



KENTUCKY BOARD OF NURSING
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ADVISORY OPINION STATEMENT

SCHOOL NURSING PRACTICE

The Kentucky Board of Nursing is authorized by Kentucky Revised Statutes (KRS) Chapter 314 to regulate nurses, nursing education and practice, promulgate regulations and to issue advisory opinions on nursing practice, in order to assure that safe and effective nursing care is provided by nurses to the citizens of the Commonwealth.

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 guide to licensees who wish to engage in safe nursing practice.

Opinion:
SCHOOL NURSING PRACTICE
Approved Date: 2/93
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12/2012, 6/2014
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Accountability and Responsibility of Nurses

In accordance with KRS 314.021(2), nurses are responsible and accountable for making decisions that are based upon the individuals' educational preparation and experience in nursing, and requires licensees to practice nursing with reasonable skill and safety. Nursing practice should be consistent with the *Kentucky Nursing Laws*, established standards of practice, and be evidence based.

Rationale for Advisory Opinion Statement

The primary mission of the Kentucky Board of Nursing is to ensure public protection and, in this capacity, the Board is concerned with the appropriate utilization of both licensed and unlicensed personnel who provide healthcare to students. To that end, the Board issues guidelines regarding the delivery of care in educational settings to ensure the health and safety of students.

Background: School Health Nursing Services

As stated in the American Nurses' Association "Scope and Standards of School Nursing Practice" (2011)¹ the purpose of school nursing is to enhance a student's educational process by the modification or removal of health-related barriers to learning and by promotion of an optimal level of wellness.

KRS 156.501 establishes provisions for the Kentucky Department of Education (KDE) to provide leadership and assistance to local school districts relating to student health services. The statute created a registered nurse school consultant position within the KY Department of Education. The KDE, working in cooperation with the Department for Public Health, is required to establish standardized protocols and guidelines for health procedures to be performed by health professionals and school personnel. The protocols and guidelines shall include, in part, the delegation of nursing functions consistent with Kentucky administrative regulation 201 KAR 20:400 Delegation of nursing tasks.

KRS 156.502 establishes a definition of "health services" and established provisions for who shall provide health services in schools. Persons who provide health services include: physicians, advanced practice registered nurses (APRNs), registered nurses, and licensed practical nurses. In addition, nursing tasks may be delegated to unlicensed school personnel in school settings by a registered nurse, APRN or physician.

Advisory Opinion

After review of the statutes governing nursing practice, curricula of prelicensure and continuing education nursing programs, standards of nursing practice, and study of the issues and concerns regarding school health nursing practice, the Kentucky Board of Nursing issued this advisory opinion statement.

I. Advanced Practice Registered Nursing Practice

It is within the scope of the advanced practice registered nurse (APRN), designated nurse practitioner or clinical nurse specialist, to provide primary healthcare services to students in accordance with 201 KAR 20:057 Scope and standards of practice of APRNs. The APRN may also perform acts within the scope of registered nursing practice.

II. Registered Nursing Practice

It is within the scope of registered nursing practice for a registered nurse, qualified by education, experience, and current clinical competence to provide school health services/acts including but not limited to the following:

- A. Utilizes substantial, specialized nursing knowledge, judgment and skill to "provide health care to students and staff, performs health screenings and coordinates referrals to the medical home or private healthcare provider. The school nurse serves as a liaison between school personnel, family, community and healthcare providers to advocate for health care and a healthy school environment" (American Nurses Association & National Association of School Nurses [ANA & NASN], 2011).

¹ School Nursing: Scope and Standards of Practice: 2nd edition, may be obtained from the American Nurses' Association. Additional information on school nursing may be obtained from the National Association of School Nurses, Inc.

- B. Serve as a health advocate of students, and a consultant to educational staff.
- C. Serve in family resource and youth services centers as defined in KRS 156.497.
- D. Provide health teaching with a focus on disease prevention, health promotion, and health restoration.
- E. Monitor the quality of the healthcare services provided for students.
- F. Provide direct clinical services for students with special needs and/or teach and verify competency, supervise and delegate [as defined in KRS 314.011(2)] the performance of select tasks to unlicensed school personnel in accordance with the administrative regulation 201 KAR 20:400 governing delegation of nursing tasks to unlicensed persons.
- G. Participate in the development of policies and procedures to guide nursing practice in school settings, and to address expanding school health services to students, families and communities.
- H. Delegate select health services to a school employee in accordance with KRS 156.502, 201 KAR 20:400, and KBN Advisory Opinion Statement (AOS #15) Roles of Nurses in Supervision and Delegation to Unlicensed Personnel.

