

**Louisiana State Board of Nursing
Practice Committee Meeting Minutes
October 24, 2006**

- Call to Order** The meeting of the Louisiana State Board of Nursing Credentialing Committee was called to order by Frankie Rosenthal, Chair, at 9:00 a.m. on October 24, 2006 in the Clemons Room of the Cook Conference Center & Hotel, located at 3848 W. Lakeshore Dr., Baton Rouge, LA 70808.
- Roll Call**
- Committee Members Present**
Frankie Rosenthal, MSN, APRN, CNS (LSBN President and Meeting Chair)
Gerald Bryant, MSN, RN
Michelle Oswald, MSN, APRN, CRNA
James Harper, MSN, APRN, CFNP
- Committee Member Excused**
Deborah Olds, BSN, RN, Chair
- Ex-officio Board Members Excused**
William LaCorte, M.D.
Alan Ostrowe, M.D.
- Staff Present**
Margaret Griener, MPH, APRN, PNP, Director, Credentialing & Practice
Barbara L. Morvant, MN, RN, Executive Director
Wade Shows, Esquire, Board Attorney
Brenda Kelt, Licensing Analyst
- Guests**
- Joni Nickens, APRN, FNP, Louisiana Association of Nurse Practitioners (LANP)
Ansonia Coco, RN
Joynita Harris, RN
Mary Angelique Knoblock, RN, St. Tammany Parish Hospital
Domoine D. Rutledge, General Counsel, East Baton Rouge Parish School System (EBRPSS)
Sue Catchings, Executive Director, Health Care Centers in Schools (HCCS)
Bethany Edwards, APRN, FNP, Health Care Centers in Schools (HCCS)
Susan Weathers, RN, Health Care Centers in Schools (HCCS)
Nancy McCarthy, Louisiana State Board of Practical Nurse Examiners (LSBPNE)
Lynn Ansardi, Louisiana State Board of Practical Nurse Examiners (LSBPNE)
Jean Houin, Louisiana State Board of Practical Nurse Examiners (LSBPNE)
- Reorder Agenda** Frankie Rosenthal, Committee Chair, reordered the agenda.
- Motion** by G. Bryant, seconded, that the chair be allowed to reorder the agenda.
- Vote** Bryant - yes, Oswald – yes, Harper - yes. Motion carried.
- Review of Minutes** The Committee reviewed the minutes of the July 25, 2006 Practice Committee meeting.
- Motion** by G. Bryant, seconded, that the Committee approve the minutes of the July 25, 2006 Practice Committee.
- Vote** Bryant - yes, Oswald – yes, Harper - yes. Motion carried.

Practice Committee Meeting Minutes

October 24, 2006

Page 2

Old Business Agenda item 4.1

Agenda item 4.1: Whether non-complex procedures can be delegated to certified/licensed health care professionals who are contracted employees of the East Baton Rouge Parish School System (EBRPSS).

W. Shows provided a short history. W. Shows reported that the Louisiana legislature passed an Act 760 Of 1991 and Act 469 of 1992 that speak to the exception to the performance of non-complex procedures by unlicensed personnel.

W.Shows also reported that Act 87 of 1993 mandated that the Louisiana State Board of Nursing (LSBN) and the Louisiana State Board of Elementary and Secondary Education (LSBESE) jointly develop a process for the implementation of the Act which provided for the administration of medications in public schools. (LSBESE) felt that they should have had more control over the recommendations of the LSBN. A lawsuit was instituted by LSBN against LSBESE. The lawsuit was resolved with policy developed jointly by the LSBN and the LSBESE.

W.Shows stated that the original request for opinion by the EBRPSS, already answered by LSBN, allows individuals that are trained to give out medications and/or perform non-complex procedures under the supervision of a licensed registered nurse. The current issue before the committee is to determine whether it was anticipated by the Act, by the Policy, by the Rule to have these individuals who were truly employees of the school system, or could they also be contract personnel of the EBRPSS.

W.Shows then stated that the current rule and opinion allows an RN to be a contracted employee under this Act and Rule. When it comes to the unlicensed personnel, the Act says that it has to be an “employee”, but the statute specifically says the individual has to be part of the “educational staff”. There was no requirement for the RN to be part of the educational staff, but when the law spoke about the “employee” it was further refined to include someone who was part of the educational staff. Although the Louisiana State Board of Nursing said that the RN in the school setting could be a contracted individual, the next question now being raised is whether the unlicensed person (trainee) could likewise be a contracted employee of EBRPSS.

