

## CHAPTER 5

### DUTIES OF THE NURSE

The duties of a nurse are many and arise from a number of different sources. These may come from state or federal laws, rules and regulations adopted by the state Board of Nursing, or arise from the standards and practices commonly recognized by the profession of nursing as a whole. This latter body of standards and practices may be evidenced in part by codes, statements of principles, codes of conduct or similar pronouncements of various professional nursing associations, such as the American Nurses Association (ANA), the National League for Nursing (NLN), the Nurses' Association of the American College of Obstetrics and Gynecology (NAACOG) and similar organizations.

#### **I. WHAT ARE THE NURSE'S DUTIES?**

The nurse' duties are many and come from many different sources. Here is a list of many of them. No list can be complete as the nurse's duties may change as technology progresses and as the practice of nursing progresses. Following this list, we detail the sources of many of these duties.

This is a list of some, but not all, of the nurse's duties:

1. To Practice the nursing profession faithfully and professionally.
2. To refrain from knowingly taking any harmful drug.
3. To refrain from knowingly administering any harmful drug to anyone.
4. To maintain and elevate the standards of the nursing profession
5. To keep confidential any personal matters of patients which are divulged to her during the practice of her profession.
6. To aid the physician in the practice of the physician's profession.
7. To devote herself to the welfare of her patients.
8. To not engage in sex with her patients.
9. To only use the title or abbreviation of licenses which she has obtained and currently holds from the state board of nursing.
10. To practice advanced or specialized, professional, or practical nursing, as defined in the Florida Nurse Practice Act, only if the nurse holds an active license or certificate to do so.
11. To only practice within the scope of the license that the nurse holds.

12. To report to each patient, in person, about any adverse incident that results in serious harm to the patient.
13. To legibly print or type a prescription so that the prescription may be understood by the pharmacist filling the prescription.
14. To maintain on file with the Board of Nursing the current address or place of practice.
15. To retain for 4 years certificates of attendance and other records to document the completion of the continuing education requirement.
16. To obtain continuing education and to maintain documentation of it.
17. To complete a one hour course on domestic violence, pursuant to Florida law.
18. To complete a two hour course on prevention of medical errors, pursuant to Florida law.
19. To have the required competency and knowledge required to administer IV therapy.
20. To follow established nursing protocols, policies and procedures, including those adopted by her hospital, nursing home or other employer.
21. To follow proper infection control procedures.
22. To follow the instructions of a supervising nurse.
23. To monitor her patient's vital signs.
24. To take appropriate action when a patient's personal physician is clearly unwilling or unable to cope with a situation that threatens the life or health of the patient.
25. To question the discharge of a patient if he or she has reason to believe that such discharge should be injurious to the health of the patient.
26. To note changes in a patient's condition and notify the physician when appropriate.
27. To advocate for her patient.
28. To administer the proper medication to a patient.
29. To report defective equipment.
30. To accurately take, repeat and transcribe telephone orders.

31. To accurately and timely record her nursing notes, orders, medications administered and treatments given patients in the patients' record.
32. To report any licensed health care professional (including physicians and other nurses) who may be impaired by reason of drugs, alcohol, mental condition or physical condition.

## **II. THE NIGHTINGALE PLEDGE AND BASIC NURSING DUTIES**

The Nurse, as a professional, has certain duties and obligations to her patients, to her employers and to her peers. These duties and obligations may be found in the laws, in regulations, and in the statements of ethics and principles of various professional nursing associations.

One of the earliest statements of these duties can be seen in the Nightingale Pledge. A copy of the Nightingale Pledge is attached as Appendix 5-1 to this chapter of this Manual. The Nightingale Pledge was modeled after and borrows some of the language of the Hippocratic Oath which applies to physicians. A copy of the Hippocratic Oath is also attached as Appendix 5-2 to this chapter. Most nurses take the Nightingale Pledge as an oath upon graduation from nursing school. This is powerful evidence that nurses have a duty to follow the principles stated in the Nightingale Pledge.

