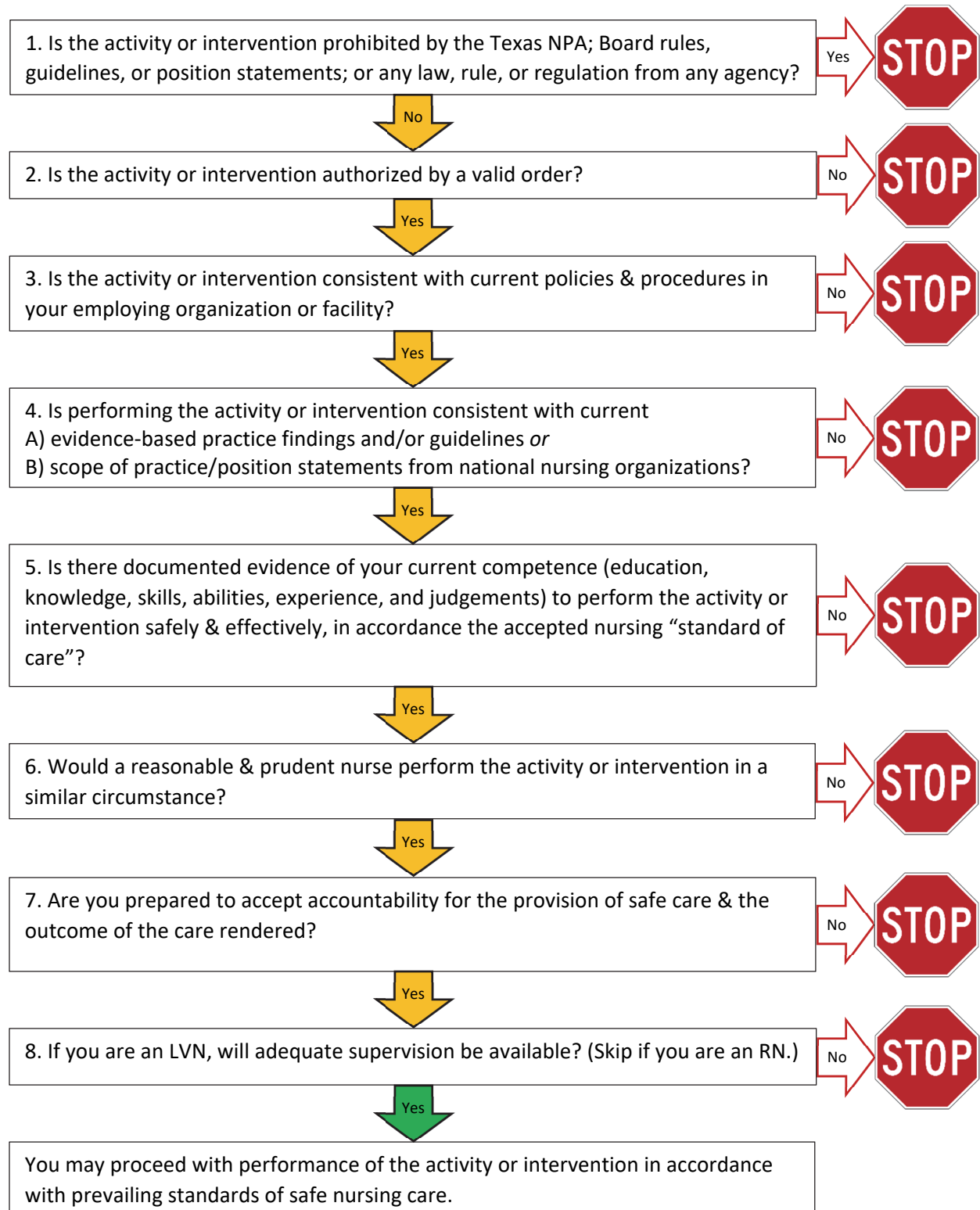




## Texas Board of Nursing Scope of Practice Decision-Making Model

To begin, identify or clarify the activity, task, procedure, role, or intervention under consideration.



## Texas Board of Nursing Scope of Practice Decision-Making Model Considerations & Resources

The Texas Board of Nursing (Board) recognizes that nursing is a dynamic, ever-changing practice. As such, the Board does not have an all-purpose list of tasks that every nurse can or cannot perform. Rather, because each nurse has a different background, knowledge, and level of competence, it is up to each individual nurse to use sound judgment when deciding whether or not to perform any particular activity, task, procedure, role, or intervention. This Scope of Practice Decision-Making Model was developed by Board Staff to assist nurses in making scope of practice decisions. The model is designed to be used in sequence, beginning at the top with question number one. In the model, nurses are asked reflective questions, and depending on how they answer, they are directed to continue through the model or stop. At any point, if a nurse reaches a Stop Sign, he/she should consider the activity or intervention in question beyond (or outside) his/her scope of practice. The Board 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 NPA and Board rules in all instances while practicing nursing.