D. Rutledge (attorney for EBRPSS) advised that the request for opinion speaks to the issue regarding the delegation of the non-complex procedures. D. Rutledge reported that the EBRPSS feels that the decision on the first opinion allowing the RN to be a contracted employee is also applicable in this request. Traditionally by practice, the delegation of non-complex health procedures have been performed by teachers’ aides and secretaries, rarely by teachers. D. Rutledge posed the question, who most appropriately should provide or administer these non-complex health procedures to our students. Should it be the teacher, secretary at the front office, or the principal who are all members of the educational staff? Or should it be a School Health Assistant (SHA) who has a unique familiarity with these procedures. When EBRPSS entered the current model, it was with RNs. EBRPSS is now expanding the model to provide relief to their RNs by hiring SHAs who work under the direct supervision under the RN.

Practice Committee Meeting Minutes

October 24, 2006

Page 3

S. Catchings (HCCS) explained that School Health Assistants (SHAs) have been what others would call a “Nurse Extender” who is a support staff member to the Registered Nurse (RN), freeing up the RN to perform tasks that must be handled by a nurse. Within Health Care Centers in Schools (HCCS) presently, a SHA does things like vision and hearing screening, checking immunization records and transfer records onto school health cards.

The SHAs perform the day to day paperwork and activities that do not require a licensed nurse to handle. HCCS puts all of their staff through a rigorous training program prior to each school year which trains them in areas such as CPR and first-aid. They are also tested on their competency level and retrained if they do not meet their standards.

B. Edwards (HCCS) reported that in some instances, the current individuals performing non-complex procedures and medication administration have no medical training. But the School Health Assistants (SHAs) with HCCS have more health specific training than are educational staff who are sometimes performing these duties.

W. Show asked for clarification on the individuals currently being trained now to perform these non-complex procedures in the East Baton Rouge School System.

B. Edwards reported that most of the time, the medication administration is being handled by the secretaries or school health assistant. The non-complex health procedures are often performed by a Child Specific Aide, Class Aide, or sometimes an individual hired to treat that particular student.

W. Shows stated that Act 760 came about because of the secretaries and similar staff who were saying they were not people who should be performing these functions. The legislature said it had to be somebody who was an employee in the educational setting. The current request for opinion seemed to be one of an economic concern to contract this function out.

D. Rutledge stated the question is not one of economics, but rather to get away from delegating these procedures to staff such as secretaries and principals. Until we can determine who is an appropriate member of the educational staff, to allow delegating these tasks to the SHAs who are in the arena.

S. Catchings reported that she was in the room when this idea was born. At the request of her Board Chair, she set up a meeting with the new superintendent Clayton Wilcox to discuss school based healthcare. During the course of this meeting in February 2002, the idea of HCCS running the school nurse program was first proposed. Two years later in February 2004, the school system outsourced the school nurse program to HCCS. But it was not a decision made on economics, but because there are more medically fragile children coming into school and the educators needed to be able to rely on the people in the medical community.

Practice Committee Meeting Minutes

October 24, 2006

Page 4

W. Shows acknowledged that HCCS and EBRPSS may think that this is a better system, but that the problem is that the Louisiana State Board of Nursing is constrained by what the Law allows. The legislature may need to address what is “appropriate school personnel”. Currently, it begins with “nothing in this statute shall relieve the obligations of the School Board to staff it with certified nurses”. It does not say Registered Nurses or Practical Nurses, but nurses. The exception states that if it can not be staff with appropriate nurses, than it states “appropriate school personnel”. Although there may be a better system such as being requested, but the question on who is an appropriate school personnel which may need to be directed to the legislature instead of the Louisiana State Board of Nursing.

After further discussion and questions, D. Rutledge requested that the EBRPSS be allowed to withdraw their Petition for Declaratory Statement on this issue.

Motion

by F. Rosenthal, seconded, to allow for the withdrawal of the Petition for Declaratory Statement on: Whether non-complex procedures can be delegated to Certified/licensed health care professionals who are contracted employees of the East Baton Rouge Parish School System.

