

TENNESSEE BOARD OF NURSING POLICY

RE PRACTICE: Decision Making Guidelines

PURPOSE: The purpose of this policy is to protect the health and safety of the citizens of Tennessee and to encourage appropriate practice standards for nursing practice.

AUTHORITY: Tennessee Code Annotated 63-7-101 The purpose of this chapter is to safeguard life and health by requiring each person who is practicing, or is offering to practice, nursing to submit evidence that the person is qualified to practice and to be licensed as provided in this chapter. Such evidence of qualifications shall be submitted to the state board of nursing, which is the regulatory body authorized to enforce the provisions of this chapter.

Tennessee Code Annotated 63-7-103 (a) (1) “Practice of professional nursing” means the performance for compensation of any act requiring substantial specialized judgment and skill based on knowledge of the natural, behavioral and nursing sciences, and the humanities, as the basis for application of the nursing process in wellness and illness care.

Tennessee Code Annotated 63-7-108 The “practice of practical nursing” means the performance for compensation of selected acts required in the nursing care of the ill, injured or infirm and/or carrying out medical orders prescribed by a licensed physician or dentist under the direction of a licensed physician, dentist or professional registered nurse. The licensed practical nurse shall have preparation in and understanding of nursing, but shall not be required to have the same degree of education and preparation as required of a registered nurse.

Tennessee Code Annotated 63-7-126 (a) “Advanced practice nurse” means a registered nurse with a master's degree or higher in a nursing specialty and national specialty certification as a nurse practitioner, nurse anesthetist, nurse midwife, or clinical nurse specialist.

Tennessee Board of Nursing Rules and Regulations 1000-1-.14 and 1000-2-.14

STANDARDS OF NURSING COMPETENCE. The Board requires all nurses to document evidence of competence in their current practice role. The Board believes that the individual nurse is responsible for maintaining and demonstrating competence in the practice role whether the recipient of the nursing intervention is the individual, family, community, nursing staff, nursing student body, or other.

POLICY: Although the Tennessee Board of Nursing administrative staff receives numerous inquiries in the course of the year from nurses who have questions regarding their scope of practice, Board staff may not issue opinions or interpretations on legal questions. Therefore, the Board has developed a decision tree to assist nurses in making their own determination as to whether a contemplated practice or activity falls within the scope of practice. The guidelines and a tree follow.

When a nurse finds that the Decision-making Guidelines are inadequate to a decision process, the nurse may write a request for advisory opinion from the Board.

Decision-Making Guidelines

In evaluating whether a certain nursing practice or activity falls within the respective scope of practice for an LPN, RN, or APN, the practitioner should apply the following analytical steps:

- 1. Describe the practice or activity to be performed.**
- 2. Is the practice or activity specifically permitted or prohibited in any existing statutes, regulations, or rules?**
 - If permitted, proceed to #3.
 - If expressly prohibited, it is not within the nurse's scope of practice. (The decision-making process is complete.)
 - If unsure or unclear, proceed to #3 or consult your attorney.
- 3. Does the educational preparation of the nurse provide the knowledge base and skills necessary to engage in the practice or perform the activity?**
 - If YES, the activity may be within the scope of practice. Proceed to #4.
 - If NO, it is not within the nurse's scope of practice.
- 4. Is the act or practice consistent with one or more of the following standards? Standards of practice of a national nursing organization; or Supporting data from nursing literature and research.**
 - If YES, proceed to #5.
 - If NO, it is not within the nurse's scope of practice.
- 5. Does the nurse have documented proof of her knowledge and competence, including continued competence, to perform the activity or engage in the practice?**
 - If YES, proceed to #6.
 - If NO, it is not within the nurse's scope of practice.
- 6. Would a reasonable and prudent nurse with similar education and experience engage in the contemplated practice?**
 - If YES, proceed to #7.
 - If NO, it is not within the nurse's scope of practice.
- 7. Does the nurse have the ability/resources to respond to complications in such a way that patient safety and quality of care are assured?**
 - If YES, proceed to #8.
 - If NO, it is not within the nurse's scope of practice and could place both the patient and nurse at risk.
- 8. Is the nurse prepared to accept the consequences of performing the activity or engaging in the practice?**
 - If YES, the nurse may perform the activity, based on a valid order when required, and in accordance with established policies, procedures, and standards of care.
 - If NO, it is not within the nurse's scope of practice.

NOTE: The Tennessee Board of Nursing strongly encourages you to consult your attorney – be it your facility/employer’s general counsel or your private attorney – if you are uncertain about the answer to any of the questions listed in the above decision-making guidelines.

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FRAMEWORK FOR DECISION-MAKING NURSING PRACTICE ACTIVITIES