## **III. THE FLORIDA NURSE PRACTICE ACT**

Mandatory requirements are placed on nurses in Florida by the Florida Nurse Practice Act and other laws regulating health care professionals licensed by the state of Florida. The Nurse Practice Act is contained in Chapter 464, Florida Statutes. The Florida Nurse Practice Act is discussed in detail in a separate chapter of this Manual. Additionally, the Florida Board of Nursing has adopted a number of rules that regulate the practice of nursing in the state and which impose duties on the nurse. These rules are discussed below. The specific duties imposed on nurses as a result of the Nurse Practice Act are listed below.

1. A nurse has a duty not to engage in sexual misconduct with her patients. This includes, inducing or attempting to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of the practice or the scope of generally accepted examination or treatment of the patient. Section 464.017, Florida Statutes.
2. A nurse has a duty to only use the title or abbreviation of licenses which she has obtained and currently holds from the Board of Nursing. Section 464.015, Florida Statutes.
3. A nurse has a duty to practice advanced or specialized, professional, or practical nursing, as defined in this part, only if the nurse holds an active license or certificate to do so. Section 464.016, Florida Statutes.

4. A nurse has a duty to only practice within the scope of the license that the nurse holds. Section 464.016, Florida Statutes.
5. Under Section 464.0205, Florida Statutes, a retired volunteer nurse has the duty to:
  - a. Comply with the minimum standards of practice for nurses;
  - b. Work under the direct supervision of the director of a county health department or any other health care practitioner acceptable under this Section;
  - c. Work only in a setting for which there are provisions for professional liability coverage for acts or omissions of the retired volunteer nurse; and
  - d. Provide services under the certificate only in settings whose sponsors have been approved by the board.

#### **IV. OTHER FLORIDA LAWS IMPOSING DUTIES ON NURSES**

Chapter 456, Florida Statutes, is the chapter in Florida's laws which applies to all licensed health care professionals regulated by the Florida Department of Health. The requirements it contains also applies to licensed nurses. It contains within it several statutory duties for nurses. Nurses who do not adhere to these statutes are subject to disciplinary action against their licenses as well as possible criminal charges in certain instances. The statutory duties placed on nurses by Chapter 456, Florida Statutes, are listed below.

1. The duty to report to each patient, in person, about any adverse incident that results in serious harm to the patient. Section 456.0575, Florida Statutes.
2. The duty to not engage or attempt to engage the patient or client, or an immediate family member, guardian, or representative of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited. Section 456.063, Florida Statutes.
3. The duty to legibly print or type a prescription so that the prescription may be understood by the pharmacist filling the prescription. The prescription must contain:
  - a. the name of the prescribing practitioner;
  - b. the name and strength of the drug transcribed;
  - c. the quantity of the drug prescribed, both in textual and numerical formats;
  - d. the directions for use of the drug;

- e. must be dated with the month written in textual format; and
- f. must be signed by the transcribing practitioner on the date when issued. Section 456.42, Florida Statutes.

**V. FLORIDA BOARD OF NURSING RULES IMPOSING DUTIES ON NURSES**

The Florida Board of Nursing places regulatory duties on nurses through the Florida Administrative Code (F.A.C.). The rules regulating Florida nurses are contained within Chapter 64B9, F.A.C., and can be found online at <http://www.flrules.org/gateway/Organization.asp?OrgNo=64B9>; however, the F.A.C. is often being revised, reorganized or renumbered. Therefore, you should always check the most recent version of the F.A.C. to know the duties imposed on you and your peers. The duties imposed on nurse as of the date of this publication are listed below.

