

# Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 • Fax: (225) 755-7584

[www.lsbn.state.la.us](http://www.lsbn.state.la.us)

**July 3, 2008**

Ms. Patricia Johnson  
Chief Nurse Executive  
Woman's Hospital  
9050 Airline Hwy  
Baton Rouge, LA 70815

Dear Ms. Johnson,

Pursuant to your request regarding the authorized scope of practice for a qualified registered nurse to perform a medical screening exam (MSE) under the direction of a physician to rule out Labor per the Emergency Medical Treatment and Labor Act (EMTALA); the Practice Committee considered your petition at the January 22, 2008 Practice Committee meeting and directed Board staff to develop a Declaratory Statement to include AWHONN (Association of Women's Health, Obstetric and Neonatal Nurses) verbiage and guidelines.

At the April 22, 2008 Practice Committee a draft of the Declaratory Statement was reviewed by the Committee. The Committee forwarded its recommendation for approval to the Board of Nursing on June 11, 2008, and after due deliberation, the Board adopted the proposed Declaratory Statement.

That in reference to Board agenda item 6.2 and in accordance with R.S. 37:913 (14)(l) the Louisiana State Board of Nursing has adopted the attached Declaratory Statement entitled Certification of False Labor.

Please contact me if you have any questions regarding this communication.

Sincerely,

Barbara L. Morvant, MN, RN  
Executive Director  
Louisiana State Board of Nursing

BLM/MG/bck

CC: Cheri Johnson, Director of Obstetrical Services, Woman's Hospital

Npop 08.02a

# Louisiana State Board of Nursing

17373 Perkins Road, Baton Rouge, LA 70810

Telephone: (225) 755-7500

[www.lsbn.state.la.us](http://www.lsbn.state.la.us)

## Declaratory Statement

### CERTIFICATION OF FALSE LABOR

§489.24 (b) CMS has defined *labor* for the purposes of EMTALA (Emergency Medical Treatment and Labor Act) *as the process of childbirth beginning with the latent or early phase of labor and continuing through the delivery of the placenta. A woman experiencing contractions is in true labor unless a physician, certified nurse-midwife, or other qualified medical person acting within his or her scope of practice as defined in the hospital bylaws and state law, certifies that, after a reasonable time of observation, the woman is in false labor.*

LRS 37:913. (13) defines the legal scope of practice for a registered nurse as “the performance, with or without compensation, by an individual licensed by the board as a registered nurse, of functions requiring specialized knowledge and skills derived from the biological, physical, and behavioral sciences.” and

(14) “Registered nursing means the practice of the scope of nursing which is appropriate to the individual’s educational level, knowledge, skills, and abilities, including:

(a) assessing the health status of an individual...”

The Louisiana State Board of Nursing has determined that it is within the scope of practice for a qualified RN to perform the medical screening exam of a patient to certify false labor by the utilization of a nursing assessment, including a vaginal examination, and may discharge the patient from the facility provided that:

1. the procedure is approved and documented in hospital/facility bylaws.
2. the RN functions under protocols/algorithms that are approved by an interdisciplinary practice committee.
3. the registered nurse has a post assessment consultation with a licensed obstetrical provider and receives a discharge order from that provider.
4. the registered nurse has the documented knowledge, skills and abilities to complete the assessment and competency is appropriately documented.

#### SOURCES:

Centers for Medicare and Medicaid Services (CMS) Revisions to Special Responsibilities of Hospitals under the Emergency Medical Treatment and Labor Act (EMTALA) September 29, 2006

Association of Women’s Health ,Obstetric and Neonatal Nurses (AWHONN). Commentary to the Centers for Medicaid and Medicare Services: Proposed Rule – Hospital Inpatient Prospective Payment System(File Code:CMS-1488-P). June 12, 2006.

Louisiana Revised Statutes 37:913 as re-enacted and amended. 2004.