



KENTUCKY BOARD OF NURSING
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ADVISORY OPINION STATEMENT

PATIENT ABANDONMENT BY NURSES

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 guideline to licensees who wish to engage in safe nursing practice, and to facilitate the delivery of safe, effective nursing care to the public.

Opinion: PATIENT ABANDONMENT BY NURSES

Approved Date: 4/2003

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Reviewed: 3/2011

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 current clinical competence 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

The Kentucky Board of Nursing has received multiple inquires seeking information on when a nurse may leave a patient assignment and not be in violation of the *Kentucky Nursing Laws*.

Advisory Opinion

Nurses have a professional and ethical obligation to provide for patient safety, avoid patient abandonment, and to withdrawal only when assured that, nursing care is available to the patient¹. While the terms “abandonment” and “patient abandonment” are not used in the *Kentucky Nursing Laws* (Kentucky Revised Statutes Chapter 314), the Board has authority to take disciplinary action in specific cases based on its interpretation of what constitutes professional misconduct. In Kentucky, a nurse whose behaviors are inconsistent with the safe practice of nursing may be charged with being in violation of KRS 314.091(1)(d) “...negligently or willfully acting in a manner inconsistent with the practice of nursing...” All complaints received by the Board alleging patient abandonment are evaluated on a case-by-case basis.

In general, abandonment occurs when a nurse voluntarily removes himself/herself from the care delivery setting without giving notice, and without making an effort to arrange for another qualified person to assume responsibility for patient care. Patient abandonment endangers the health, safety, and welfare of patients entrusted to the nurses’ care.

As a guide to nurses and employers, the Board advises that, in general, a nurse who has accepted responsibility for a patient assignment may leave the patient assignment **only** after:

1. Communicating the need to do so with the nurse’s supervisor; and
2. Exhausting all reasonable and prudent efforts to place the care of the patients in another nurse’s care.

While it is difficult to specifically state when abandonment occurs, it is clear that abandonment does not occur when a nurse who cannot practice with reasonable skill and safety leaves an assignment after fulfilling the two obligations stated above.

There are employment issues that do not rise to the level of patient abandonment, and thus, are not within the jurisdiction of the Board to address. Examples of employer issues include, an employee “no call, no show” situation, an employee refusal to work “mandatory overtime” beyond the regularly scheduled number of hours, and employer resignation policies.

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

Advisory opinion statements issued by the Kentucky Board of Nursing are guidelines to licensees who wish to engage in safe nursing practice. As such, an opinion statement is not a regulation of the board and does not have the force and effect of law.

¹ American Nurses Association (2015). Code of Ethics for Nurses with Interpretative Statements.