1. The duty of each individual licensed pursuant to Chapter 464, Florida Statutes, has a duty to maintain on file with the Board of Nursing their current place of practice. Rule 64B9-1.013, Florida Administrative Code.
2. The duty to retain for 4 years certificates of attendance and other records to document the completion of the continuing requirement. Rule 64B9-3.013, Florida Administrative Code.
3. The scope of practice for all categories of ARNP's shall include only those functions which the ARNP has been educated to perform including the monitoring and altering of drug therapies, and initiation of appropriate therapies, according to the established protocol and consistent with the practice setting. Rule 64B9-4.009, Florida Administrative Code.
4. The duty that an Advanced Registered Nurse Practitioner shall only perform medical acts of diagnosis, treatment, and operation pursuant to a protocol between the ARNP and a Florida-licensed medical doctor, osteopathic physician, or dentist. Rule 64B9-4.010, Florida Administrative Code.
5. The duty that those ARNP's whose protocols permit them to dispense medications for a fee as contemplated by Section 465.0276, Florida Statutes, must register with the Board of Nursing. Rule 64B9-4.011, Florida Administrative Code.
6. The duty to obtain continuing education and to maintain documentation of it. The nurse has a duty to obtain continuing education credits, equivalent to one contact hour every month, while licensed as a nurse within the state of Florida. Rule 64B9-5.002(2), Florida Administrative Code.
7. The duty to complete a one hour course on domestic violence, which

- meets the criteria of Section 456.031(1)(a), Florida Statutes. Rule 64B9-5.010, Florida Administrative Code.
8. The duty to complete a two hour course on prevention of medical errors, which meets the criteria of Section 456.013, Florida Statutes, as part of the total hours of continuing education required for initial licensure and biennial renewal. Rule 64B9-5.011, Florida Administrative Code.
  9. Each Registered Nurse (R.N.) or Advanced Registered Nurse Practitioner (A.R.N.P.) engaged in private practice, who maintains possession of client/patient medical records, shall, when terminating or relocating practice in such a manner as to no longer be reasonably available to clients/patients, notify each client/patient of such termination or relocation and unavailability. Such notification shall consist of at least causing to be published, in the newspaper of greatest general circulation in each county in which the nurse practices or practiced, a notice which shall contain the date of termination or relocation and an address at which medical records may be obtained. Such notice shall be published no less than 4 times over a period of at least 4 weeks. In addition, the nurse shall place in a conspicuous location in or on the facade of the nurse's office, a sign, announcing the termination or relocation of the practice. The sign shall be placed at least thirty (30) days prior to the termination or relocation and shall remain until the date of termination or relocation. Both the notice and the sign shall advise the clients/patients of their opportunity to transfer or receive their medical records. Furthermore, each such licensee shall see that client/patient records are maintained and may be obtained by the client/patient for a minimum of 2 years after the termination or relocation of practice. Rule 64B9-11.002, Florida Administrative Code.
  10. The duty to have the required competency and knowledge required to administer IV therapy. Rule 64B9-12.004, Florida Administrative Code.
  11. The duty to complete a minimum of three months training in providing dialysis treatment in a hospital, educational facility, or treatment center, which either teaches the providing of or provides dialysis treatments to patients in order to provide hemodialysis treatment. Rule 64B9-13.002, Florida Administrative Code.
  12. A certified nursing assistant has a duty to provide care and assist residents with certain enumerated tasks related to the activities of daily living only under the general supervision of a registered nurse or licensed practical nurse. Rule 64B9-15.002, Florida Administrative Code.

**VI. OTHER SPECIFIC DUTIES OF NURSES**

Nurses also have duties which are not discussed in either statutes or administrative laws. These duties are considered just as important as those duties which arise from statute. The duties listed below come from a variety of sources.

**A. DUTY TO FOLLOW ESTABLISHED NURSING PROCEDURES**

The nurse has a duty to follow established nursing protocols, policies and procedures, including those adopted by her hospital, nursing home or other employer. For example, in the area of infection control, failure to follow proper infection control procedures (e.g., proper hand-washing techniques) can result in cross-contamination among patients. Staff members who administer to patients, moving from one patient to another without washing their hands after changing dressings, giving back rubs, and carrying out routine procedures can expose a health care facility to lawsuits.

