

Louisiana State Board of Nursing

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Declaratory Statement

REGARDING THE ROLE AND SCOPE OF PRACTICE OF REGISTERED NURSES PERFORMING CLINICAL LABORATORY TESTING

Preamble

Pursuant to questions posed to the Board of Nursing relative to Act 396 of the 1993 regular Legislative Session which exempts registered nurses from the licensing requirement for the performance of clinical laboratory testing since registered nurses would come under the exemption clause "...any individual licensed as a health care provider" the Nursing Practice Committee was charged by the Board of Nursing to develop a proposed declaratory statement regarding the role and scope of practice of registered nurses performing clinical laboratory testing. The Nursing Practice Committee reviewed: the literature; several provisions in the Nurse Practice Act, administrative rules, and previous statements rendered by the Board of Nursing relative to clinical laboratory testing by registered nurses; and the Federal Clinical Laboratory Improvement Amendments of 1988 (CLIA).

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 regulation or L.R.S. 37:911 et seq. as re-enacted and amended, 2010.

Questions

Is a registered nurse at risk for disciplinary action by the Board of Nursing if said registered nurse accepts an assignment which is beyond said registered nurse's area or level of competence?

Is a registered nurse required by Act 396 of the 1993 regular Legislative Session to obtain a second license in order to perform clinical laboratory tests?

Process

On June 7, 1996 the Task Force on the Role and Scope of Practice of Registered Nurses Performing Clinical Laboratory Testing convened to review concerns relative to the questions and the Board's previous opinion.

After due deliberation, the Task Force members identified the following salient points relative to registered nurses performing clinical laboratory testing:

- The Federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) delineates laboratory standards, the levels of complexity based on three categories (waived, moderate, and high complexity), and specialized areas with training.
- The Nurse Practice Act requires registered nurses to have specific training with documented proficiency to perform certain functions; otherwise the nurse is subjected to disciplinary action if proven incompetent.

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Process (cont'd):

- Laboratory Departments must establish quality control standards and proficiency testing with nurses demonstrating proficiency of instrument operation in a controlled environment in accordance with established federal guidelines and accreditation standards.

Board's Response

In order to safeguard life and health, the Nurse Practice Act requires that all licensees practice at a minimum safe and effective level. This provision mandates that: 1) the licensee who provides nursing care accept only duties and responsibilities within said registered nurse and advanced practice registered nurse's area/level of competence; and 2) the registered nurse and advanced practice registered nurse who assigns the duties and responsibilities ascertain the competence of the person (s) who will carry out the assignment. Any violation of this mandate will place the licensee at risk for disciplinary action.

The Louisiana State Board of Nursing reaffirms its previous position that Act 396 of the 1993 Regular Session, §1313. Exemptions to Licensure, specifically (5) states that "Any individual licensed as a health care provider" applies to registered nurses and that registered nurses as a group are qualified to perform waived tests while nurses must be assessed individually to determine if each would qualify to perform moderate complexity testing with the following provisos:

- 1) That moderate complexity testing takes place at or near where the patient is located and is done in a controlled environment.
- 2) There is documentation in the said nurse's file regarding annual continuing education and clinical competence of the specific moderate complexity testing that complements the nurse's area of practice.
- 3) There are quality improvement indicators developed and monitored by the Laboratory.

Note: This declaratory statement should not be interpreted to mean that it is within the scope of practice for a registered nurse to substitute for a medical technologist or laboratory technician in a central laboratory.

Definition of Terms for the Purpose of this Document

Controlled Environment--means instrument settings that are standardized and maintained or supervised by licensed laboratory personnel and testing done by personnel assigned to a patient care area, with the data base integrated with or reported to the laboratory's data base and nurses performing the testing must be proficiency-tested. Any licensed laboratory personnel requiring supervision for the performance of clinical laboratory tests shall be subject to such supervision.

Laboratory--as defined by CLIA in their rules and regulations and published in the Federal Register, Vol. 57, #40, Friday, February 28, 1992.

Point of care testing (POCT) – is defined as clinical laboratory testing conducted close to the site of patient care, typically by clinical personnel whose primary training is not in the clinical laboratory sciences or by patients (self-testing). (2010 College of American Pathologists)