III. Licensed Practical Nursing Practice²

KRS 314.011(10) defines licensed practical nursing practice. By definition, licensed practical nurses practice under the direction of a registered nurse, physician, or dentist and are not licensed for independent nursing practice. The Board recognizes the participation of the licensed practical nurse in school nursing practice when the LPN is qualified by education, experience and current clinical competency and practices under the direction and delegation of a designated registered nurse, physician, or when applicable, a dentist. The licensed practical nurse performs acts within the scope of licensed practical nursing practice as defined in KRS 314.011 (10). However, under KRS 156.502 (2) the LPN does not delegate the performance of health services to school employees.

Educational Preparation

Nurses are responsible for having documented evidence of adequate educational and experiential preparation to provide school nursing in a safe, effective manner. Such educational preparation should be acquired in an approved prelicensure education program or via successful completion of applicable continuing education program(s). The Board recognizes the value and necessity of prelicensure education in community health nursing for nurses who provide school health services; community health nursing curriculum is included in baccalaureate degree registered nursing education programs. Post registered nurse certification programs are available which offer curricula preparing nurses for school nursing practice.

² For additional information please refer to the Advisory Opinion Statement #27 entitled "Components of Licensed Practical Nursing Practice."

Decisions Related to Delegation

A registered nurse who makes decisions related to delegation of tasks is governed by 201 KAR 20:400 Delegation of nursing tasks. (An informational copy of the regulation may be downloaded from the KBN website at <http://www.lrc.state.ky.us/kar/201/020/400.htm>). In addition to this advisory opinion the Kentucky Board of Nursing has published the Decision Tree for Delegation to Unlicensed Assistive Personnel which provides guidance to the nurse in determining whether a selected act should be delegated (An informational copy of the decision tree may be downloaded from the KBN website at <http://kbn.ky.gov/NR/rdonlyres/E1591ED0-5C3E-425C-ACE6-396268CE1774/0/DecisionTreeforDelegationtoUAP.pdf>). In summary, delegation should occur only if, in the professional opinion of the delegating nurse, the act may be competently and safely performed by the person to whom the act is delegated.

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 Board's website <http://kbn.ky.gov/NR/rdonlyres/74A5FF75-543D-4E12-8839-720B7623DA87/0/ScopeDeterminGuidelines.pdf> .

Applicable Statutes From the *Kentucky Nursing Laws*³

KRS 314.011(8) defines "advanced practice registered nursing practice" as:

... The performance of additional acts by registered nurses who have gained added knowledge and skills through an organized postbasic program of study and clinical experience and who are certified by the American Nurses' Association or other nationally established organizations or agencies recognized by the board to certify registered nurses for advanced nursing practice. The additional acts shall, subject to approval of the board, include but not be limited to prescribing treatment, drugs, devices, and ordering diagnostic tests. Advanced practice registered nurses who engage in these additional acts shall be authorized to issue prescriptions for and dispense nonscheduled legend drugs as defined in KRS 217.905 and to issue prescriptions for but not to dispense Schedules II through V controlled substances as classified in KRS 218A.060, 218A.070, 218A.080, 218A.090, 218A.100, 218A.110, 218A.120, and 218A.130, under the conditions set forth in KRS 314.042 and regulations promulgated by the Kentucky Board of Nursing on or before August 15, 2006. (a).... ...The performance of these additional acts shall be consistent with the certifying organization or agencies' scopes and standards of practice recognized by the board by administrative regulation.

³ A copy of the *Kentucky Nursing Laws* may be downloaded from the Kentucky Board of Nursing website at <http://kbn.ky.gov>.

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:

- a) The care, counsel, and health teaching of the ill, injured or infirm.
- b) The maintenance of health or prevention of illness of others.
- 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.

KRS 314.011(13) defines "nursing assistance" as:

... The performance of delegated nursing acts by unlicensed nursing personnel for compensation under supervision of a nurse.

