S T A T E O F T E N N E S S E E
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Opinion No. 08-76

Extent of Home Health Care an LPN May Provide to Patient with Ventilator

QUESTIONS

1. May a licensed practical nurse (LPN) lawfully provide home health care to a patient who requires the use of a ventilator?

2. If so, to what extent?

OPINIONS

1-2. Yes, Tenn. Code Ann. § 68-11-201(21)(H) permits an LPN employed by a home care organization to provide physician-ordered respiratory care to a patient, except for the maintenance and management of life support equipment. As interpreted by the Board of Respiratory Care and the Board of Nursing, this statute authorizes such LPN to provide home health care to a ventilator-dependent patient that falls within the LPN's lawful and authorized scope of practice, including tracheostomy care and suctioning. However, the LPN may neither manage nor maintain the ventilator equipment itself. Rather, the LPN may monitor the ventilator to ensure it is functioning properly, and call for assistance from a qualified health care professional if the LPN detects an issue that requires the ventilator to be adjusted, connected, disconnected, cleaned, or otherwise serviced.

ANALYSIS

In 1995, the Legislature enacted Public Chapter 369, an act that amended Title 68 with respect to home care organizations. The act included a statutory provision, now codified at Tenn. Code Ann. § 68-11-201(21)(H), that provides as follows:

> Notwithstanding the provisions of any other law to the contrary, a licensed practical nurse employed by a home care organization, acting pursuant to the written order of a licensed physician, may provide respiratory care to a home care organization patient, except for the maintenance and management of life support equipment.

Both the Tennessee Board of Respiratory Care and the Tennessee Board of Nursing have issued official interpretations of the above statutory provision. The Board of Respiratory Care has enacted regulations that define the terms "maintain" and "manage," as they are used in the provision to limit the allowable life support equipment activities of home care organization LPNs. "Maintain"

is defined as the "setting up, attaching to or replacement of devices onto a life support system, and includes initiation of, replacement of and/or maintenance on any type of life support system." Tenn. Adm. R. & Regs. 1330-1-.01(21) (August 2006). The Board of Respiratory Care defines "manage" as the "making of adjustments to the controls or settings of any life support system." Tenn. Adm. R. & Regs. 1330-1-.01(22) (August 2006).

Additionally, the Board of Nursing has adopted a "Position Statement on LPNs Providing Care to Ventilator-Dependent Patients in the Home Health Setting." This position statement provides that:

> [A]n LPN may provide home health care to a ventilator-dependent patient, but she may only provide those services which fall within her scope of practice as an LPN, including tracheostomy care and suctioning.
>
> With respect to the ventilator itself, an LPN may neither manage nor maintain such equipment. Her scope of practice authorizes her merely to monitor the ventilator to ensure it is functioning properly, and to call for assistance if she detects an issue which requires the ventilator to be adjusted, connected, disconnected, cleaned, or otherwise serviced, by a supervising professional who is qualified to manage and maintain such equipment.

(Emphasis in original).[1]

We thus conclude that Tenn. Code Ann. § 68-11-201(21)(H) permits an LPN employed by a home care organization to provide physician-ordered respiratory care to a patient, except for the maintenance and management of life support equipment. As interpreted by the Board of Respiratory Care and the Board of Nursing, this statute authorizes such LPN to provide home health care to a ventilator-dependent patient that falls within the LPN's lawful and authorized scope of practice, including tracheostomy care and suctioning. However, the LPN may neither manage nor maintain the ventilator equipment itself. Rather, the LPN may monitor the ventilator to ensure it is functioning properly, and call for assistance from a qualified health care professional if the LPN detects an issue that requires the ventilator to be adjusted, connected, disconnected, cleaned, or otherwise serviced.

[1]This September 27, 2007 position statement may be viewed at the Board of Nursing's website; *i.e.*, http://health.state.tn.us/Downloads/Nurs_PolLBPVent.pdf (visited March 18, 2008).

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