A nurse always has a fundamental duty to ensure safe patient care. One of the most important actions a nurse can take toward fulfilling that responsibility is making sure that he/she only accepts nursing assignments that are consistent with his/her education, experience, knowledge, training, skill competencies, and physical and emotional abilities. Below are examples of considerations and resources to examine for each question in the decision-making model.

| <b>Decision-Making Model Question:</b>                                                                                                                            | <b>For each question, reflect upon the following considerations and explore the additional resources (not all-inclusive):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| 1. Is the activity or intervention prohibited by the Texas NPA; Board rules, guidelines, or position statements; or any law, rule, or regulation from any agency? | <ul style="list-style-type: none"> <li>• The Texas Nursing Practice Act (NPA) is found in Chapter 301 of the Texas Occupations Code, Chapter 303 is Nursing Peer Review, and Chapter 304 is Nurse Licensure Compact; the Board rules are located in the Texas Administrative Code.               <ul style="list-style-type: none"> <li>○ To begin, consider focusing on the following: NPA Sec. 301.002(2) &amp; (5) and Board Rules 217.11, 217.12, 224 &amp; 225.</li> <li>○ The laws and rules within the Board's purview are available on the BON website.</li> </ul> </li> <li>• Review relevant BON Position Statements, Guidelines and Frequently Asked Questions available on the BON website.</li> <li>• Research potentially applicable regulations from other regulators that relate to your practice setting and the situation at hand, for instance,               <ul style="list-style-type: none"> <li>○ the Texas Medical Board (TMB)—e.g., related to physician delegation, nonsurgical medical cosmetic procedures, etc.;</li> <li>○ the Texas State Board of Pharmacy (TSBP)—e.g., related to medication labeling and dispensing, medication containers and storage, etc.; and</li> <li>○ Centers for Medicare &amp; Medicaid Services (CMS)—e.g., related to billing for services, specific documentation requirements, etc.; etc.</li> </ul> </li> </ul> |
| 2. Is the activity or intervention authorized by a valid order?                                                                                                   | <ul style="list-style-type: none"> <li>• Orders must be written by practitioners legally authorized to prescribe medications and/or treatments in the State of Texas.</li> <li>• If there is any question about the accuracy or appropriateness of an order, clarification must be sought [Board Rule 217.11(1)(N)].</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3. Is the activity or intervention consistent with current policies & procedures in your employing organization or facility?                                      | <ul style="list-style-type: none"> <li>• Locate current policies and procedures at your place of employment, or speak with your nursing supervisor or nursing administrator regarding the facility's policy or position on nurses performing the activity or intervention in question.</li> <li>• If the facility does not have current, applicable policies and procedures in place, your employer may consider developing policies and procedures to offer guidance to nurses related to performing the activity or intervention in the future. The employer can also use this decision-making model as a resource to develop a policy.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p>4. Is performing the activity or intervention consistent with current</p> <p>A) evidence-based practice findings and/or guidelines <i>or</i></p> <p>B) scope of practice/position statements from national nursing organizations?</p>                         | <ul style="list-style-type: none"> <li>• Perform a literature search and/or contact national nursing organizations/associations and/or accreditation/certification organizations for guidance as to the standard of care in a particular care delivery setting or specialty area. <ul style="list-style-type: none"> <li>○ Examples include: the American Nurses Association; the Emergency Nurses Association; the Association of Women’s Health, Obstetric and Neonatal Nurses; the National Association of School Nurses; the Association of periOperative Registered Nurses; The Joint Commission; etc.</li> </ul> </li> <li>• Research if a national nursing organization has issued a position statement, guideline, practice standard, or scope of practice determination supporting LVNs, RNs, and/or APRNs engaging in the activity or intervention.</li> <li>• Administration and/or legal counsel at your place of employment may be able to assist you with accessing some of these resources.</li> </ul> |
| <p>5. Is there documented evidence of your current competence (education, knowledge, skills, abilities, experience, and judgements) to perform the activity or intervention safely &amp; effectively, in accordance the accepted nursing “standard of care”?</p> | <ul style="list-style-type: none"> <li>• Education may be acquired through a basic nursing education program, post-basic program, Continuing Nursing Education, achieving a national nursing certification, etc.</li> <li>• Consider keeping records of your past experiences with such an activity or intervention, i.e., the number of times you have observed and/or performed, been evaluated on, and/or educated others about the activity or intervention.</li> <li>• Maintain copies of your performance evaluations and skill check-offs.</li> <li>• Documentation validating current competency should be maintained in accordance with agency/facility policy and procedure <ul style="list-style-type: none"> <li>○ Nurses are encouraged to maintain copies of their competency forms.</li> </ul> </li> <li>• If ever questioned about your practice, showing documentation of relevant education, training, and competency can support your practice decision(s).</li> </ul>                             |
| <p>6. Would a reasonable &amp; prudent nurse perform the activity or intervention in a similar circumstance?</p>                                                                                                                                                 | <ul style="list-style-type: none"> <li>• An additional, related question to ask is: If an untoward event/reaction occurs as a result of your actions, can nursing interventions alone resolve the situation?</li> <li>• Determine if another nurse with your same skill level, training, and experience would perform the activity or intervention with the same patient, in the same setting.</li> <li>• Ask your peers and coworkers whether they would or would not perform the intervention or activity.</li> <li>• Consider the human, material, equipment, and other resources available to you in your setting, as these can vary greatly across the spectrum of possible care environments and may contribute to a nurse’s decision in a given circumstance.</li> <li>• Ask your supervisor what resources are available to you related to this matter.</li> </ul>                                                                                                                                            |
| <p>7. Are you prepared to accept accountability for the provision of safe care &amp; the outcome of the care rendered?</p>                                                                                                                                       | <ul style="list-style-type: none"> <li>• Determine if you are confident in your ability to defend your decision(s).</li> <li>• Remember that nurses have a fundamental duty to patient safety that supersedes any directive from a supervisor or order from a physician.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>8. If you are an LVN, will adequate supervision be available?</p>                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• LVNs have a directed scope of practice that requires supervision by a registered nurse, advanced practice registered nurse, physician assistant, physician, podiatrist, or dentist. [NPA Section 301.353 &amp; Board Rule 217.11(2)]</li> <li>• The Board has a Frequently Asked Question about LVNs “<i>Supervision of Practice</i>” available on the BON website.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

#### References & Acknowledgements

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