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## Nursing Jurisprudence & Ethics Professional Nursing Practice: Standards of Care Update © 2017

Texas Nurse Practice Act: Rule 217.11  
Presented by: Professional Healthcare Education Service Inc.  
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1



## Agenda

- Continuing education requirements & updates
- Nursing Standards and Unprofessional Practice
- Scope of practice & 6 Step Decision Making Tool

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## Disclosures, Disclaimers and, Conflict Disclosures



## Continuing Education for Nurses

- In 1991, rules were adopted requiring nurses to complete 20 hours of continuing education (CE) every two years for re-licensure.
- Continuing education in nursing is defined as programs beyond the basic preparation that are designed to promote and enrich knowledge, improve skills, and develop attitudes for the enhancement of nursing practice, thus improving health care to the public. All nurses with an active Texas license are required to complete continuing education for re-licensure.
- **Continuing Competency, including Continuing Education (CE) for licensure renewal will need to be in the nurse's area of practice effective October 4, 2010. This rule is in effect for audit as of June 2013.** Some topics, such as ethics, confidentiality, documentation, and nursing law and rules, apply to every area of nursing practice. A nurse may achieve more than the minimum 20 contact hours every licensure renewal cycle or the nurse may achieve, maintain, or renew an approved national nursing certification in the nurse's area of practice.



## **Forensic Evidence Collection CNE**

- Effective September 1, 2013, nurses who perform a forensic exam on a sexual assault survivor must have completed basic forensic evidence collection training, or the equivalent education, **prior to performing the examination** [[Board Rule 216.3\(d\)\(1\)](#)]. This is a one-time requirement; therefore, nurses who perform forensic exams are encouraged to retain the certificate of course completion indefinitely.

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## **New rules as of January 2014:**

- Sec. 301.305. CONTINUING EDUCATION IN NURSING JURISPRUDENCE AND NURSING ETHICS. (a) As part of a continuing competency program under Section 301.303, a license holder shall complete at least two hours of continuing education relating to nursing jurisprudence and nursing ethics before the end of every third two-year licensing period.
- Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) As part of the continuing education requirements under Section 301.303, a license holder whose practice includes the treatment of tick-borne diseases shall be encouraged to participate, during each two-year licensing period, in continuing education relating to the treatment of tick-borne diseases.
- Sec. 301.307. CONTINUING EDUCATION IN OLDER ADULT OR GERIATRIC CARE. (a) As part of a continuing competency program under Section 301.303, a license holder whose practice includes older adult or geriatric populations shall complete at least two hours of continuing education relating to older adult or geriatric populations or maintain certification in an area of practice relating to older adult or geriatric populations.

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## Standards of Nursing Practice

The Texas Board of Nursing is responsible for regulating the practice of nursing within the State of Texas for Vocational Nurses, Registered Nurses, and Registered Nurses with advanced practice authorization. The standards of practice establish a minimum acceptable level of nursing practice in any setting for each level of nursing licensure or advanced practice authorization. Failure to meet these standards may result in action against the nurse's license even if no actual patient injury resulted.

Breaking standards can lead to an Encumbered License which is:

1. Is a license with a burden like a hiker who was encumbered with a heavy pack
2. Is a license that is hindered or impeded from full action or performance of work.
3. Is a legal and often financial burden.

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## Legal Implications for Nursing Practice

- Law defines the boundaries of nursing practice
- Nurses must know their functions and limitations in order to protect their patients and themselves
- A nursing license is granted only to those who have met specific educational standards and demonstrated the minimal required level of knowledge as assessed by an examination
- The state board of nursing can revoke or suspend the license of a nurse who violates the provisions of the licensing statutes

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## Types of Law: Regulatory Laws

- Created by administrative bodies, such as state boards of nursing
- Nurse Practice Act and Rules and regulations address the conduct of nurses
- Result of judicial decisions made when individual cases are decided in the courts

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## BON Definition of Nursing

### **Section 301.002.** Definitions.

"Professional nursing" means the performance for compensation of an act that requires substantial specialized judgment and skill, the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science as acquired by a completed course in an approved school of professional nursing. The term does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Professional nursing involves:

- (A) the observation, assessment, intervention, evaluation, rehabilitation, care and counsel, or health teachings of a person who is ill, injured, infirm, or experiencing a change in normal health processes;
- (B) the maintenance of health or prevention of illness;
- (C) the administration of a medication or treatment as ordered by a physician, podiatrist, or dentist;

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## Definition: continued

- (D) the supervision or teaching of nursing;
- (E) the administration, supervision, and evaluation of nursing practices, policies, and procedures;
- (F) the requesting, receiving, signing for, and distribution of prescription drug samples to patients at sites in which a registered nurse is authorized to sign prescription drug orders as provided by Subchapter B, Chapter 157; and
- (G) the performance of an act delegated by a physician under Section 157.052, 157.053, 157.054, 157.0541, 157.0542, 157.058, or 157.059.