KRS 314.021(2) states:

All individuals licensed under provisions of this chapter shall be responsible and accountable for making decisions that are based upon the individuals' educational preparation and experience in nursing.

KRS 314.011(2) defines "delegation" as:

... Directing a competent person to perform a selected nursing activity or task in a selected situation under the nurse's supervision and pursuant to administrative regulations promulgated by the board in accordance with the provisions of KRS Chapter 13A.

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Attachment: 201 KAR 20:400. Delegation of nursing tasks.

201 KAR 20:400. Delegation of nursing tasks.

RELATES TO: KRS 311A.170, 314.011, 314.021(2), 314.091(1)

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the board to promulgate administrative regulations necessary to implement KRS Chapter 314. KRS 314.091(1)(d) prohibits a person from negligently or willfully acting in a manner inconsistent with the practice of nursing. This administrative regulation establishes requirements that govern the delegation of a nursing task in a safe, effective manner so as to safeguard the health and welfare of the citizens of the Commonwealth.

Section 1. Definitions. (1) "Board" is defined in KRS 314.011(1).

(2) "Client" means a patient, resident or consumer of nursing care.

(3) "Competence" means performing an act in a safe, effective manner.

(4) "Delegatee" means a person to whom a task is delegated.

(5) "Delegator" means the nurse delegating a task to another person.

(6) "Nurse" is defined in KRS 314.011(3).

(7) "Nursing task" means an act included in the definition of registered nursing practice, advanced practice registered nursing, or licensed practical nursing practice pursuant to KRS 314.011(6), (8), or (10).

(8) "Paramedic" is defined in KRS 311A.010.

(9) "Supervision" means the provision of guidance by a qualified nurse for the accomplishment of a nursing task with periodic observation and evaluation of the performance of the task including validation that the nursing task has been performed according to established standards of practice.

(10) "Unlicensed person" means an individual, other than a nurse, the client, or the client's family, legal guardian, or delegatee, who functions in an assistant or subordinate role to the nurse.

Section 2. Nurse's Responsibility in Delegation. (1) A registered nurse or a licensed practical nurse may delegate a task to an unlicensed person in accordance with this section and Sections 3 and 4 of this administrative regulation.

(2) A registered nurse may delegate a task to a paramedic employed in a hospital emergency department in accordance with KRS 311A.170 and Sections 3 and 4 of this administrative regulation.

(3) Prior to delegating a nursing task, the nurse shall determine the nursing care needs of the client. The nurse shall retain responsibility and accountability for the nursing care of the client, including nursing assessment, planning, evaluation and assuring documentation.

(4) The nurse, prior to delegation to an unlicensed person, shall have either instructed the unlicensed person in the delegated task or determined that the unlicensed person is competent to perform the nursing task.

(5) A nursing task shall be delegated directly or indirectly. An indirect delegation shall not alter the responsibility of the nurse for appropriately assigning and supervising an unlicensed person.

(6) A nurse who delegates a nursing task in violation of this administrative regulation or participates in the utilization of an unlicensed person in violation of this administrative regulation shall be considered acting in a manner inconsistent with the practice of nursing.

Section 3. Criteria for Delegation. The delegation of a nursing task shall meet the following criteria:

(1) The delegated nursing task shall be a task that a reasonable and prudent nurse would find is within the scope of sound nursing judgment and practice to delegate.

(2) The delegated nursing task shall be a task that, in the opinion of the delegating nurse, can be competently and safely performed by the delegatee without compromising the client's welfare.

(3) The nursing task shall not require the delegatee to exercise independent nursing judgment or intervention.

(4) The delegator shall be responsible for assuring that the delegated task is performed in a competent manner by the delegatee.

Section 4. Supervision. (1) The nurse shall provide supervision of a delegated nursing task.

(2) The degree of supervision required shall be determined by the delegator after an evaluation of appropriate factors involved including the following:

(a) The stability and acuity of the client's condition;

(b) The training and competency of the delegatee;

(c) The complexity of the nursing task being delegated; and

(d) The proximity and availability of the delegator to the delegatee when the nursing task is performed. (19 Ky.R. 1242; eff. 1-27-93; Am. 25 Ky.R. 2189; 2546; eff. 5-19-99; 29 Ky.R. 2947; eff. 8-13-03; TAm eff. 7-15-2010.)