



Laws and Rules the Governs Nursing Practice in the State of Florida

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Target Audience

Advanced Practice Registered Nurses, Registered Nurses, and Licensed Practical Nurses

Purpose

The purpose of this continuing education course is to provide nurses with an overview about the laws that governs the practicing nurse in the state of Florida. This continuing education course will include an overview of the nurse practice act laws and rules, the Florida Board of Nursing rights and regulations, the American Nurses Association (ANA) Standards of Clinical Practice, Unprofessional Conduct Resulting in Disciplinary Actions for the Florida Nurse, and the nursing code of ethics. After the completion of this course you will be able to:

Objectives

1. Describe the legislative the reasons for creating the Nurse Practice Act



2. Identify the Role of the Florida Board of Nursing
3. Explain several Florida Nurse Licenses practice requirements
4. List the scope of practice for each practicing nurse discipline in the state of Florida
5. Outline and discuss grounds for discipline of any Florida
6. Identify several nursing websites to navigate for additional information on laws and rules required for the Florida practicing nurse
7. Understand the nursing code of ethics.

Introduction

According to the National Council of State Boards of Nursing, (2014) over 100 years ago, state governments sanctioned laws that protected the public health and welfare by overseeing and ensuring the safe practice of nursing. As a result all states were required by these sanctions to have enacted a nurse practice act (NPA). Each state's NPA is enacted by the state's legislature. Because the NPA do not contain all the necessary provisions that govern nursing practice, the NPA in all states requires the board of nursing (BON) to have the authority to develop administrative rules or regulations to clarify or make additional laws that governs nursing practice for example the Board of Nursing Rights and Regulations (National Council of State Boards of Nursing, 2014).

American Nurses Association (ANA) Standards of Clinical Practice

The ANA Describe the responsibilities for which nurses are accountable. The ANA standards of practice includes but not limited to:

1. Reflect values and priorities of nursing



2. Provide direction for practice
3. Provides framework for evaluation
4. Defines accountability to the patient/public
5. Quality of care that systematically evaluates the quality and effectiveness of Nursing practice
6. Education- Nurses are responsible for acquiring and maintaining current knowledge and competency in nursing practice

Board of Nursing Rights and Regulations.

Nursing is considered by the American Nurses Association (2003) the protection, promotion and optimization of health and abilities, prevention of illness and injury, alleviation of suffering through the diagnosis and treatment of human response, and advocacy in the care of individuals, families, communities, and populations. A nursing license is an authorization to practices that are regulated by a set of laws. All individuals desiring to practice as a nurse are required to have a license. Nurse's licenses serve a purpose in that to guard the community against harm by setting minimal credential and competency standards for proper safe levels of practicing nurses in the state of Florida (Florida Board of Nursing, 2014).

The Florida BON was established by the Florida State Legislature, as a non- profit government agency to provide health assurance to the public by applying rules and regulations in accordance to safe nursing practice. Additionally the Florida BON establishes the scopes of nursing practice, implements and enforces laws that govern nursing practices, education and license, conduct hearings for licensees and prosecution of violations of the nurse practice acts, adopt exams for



licensure and certifications, and regulates, and enforces the Nurse Practice ACT (Florida Board of Nursing, 2014). The Florida Board of Nursing is composed of:

- 1) Thirteen members that are appointed by the Florida State Governor that consists of
 - a. Seven Registered Nurses
 - b. Three Practical Nurses who are licensed and have been practicing as a professional nurse within the state for at least four years
 - c. Three consumer members that are neutral, and have never been exposed to nursing practice (Florida Board of Nursing, 2014).

The Florida Nurse Practice Act

According to Florida Statutes 464 (2014) the Florida Nurse Practice Act was legislated to safeguard the public, and the purpose of the Act is to ensure that minimum safety requirements are met by every nurse practicing in the state of Florida. The Nurse Practice Act, Chapter 464 of the Florida Statutes (2014) includes:

- a. Licensure
- b. Certifications
- c. Violations and penalties.
- d. Disciplinary actions.
- e. Approval of nursing education programs.



See the **2014 Florida Statutes for the Nurse Practice Act** for more information under the

URL: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0464/0464.html

According to LLC, & George (2008) Nursing Law Manuel the Florida Nurse Practice Act, Chapter 464, Florida Statutes, was enacted to ensure that every nurse practicing in Florida meets minimum requirements for safe practice. A nurse who falls below the minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in Florida. The statutes targeted audience consist of Registered Nurses (RNs) that include the Advance Practice Nurses, Licensed Practical Nurses (LPNs), and Nursing Assistants. LLC, & George (2008) Nursing Law Manuel Further illustrates that every nurse who practices in the state of Florida must be familiar with the definitions that fall under Statue 464 established by the Florida Board of Nursing as they define the limits on what a Nurse who practice and hold a licensure in the State of Florida is allowed to legally do.