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## Standards for RNs

### **(3) Standards Specific to Registered Nurses.**

The registered nurse shall assist in the determination of healthcare needs of clients and shall:

- (A) Utilize a systematic approach to provide individualized, goal-directed, nursing care by:
  - (i) performing comprehensive nursing assessments regarding the health status of the client;
  - (ii) making nursing diagnoses that serve as the basis for the strategy of care;
  - (iii) developing a plan of care based on the assessment and nursing diagnosis;
  - (iv) implementing nursing care; and
  - (v) evaluating the client's responses to nursing interventions;
- (B) Delegate tasks to unlicensed personnel in compliance with 22 Tex. Admin.

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## Standards for RNs: Continued

Code chapter 224, relating to clients with acute conditions or in acute care environments, and chapter 225, relating to independent living environments for clients with stable and predictable conditions.

- (4) Standards specific to Registered Nurses with Advanced Practice Authorization. Standards for a specific role and specialty of advanced practice nurse supersede standards for registered nurses where conflict between the standards, if any, exist. In addition to paragraphs (1) and (3) above, a registered nurse who holds authorization to practice as an advanced practice nurse (APN) shall:
  - (A) Practice in an advanced nursing practice role and specialty in accordance with authorization granted under Board Rule 221 (relating to practicing in an APN role; 22 TAC ch. 221) and standards set out in that Rule.
  - (B) Prescribe medications in accordance with prescriptive authority granted under Board Rule 222 (relating to APNs prescribing; 22 TAC ch. 222) and standards set out in that Rule and in compliance with state and federal laws and regulations relating to prescription of dangerous drugs and controlled substances.

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## Standards for LVNs

**217.11 (2) Standards Specific to Vocational Nurses.** The licensed vocational nurse practice is a directed scope of nursing practice under the supervision of a registered nurse, advanced practice registered nurse, physician's assistant, physician, podiatrist, or dentist. Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. The licensed vocational nurse shall assist in the determination of predictable healthcare needs of clients within healthcare settings and:

- (A) Shall utilize a systematic approach to provide individualized, goal-directed nursing care by:
  - (i) collecting data and performing focused nursing assessments;
  - (ii) participating in the planning of nursing care needs for clients;
  - (iii) participating in the development and modification of the comprehensive nursing care plan for assigned clients;
  - (iv) implementing appropriate aspects of care within the LVN's scope of practice; and
  - (v) assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;

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## Who do these rules apply to?

### Patient Safety & Medication Error Prevention

- (1) Standards Applicable to All Nurses. All vocational nurses, registered nurses and registered nurses with advanced practice authorization shall:
  - (A) Know and conform to the Texas Nursing Practice Act and the board's rules and regulations as well as all federal, state, or local laws, rules or regulations affecting the nurse's current area of nursing practice;
  - (B) Implement measures to promote a safe environment for clients and others;
  - (C) Know the rationale for and the effects of medications and treatments and shall correctly administer the same;

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## Report & Document

- (D) Accurately and completely report and document:
  - (i) the client's status including signs and symptoms;
  - (ii) nursing care rendered;
  - (iii) physician, dentist or podiatrist orders;
  - (iv) administration of medications and treatments;
  - (v) client response(s); and
  - (vi) contacts with other health care team members concerning significant events regarding client's status;

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## Privacy, Teaching, Competency, Patient Abandonment, Professional Boundaries

- (E) Respect the client's right to privacy by protecting confidential information unless required or allowed by law to disclose the information;
- (F) Promote and participate in education and counseling to a client(s) and, where applicable, the family/significant other(s) based on health needs;
- (G) Obtain instruction and supervision as necessary when implementing nursing procedures or practices;
- (H) Make a reasonable effort to obtain orientation/training for competency when encountering new equipment and technology or unfamiliar care situations;
- (I) Notify the appropriate supervisor when leaving a nursing assignment;
  
- (J) Know, recognize, and maintain professional boundaries of the nurse-client relationship;

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## Mandatory Reporting

- (K) Comply with mandatory reporting requirements of Texas Occupations Code Chapter 301 (Nursing Practice Act), Subchapter I, which include reporting a nurse:
  - (i) who violates the Nursing Practice Act or a board rule and contributed to the death or serious injury of a patient;
  - (ii) whose conduct causes a person to suspect that the nurse's practice is impaired by chemical dependency or drug or alcohol abuse;
  - (iii) whose actions constitute abuse, exploitation, fraud, or a violation of professional boundaries; or
  - (iv) whose actions indicate that the nurse lacks knowledge, skill, judgment, or conscientiousness to such an extent that the nurse's continued practice of nursing could reasonably be expected to pose a risk of harm to a patient or another person, regardless of whether the conduct consists of a single incident or a pattern of behavior.
  - (v) except for minor incidents as stated in the Nursing Practice Act and Board rules (22 TAC Chapter 217).