Vote

Bryant - yes, Oswalt – yes, Harper - yes. Motion carried.

Committee took a short break at 10:15.

Committee business resumed at 10:25 am.

New Business

Agenda item 5.2

Agenda item 5.2: Whether it is appropriate for the RN school nurse to delegate the functions to the private duty LPN assigned to a child in the school system (HCCS/EBRP Coordinated Health Services).

F. Rosenthal requested the committee to hear agenda item 5.2 next which relates to the HCCS and EBRP Coordinated Health Services.

B. Edwards reported that HCCS had child (student) requiring ventilation assistance while napping. The child had a private duty LPN paid by the school. When the doctor wrote the order for the LPN, he was not aware that the school had a full time RN. In this situation, the mother forbid the RN school nurse to contact the physician. The RN school nurse was essentially responsible for the child, and suppose to delegate to the LPN, but prevented from contact with the physician and was not allowed to get reports from the LPN. The issue was finally resolved after many months, but HCCS/EBRP Coordinated Health Services would like an opinion from LSBN.

S. Weathers reported that they need to have a policy in place prior to the child entering the school system.

M. Griener advised that Children’s Medical Center in New Orleans has a program that integrates the child into the school system who requires ventilator assistance. They have policies already established to cover this issue.

Practice Committee Meeting Minutes

October 24, 2006

Page 5

S. Weathers reported that Children's Medical Center VACP program was involved in this case and they have been in Contact touch with the personnel.

F. Rosenthal asked for clarification if the petition to LSBN was still required.

W. Shows excused himself from remainder of the committee meeting.

S. Weathers advised that the issue is resolved and the request was withdrawn.

F. Rosenthal advised that HCCS/EBRP Coordinated Health Services needs to draft Policies and Procedures to cover this type of situation.

M. Griener recommended they contact Children's Hospital Ventilator Assisted Care Program for copies of their policies to utilize as a guide in order to assist them in developing the policies for the school system.

Agenda item 5.1

Agenda item 5.1: Clarification of Declaratory statement regarding the "Acceptance of Verbal Orders" specifically "An RN delegating this function to a LPN" (St. Tammany Parish Hospital).

M.A. Knoblock reported that the issue is regarding a LPN having to wait for an RN in order to take verbal orders. This comes up in nursing homes and home health and hospice setting where there is a LPN in the office.

F. Rosenthal reported that the initial Declaratory Statement on this issue was specifically addressing the LPN's patients. F. Rosenthal requested clarification if they were now asking for it to be broadened to include that the RN may delegate to a LPN the acceptance of verbal orders for any patient that the doctor is calling in on.

M.A. Knoblock acknowledged this is correct. The patient would be either an established patient, or if it's a referral, allowing the LPN to take the referral information and start the process. F. Rosenthal asked if DHH has rules prohibiting LPNs from doing intake on new patients.

M.A. Knoblock advised that there is no specific rule on the intake, but DHH (Health Standards) is citing this current LSBN Declaratory Statement regarding verbal orders. According to the guidelines of Home Health and Hospice, a referral is a verbal order to allow them to go out and see the patient until they received a signed order from the physician. The RN goes to the home, assesses the patient and if the RN deems the case is not appropriate, it stops there. The referral and verbal order is what allowed the RN to go out and make the initial assessment of the patient to Home Health.

G. Bryant stated that the RN still assumes responsibility to make certain that the orders are appropriate for that patient. The RN is the stop gap for all care a patient receives is safe and appropriate.

Practice Committee Meeting Minutes

October 24, 2006

Page 6

F. Rosenthal asked if DHH has a rule or standard that speaks to the intake by LPNs. M.A. Knoblock stated that DHH has no such rule or standard. She added that the RN will still be required to do the initial assessment of the patient.

Motion by F. Rosenthal, seconded, that request to remove the wording “for said licensed practical nurse’s patient” from the Declaratory statement on “Transmission and Acceptance of Verbal Orders” (npop96.32) is approved.

Vote Bryant - yes, Oswald – yes, Harper - yes. Motion carried.

Adjournment The Committee adjourned at 11:00 am.



Submitted by: Margaret Griener, Director - Credentialing and Practice

Approved 1/23/2007

/bck