Advance Register Nurse Practitioners ARNPs are considered certified in and advanced or specialized nursing practice. ARNPs must practice in accordance with the Nurse Practice Act. According to the Florida Board of Nursing (2014) ARNPs may perform acts of nursing diagnosis and treatment of alterations of the health status as well as medical diagnosis and treatment as defined by a designated joint committee. Practicing ARNPs are required to obtain and keep active malpractice insurance or demonstrate proof of financial responsibility prior to licensure (Florida Administrative Code, 2010). Rule 64B9-4.011 states that any ARNP must show proof of compliance with the rule or exemption of obtaining and keeping active his or her malpractice insurance any exemption should be presented to the Board office within 60 days of certification



at each biennial renewal. Additionally Rule 64B9-4.011 states, “ARNPs employed by organizations containing protocols that permits them to dispense medication must register with the Board of Nursing by submitting a completed Dispensing Application for ARNPs and must be in compliances with the rule (Florida Administrative Code, 2010).

Unprofessional Conduct Resulting in Disciplinary Actions for the Florida Nurse

There are many grounds for disciplinary actions listed in the Nurse Practice Act (2014), and the Florida Department of State (2010) that can result in disciplinary actions by the Board of Nursing. However of the many grounds for disciplinary actions by the Board of Nursing the ones listed below are heightened under rule 64B9-8.005 from the Florida Department of State (2010)

1. Inaccurate recording such as falsifying documentation or patient records.
2. Providing false or incorrect information to an employer regarding the status of your nursing license
3. Using or attempting to use a license which has been suspended or revoked is unacceptable and a criminal act as stated by the Nurse Practice Act.
4. Unprofessional conduct, as defined by board rule, which could include stealing, use of drugs, trafficking drugs, alcohol abuse (driving under the influence, using alcohol while working). These are unacceptable unprofessional behaviors that can lead to disciplinary actions.
5. Leaving a nursing assignment without advising another licensed nursing personnel
6. Engaging or attempting to engage in the possession, sale, or distribution of controlled substances such as pills, cocaine, etc. Unacceptable by the Board of Nursing and can lead to arrest and possible jail time.

7. Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome and failing to comply with the educational course requirements for domestic violence will cause disciplinary actions with the Board of nursing. It is important for the nurse to have knowledge regarding the most important patient care items that impact nursing.
8. Exercising influence on the patient or client for the purpose of financial gain can lead to arrest and jail time.
9. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform is against the Nurse Practice Act. The Nurse Practice Act specifically states the scope of practice for all licensed nurses, including medical assistants.
10. Violating the confidentiality of information or knowledge concerning a patient. (American Nurses Association, 2014; Florida Department of State 2010).

Being defiant of the Nurse Practice Act can lead to disciplinary action by the board of nursing, suspension or revoking of license, arrest, and possible jail time. It is mandatory that all licensed nurses abide by the Practice Act (American Nurses Association, 2014; Florida Department of State 2010).

Code of Ethical and legal Practice in Nursing

Ethics is a branch of philosophy (the study of beliefs and assumptions) referred to as moral philosophy. Derived from the Greek word “ethos” which means customs, habitual usage,



conduct and character (Oxforddictionaries.com, 2012). Ethics: usually refers to the practices, beliefs, and standards of behavior of a particular group such as nurses. It also refers to the method of inquiry that assists people to understand the morality of human behavior (study of morality). The American Nurses Association has established the Code of Ethics for Nurses, which is intended to act as a guide for nurses to use in both ethical and legal situations and decision-making when practicing nursing. The code of ethic contains nine provisions of legal implications that can affect nursing practice.

When a nurse fails to meet the legal expectations of care, or fall below the minimal standards of care listed under the Nurse Practice Act, the patient can initiate action if harm or injury is incurred by the client. Nurses use critical thinking, knowledge, experience, attitude and standards to care for patients. However when a nurses conduct of professional behavior fall into a situation of wrongful conduct, improper discharge of professional duties, or failure to meet the standards of acceptable care, which results in harm to another person, or failure to provide care that may results in an injury; this is considered malpractice. According Paterick, Carson, Allen, Paterick, (2008) tort can consist of four elements and these four elements must be proven for a ruling of malpractice:

1. Duty: The nurse owed a duty to meet a particular standard of care.
2. Breach of duty: The nurse failed to perform the owed duty.
3. Causation: There is a causal connection between the nurse's failure and the patient's injury.
4. Damages: An injury occurred for which monetary compensation is adequate relief.