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## Scope of Practice & Order Clarification

- (L) Provide, without discrimination, nursing services regardless of the age, disability, economic status, gender, national origin, race, religion, health problems, or sexual orientation of the client served;
- (M) Institute appropriate nursing interventions that might be required to stabilize a client's condition and/or prevent complications;
- (N) Clarify any order or treatment regimen that the nurse has reason to believe is inaccurate, non-efficacious or contraindicated by consulting with the appropriate licensed practitioner and notifying the ordering practitioner when the nurse makes the decision not to administer the medication or treatment;
- (O) Implement measures to prevent exposure to infectious pathogens and communicable conditions;
- (P) Collaborate with the client, members of the health care team and, when appropriate, the client's significant other(s) in the interest of the client's health care;
- (Q) Consult with, utilize, and make referrals to appropriate community agencies and health care resources to provide continuity of care;

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## Assignments & Supervision

- (R) Be responsible for one's own continuing competence in nursing practice and individual professional growth;
- (S) Make assignments to others that take into consideration client safety and that are commensurate with the educational preparation, experience, knowledge, and physical and emotional ability of the person to whom the assignments are made;
- (T) Accept only those nursing assignments that take into consideration client safety and that are commensurate with the nurse's educational preparation, experience, knowledge, and physical and emotional ability;
- (U) Supervise nursing care provided by others for whom the nurse is professionally responsible; and
- (V) Ensure the verification of current Texas licensure or other Compact State licensure privilege and credentials of personnel for whom the nurse is administratively responsible, when acting in the role of nurse administrator.

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## Unprofessional Conduct Discussion Rule 217.12

- The unprofessional conduct rules are intended to protect clients and the public from incompetent, unethical, or illegal conduct of licensees. The purpose of these rules is to identify unprofessional or dishonorable behaviors of a nurse which the board believes are likely to deceive, defraud, or injure clients or the public. Actual injury to a client need not be established.

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## Six Step Decision Making Flowchart

This decision-making flowchart was developed by Board of Nursing (BON) staff to assist nurses in making good professional judgments about the nursing tasks or procedures they choose to undertake.

It references parts of the NPA and Rules, and asks the nurse to apply other questions to his/her specific practice situation. These same sections of the nursing laws and targeted questions are tools board staff utilize when nurses call and ask "Is this task/procedure in my scope of practice?"

A nurse always has a duty to his/her clients/patients to assure that they are safe. One of the most important actions a nurse can take toward that goal is making sure that he/she only accepts those assignments for which the nurse has the education, training, and skill competency. Physical and emotional ability can also impact a nurse's ability to maintain client safety when accepting an assignment.

The BON does not maintain that this is the only model a nurse may use for assistance in determining his/her scope of practice in a given situation; however, all nurses practicing in Texas must comply with the Nursing Practice Act and Board Rules as they apply to LVNs, RNs, and/or RNs with advanced practice authorization in a given role and specialty.




Texas Nursing Practice Act 301.002 (2), 301.002 (5), BON Rules 217, 224, 225  
**Six-Step Decision-Making Model for Determining Nursing Scope of Practice**


## Is this task or procedure in my Scope of Practice?

Six Steps will help you find out

<b>Step 1</b> ?	Is the act consistent with the Texas Nursing Practice Act (NPA)? Do the Board's rules or positions statements address this specific act?	<b>If Yes, continue</b> ✓	<b>If No, stop</b> ✓
<b>Step 2</b> ?	Is the activity appropriately authorized by valid order/protocol and in accordance with established policies and procedures?	<b>If Yes, continue</b> ✓	<b>If No, stop</b> ✓
<b>Step 3</b> ?	Is the act supported by either research reported in nursing and health-related literature or in scope of practice statements by national nursing organizations?	<b>If Yes, continue</b> ✓	<b>If No, stop</b> ✓
<b>Step 4</b> ?	Do you possess the required knowledge and have you demonstrated the competency required to carry out this activity safely?	<b>If Yes, continue</b> ✓	<b>If No, stop</b> ✓
<b>Step 5</b> ?	Would a reasonable and prudent nurse perform this activity in this setting?	<b>If Yes, continue</b> ✓	<b>If No, stop</b> ✓
<b>Step 6</b> ?	Are you prepared to assume accountability for the provision of safe care and the outcome of the care rendered?	<b>If Yes, perform the activity</b> ✓	<b>If No, stop</b> ✓

This decision-making flowchart was developed by Texas Board of Nursing (BON) staff to assist nurses in making good professional judgments about nursing tasks or procedures. For more information, visit: [www.bon.state.tx.us](http://www.bon.state.tx.us)


[www.TexasQualityMatters.org](http://www.TexasQualityMatters.org)  
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## Resources

- New Edition of the NPA Annotated Guides available from The Texas Nursing Association and The Board of Nursing
- [www.bon.state.tx.us](http://www.bon.state.tx.us)
- [www.texasnurses.org](http://www.texasnurses.org)