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ADVISORY OPINION STATEMENT

ROLES OF NURSES WHO PROVIDE "PRIVATE DUTY" NURSING

Introduction

The Kentucky Board of Nursing is authorized by Kentucky Revised Statutes Chapter 314 to regulate nurses and nursing education and practice, in order to assure that safe and effective nursing care is provided by nurses to the public.

The Kentucky Board of Nursing issues advisory opinions as to what constitutes safe nursing practice. As such, an opinion is not a regulation of the Board and does not have the force and effect of law. It is issued as a guideline to licensees who wish to engage in safe nursing practice.

Accountability and Responsibility of Nurses

KRS 314.021(2) holds nurses individually responsible and accountable for rendering safe, effective nursing care to clients and for judgments exercised and actions taken in the course of providing care.

KRS 314.021(2) imposes individual responsibility upon nurses. Acts which are within the permissible scope of practice for a given licensure level may be performed only by those licensees who personally possess the education and skill proficiency to perform those acts in a safe, effective manner.

Nursing practice should be consistent with the *Kentucky Nursing Laws*, established standards of practice, and be evidence based.

Statutes

KRS 314.011(6) defines "registered nursing practice" as:

> ...The performance of acts requiring substantial specialized knowledge, judgment, and nursing skill based upon the principles of psychological, biological, physical, and social sciences in the application of the nursing process in:
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> a) The care, counsel, and health teaching of the ill, injured or infirm.
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> b) The maintenance of health or prevention of illness of others.
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> c) The administration of medication and treatment as prescribed by physician, physician assistant, dentist, or advanced practice registered nurse and as further authorized or limited by the board, and which are consistent either with American Nurses' Association Standards of Practice or with Standards of Practice established by nationally accepted organizations of registered nurses. Components of medication administration include, but are not limited to:

1. Preparing and giving medication in the prescribed dosage, route, and frequency, including dispensing medications only as defined in subsection (17)(b) of this section;
2. Observing, recording, and reporting desired effects, untoward reactions, and side effects of drug therapy;
3. Intervening when emergency care is required as a result of drug therapy;
4. Recognizing accepted prescribing limits and reporting deviations to the prescribing individual;
5. Recognizing drug incompatibilities and reporting interactions or potential interactions to the prescribing individual; and
6. Instructing an individual regarding medications.

d) The supervision, teaching of, and delegation to other personnel in the performance of activities relating to nursing care.

e) The performance of other nursing acts which are authorized or limited by the board, and which are consistent either with American Nurses' Association Standards of Practice or with Standards of Practice established by nationally accepted organizations of registered nurses.

KRS 314.011(10) defines "licensed practical nursing practice" as:

...The performance of acts requiring knowledge and skill such as are taught or acquired in approved schools for practical nursing in:

a) The observing and caring for the ill, injured, or infirm under the direction of a registered nurse, a licensed physician, or dentist.

b) The giving of counsel and applying procedures to safeguard life and health, as defined and authorized by the board.

c) The administration of medication or treatment as authorized by a physician, physician assistant, dentist, or advanced practice registered nurse and as further authorized or limited by the board which is consistent with the National Federation of Licensed Practical Nurses or with Standards of Practice established by nationally accepted organizations of licensed practical nurses.

d) Teaching, supervising, and delegating except as limited by the board.

e) The performance of other nursing acts which are authorized or limited by the board and which are consistent with the National Federation of Licensed Practical Nurses' Standards of Practice or with Standards of Practice established by nationally accepted organizations of licensed practical nurses.

Advisory Opinion

The Kentucky Board of Nursing has received multiple inquiries regarding the appropriate utilization, role, and scope of nursing practice for nurses who provide private duty nursing services. "Private duty nursing services" may include those situations in which a nurse independently contracts with a client and/or client's family to provide nursing care to an individual client(s) in the home setting, or to provide components of nursing care to a client(s) who is in a health care facility.

After review of the statutes governing nursing practice and study of the issues and concerns regarding the utilization, role, and scope of nursing practice for nurses who provide private duty nursing care as arranged by individuals, clients, and/or families, the Kentucky Board of Nursing issued the following advisory opinion.

A nurse who provides private duty nursing care is responsible and accountable for assuring that nursing care is provided in a safe and effective manner. In order to assure this provision of care, the nurse should accept assignments and offer services that are commensurate with her/his qualifications, the nursing needs of the client, and the prescribed medical plan of care.

In order to make a determination as to whether it is appropriate for a nurse to independently contract with clients to provide private duty nursing care, the following factors should be considered:

1. The kinds of acts being performed;
2. The condition of the client for whom the acts are being performed;
3 The situation in which the acts are performed;
4. The preparation and experience of the nurse performing the acts;
5. The ability of the nurse to recognize adverse reactions and the capability to take appropriate actions in order to protect the client(s).

Based upon KRS 314.011(6), a registered nurse may provide nursing services to a client as an independent practitioner. The registered nurse is responsible for the application of substantial, specialized knowledge, judgement, and skill as well as the application of the nursing process in providing nursing care to the client; and is responsible for providing care which is consistent with the American Nurses' Association's standards of practice or other nationally accepted organizations as permitted by KRS Chapter 314. In addition, the registered nurse may administer prescribed medications and medical treatments, which are within the scope of, registered nursing practice, and for which the registered nurse is educationally prepared and clinically competent to administer.

Based upon KRS 314.011(10), the licensed practical nurse applies knowledge and skill such as taught in the prelicensure nursing education program in caring for a client. A licensed practical nurse is not licensed for independent practice, but may provide private duty nursing under the direction of an advanced practice registered nurse, registered nurse, physician, or dentist. The licensed practical nurse may provide nursing care which is within the legal scope of licensed practical nursing practice and which is consistent with the National Federation of Licensed Practical Nurses' standards of practice or other nationally accepted organizations as permitted by KRS Chapter 314. The licensed practical nurse may administer prescribed medications and treatments that are within the scope of licensed practical nursing practice, and for which the licensed practical nurse is educationally prepared and clinically competent to administer.

Nurses who provide private duty nursing service are responsible for maintaining essential entries on essential records.

Determining Scope of Practice

KRS 314.021(2) holds all nurses individually responsible and accountable for the individual's acts based upon the nurse's education and experience. Each nurse must exercise professional and prudent judgment in determining whether the performance of a given act is within the scope of practice for which the nurse is both licensed and clinically competent to perform. In addition to this advisory opinion statement, the Kentucky Board of Nursing has published "Scope of Practice Determination Guidelines" which contains a decision tree chart providing guidance to nurses in determining whether a selected act is within an individual nurse's scope of practice now or in the future. A copy of the guidelines may be downloaded from the KBN website at http://kbn.ky.gov.

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