

(adopted as official opinion of LSNB at Jan 13-14, 1983 meeting)

Louisiana State Board of Nursing

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December 8, 1982

Ms. Edia Harris, R.N.
Louisiana Department of Education
P.O. Box 44064
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Dear Ms. Harris:

This is in response to your questions regarding the rules of the Board of Nursing for the delegation of Nursing functions by the registered nurse to other nursing personnel (R.N. 3.02 (1) L). A copy of these rules is enclosed.

As you requested, I am sending you my opinion relative to the subject matter and I have requested that this matter be placed on the agenda for the January 13-14, 1983 meeting of the Board for an official opinion of the Board. The numbering of my comments corresponds to the numbering of your questions.

1. Suctioning a tracheostomy is complex in some situations and can be non-complex in other situations, depending upon the patient's/client's condition. A clean, "healed", uncomplicated tracheostomy in an individual who has no cardio-pulmonary problems and is able to cooperate with the person performing the suctioning could possibly be considered non-complex. The procedure should be well defined so that it can be taught (and learned) exactly as it will be performed and the patient's/client's condition should not require the caregiver to have to alter the procedure.

The above would also apply to removing and cleaning of the inner tracheostomy cannula. Replacement of the outer cannula is a complex task. Of course, in emergency situations (life-threatening) the rules of the Board do not apply. (L.R.S. 37:929, C, provides that the Nurse Practice Act shall not apply to nursing assistance in the care of immediate emergency.)

The degree of mental capability and/or the presence of multihandicapping should certainly be considered in judging the complexity of the task.

2. According to the rules of the State Board of Nursing, a registered nurse may delegate non-complex tasks to unlicensed nursing personnel, provided, however, that the registered nurse has evaluated both the patient's condition and the competency of the unlicensed person, and provided that these evaluations show that the criteria for delegations are met (R.N. 3.02, (1), (L), 1) You will

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2. note that the criteria also require appropriate supervision during task implementation.

All of these contingencies would have to be met for a legal delegation to be made. I believe that the expertise of a registered nurse is necessary for the determination of whether a task is complex or non-complex in a specific situation.

3. Assuming that the task is non-complex and that the criteria for delegation are met, the personal presence of the delegating registered nurse at the place where the delegated functions are performed is not required unless such personal presence is necessary to provide the care of the same quality as provided by the registered nurse (L.R.S. 37:913 (3) (c)). In some cases, what you describe as immediate supervision is indicated; in most instances, a nurse in close enough proximity would suffice. In the latter case, the nurse would have to be able to be physically present within a safe span of time to respond to emergency situations.
4. The Board of Nursing has no jurisdiction over the local school board. If the "schoolroom aide" is working under the school nurse, the latter would be accountable for the total nursing care of the client and, therefore, would have some responsibility for supervising this aide.

As far as liability, the judicial system would have to determine this.

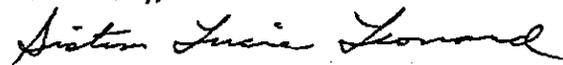
5. Registered nurses may legally execute medical regimes only as prescribed by physicians licensed in Louisiana. (See R.N. 3.02, (1), (i)).
6. In the rules under consideration, the terms complex and non-complex are used to describe situations and tasks. Complex means unstable or complicated.

A complex task requires judgment to determine how to proceed from one step to the next. A non-complex task can safely be performed according to exact directions, with no need to alter the standard procedure, and results are predictable.

A complex situation is unstable, with changes in the patient's condition and unpredictable outcomes of care. A complex task is one which requires judgment to safely alter the procedure in accordance with the needs of the patient; or one which requires the consideration of a number of factors in order to perform the procedure.

Ms. Harris, the above is just what I stated in the beginning, my opinion of the meaning of the Board of Nursing's rules. Any contradictory interpretation by the Board itself will supersede my opinion.

Sincerely,



Sister Lucie Leonard, R.N.
Nursing Practice Consultant

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Enclosure