The entire nine provisions of legal implications that can affect nursing practice, and the code of ethics can be viewed at:

<http://www.nursingworld.org/MainMenuCategories/EthicsStandards/CodeofEthicsforNurses/Code-of-Ethics.pdf>

Nursing Practice License Requirements for the State of Florida

According to the Florida Administrative Code, Rule 64B9-1.013 all licensed nurses must maintain a current address on file with the BON, and any changes in address must be reported or changed with the BON within 60 days. The Florida Board of Nursing (2014) requirements for licensure by examination can be found in Section 464.008, F.S, and includes:

1. Florida nursing licensees request must complete an application for endorsement and pay a \$150 application fee. This fee is payable to the state of Florida so that the licensee can sit for the state board examination. It must be paid after completion of a nursing education program that is approved or recognized by the jurisdiction in which it is based and that has been issued an NCLEX code by the National Council of State Boards of Nursing (NCSBN), or a graduation from a program that has Accreditation Commission for Education in Nursing (ACEN) or Commission on Collegiate Nursing Education (CCNE) accredited that has been issued an NCLEX code by NCSBN (Florida Board of Nursing, 2014; Florida Department of State 2010).
2. Another requirement is that the licensee has to submit information to have a level II criminal background check done through the Department of Law Enforcement. The background check must be done prior to application and prior to sitting for the Florida



state board examination. The background check will determine if any persons have a misdemeanor or felony on their record.

3. The licensee must be in good mental and physical health with the ability to speak English because the examination for licensure is written in English and English is the primary language in the state of Florida.

Once all of the above requirements are completed, the licensee will be able to sit and take the state board examination. Upon completion and passing of the state board examination, the licensee will receive their license to practice in the state of Florida. But once licensed, they must stay within their scope of practice as defined by the Nurse Practice Act (Florida Board of Nursing, 2014; Florida Department of State 2010).

Renewal of Nursing License

Florida Board of Nursing CE Requirements

CE Requirements for Florida RNs:

The Florida Board of Nursing requirements for RNs are to complete 24 hours of continuing education (CE) during each renewal period, including

- a. Two (2) hours relating to prevention of medical errors
- b. Two (2) hours of domestic violence CE every third renewal for a total of 26 hours.
- c. Florida Laws and Rule (New Requirement in 2015)
- d. One (1) hour HIV/AIDS
- e. For initial licensure, RNs must complete

One (1) hour of HIV/AIDS (one time requirement prior to first renewal)

Two (2) hour course relating to prevention of medical errors.



CE Requirements for Florida LPNs:

LPNs are required to complete 24 hours of appropriate continuing education (CE) during each renewal period:

- a. Two (2) hours relating to prevention of medical errors
- b. Two (2) hours of domestic violence
- c. One (1) hour of HIV/AIDS (one time requirement prior to first renewal)

Level of Nursing Practice

	License Practical Nurse Scope of Practice	Registered Nurse Scope of Practice	Advanced Registered Nurse Practitioner Scope of Practice
Assessment	Florida statutes define practical nursing as the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist	Practice of professional nursing" means the performance of those acts requiring substantial specialized knowledge, judgment, and nursing skill based upon applied principles of psychological, biological, physical, and social sciences which shall include	An ARNP perform acts of medical diagnosis and treatment, prescription, and operation. The requirements for ARNPs and a detailed discussion of their scope of practice are contained in another chapter of this Manual.
	Recognizes changes in the patient health status and reports those changes to the RN	Recognizes changes in the patient health status and uses specialized knowledge and skills to react	Recognizes changes in the patient health status and uses specialized knowledge and skills to react
	Gathers assessment data	Gathers or reviews	Gathers or reviews

	and records the data. Data is then reported to the RN	comprehensive subjective and objective data and detects changes or missing information	comprehensive subjective and objective data and detects changes or missing information
		Applies nursing knowledge in the integration of the biological, psychological, and social aspects of the client's condition; and	Applies nursing knowledge in the integration of the biological, psychological, and social aspects of the client's condition; and
Nursing Diagnosis	Not within the scope of practice for	The RN has the knowledge and the ability to use critical thinking and nursing judgment to analyze client assessment data to formulate a Nursing diagnosis	The ARNP has the knowledge and the ability to use critical thinking and nursing judgment to analyze client assessment data to formulate a Nursing diagnosis however the ARNP can also perform acts of medical diagnosis and treatment, prescription, and operation.
Additional definitions for the scope of practice for nurses in Florida can be found in The Florida Nurse Practice Act, Section 464.003, Florida Statutes.			

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