts beyond their regular week schedule.

- 2) That specific institutional Continuous Quality Improvement (CQI) processes should be designed and implemented to systematically:
 - a. evaluate the adequacy of nurse staffing;
 - b. evaluate the effects and risks of nurses working extended work days/consecutive shift work;
 - c. address patient safety issues such as medication errors, patient falls, patient care concerns and complaints, etc. for trends related to fatigue and hours worked.
- 3) That institutions should have an evidence-based plan for the management of nursing fatigue that involves educating staff about the effects of fatigue on patient safety, the importance of rest and meal breaks, and maintaining a work environment which fosters a culture that allows staff to freely express concerns about fatigue.

LSBN Concluding Statement

Nurses must accept the responsibility for their personal health, safety and well-being. Nurses should be involved in changing the current culture of practice regarding extended work hours and fatigue. By working in collaboration with their respective management, RNs and APRNs can assist in establishing a healthy work environment; however, they must: (a) speak up when fatigue becomes a concern for their safety and well-being, as well as that of their patients and co-workers; (b) establish and maintain open lines of communication with nursing administration regarding these concerns and possible solutions; (c) ensure their ethical responsibility to practice their profession safely; (d) work with nursing administration to develop solutions to these matters such as creative scheduling mechanisms, establishing policies to facilitate manageable work hours to contribute to a healthier workforce, and to establish support groups to cope with these situations.

In consideration of safe patient care, it is recommended that health care organizations not promote nor require nursing personnel to have direct care patient assignments in excess of 12 hours in a 24 hour period or 60 hours in a 7 day period. This recommendation provides safeguards to promote patient safety and to protect nursing personnel. It is reasonable to consider that nursing personnel in direct patient care environments may be needed to work overtime due to: (a) unforeseeable emergency circumstances; (b) prescheduled on-call time; (c) documented reasonable efforts to obtain staffing; and (d) required overtime to complete a patient-care procedure in progress, where it would be detrimental to the patient if the employee left. It is incumbent upon health care facilities to adopt reasonable safeguards to prohibit excessive overtime to protect both the patient and the nurse and to maintain appropriate patient care.

Sources

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