**B. DUTY TO FOLLOW SUPERVISOR'S INSTRUCTIONS**

A nurse has a duty to follow the instructions of a supervising nurse. Failure of a nurse to follow the instructions of a supervising nurse can lead to discipline and civil liability.

**C. DUTY TO MONITOR PATIENT'S VITAL SIGNS**

A nurse has a duty to monitor her patient's vital signs. A failure to monitor a patient's vital signs can lead to discipline and civil liability.

**D. DUTY TO REPORT INCOMPETENT PHYSICIAN OR NURSE**

An organization can be liable for the failure of nursing personnel to take appropriate action when a patient's personal physician is clearly unwilling or unable to cope with a situation that threatens the life or health of the patient.

**E. DUTY TO QUESTION PREMATURE/IMPROPER PATIENT DISCHARGE**

A nurse has a duty to question the discharge of a patient if he or she has reason to believe that such discharge should be injurious to the health of the patient.

**F. DUTY TO NOTE CHANGES IN A PATIENT'S CONDITION**

A nurse has a duty to note changes in a patient's condition. Failure to note changes in a patient's condition can lead to liability on the part of the nurse and the organization.

**G. DUTY TO REPORT CHANGES IN A PATIENT'S CONDITION**

A nurse has a duty to report changes in a patient's condition. Failure to report changes in a patient's condition can lead to liability on the part of the nurse and the organization.

**H. DUTY TO ADVOCATE FOR YOUR PATIENT**

A nurse has a duty to advocate for her patient. If a physician or another nurse makes a mistake, there are steps the nurse must take to correct the mistake. Courts have said that a nurse has a legal duty to report to a supervisor who can take it to his or her supervisor, who can go to the other person's supervisor even if it means going all the way to the medical director by way of the director of nursing. Or if a child or elderly person is being abused, a nurse has the obligation to report that to protective services and the police.

**I. DUTY TO ADMINISTER PROPER MEDICATION**

A nurse has a duty to administer the proper medication to a patient. This includes administering the medication which she is asked to administer by a physician, in the correct dosage, through the correct route, at the right time and to the correct patient. A failure to perform this duty can lead to civil liability.

**J. DUTY TO REPORT DEFECTIVE EQUIPMENT**

A nurse has a duty to report defective equipment; a failure to report defective equipment can leave a nurse liable for negligence if the failure to report is the cause of the patients injury.

**K. DUTY TO TAKE CORRECT TELEPHONE ORDERS**

Orders should be repeated, once transcribed, for verification purposes. A failure to ensure that telephone orders are correctly transcribed can lead to civil liability.

## **VII. AMERICAN NURSES ASSOCIATION**

The American Nurses Association (ANA) is the national professional organization of graduate registered nurses in the United States and its territories. ANA membership is available to all graduate nurses who are licensed in any jurisdiction of the United States. The purpose of the ANA is to:

foster high standards of nursing practice and to promote the professional and educational advancement of nurses and the welfare of nurses to the end that all people that may have better nursing care. The association helps provide health protection for the American people, aids nurses to become more effective members of their profession, and promotes better health care for the people of the world.

The standards of practice as developed by the ANA are listed below.

- Standard I: The collection of data about the health status of clients/patients is systematic and continuous; the data are accessible, communicated, and recorded.
- Standard II: Nursing diagnoses are derived from health status data.
- Standard III: The plan of nursing care includes goals derived from the nursing diagnoses.
- Standard IV: The plan of nursing care includes priorities and the prescribed nursing approaches or measures to achieve the goals derived from the nursing diagnoses.
- Standard V: Nursing actions provide for client/patient participation in health promotion, maintenance, and restoration.
- Standard VI: Nursing actions assist the client/patient to maximize his or her health capabilities.
- Standard VII: The client's/patient's progress or lack of progress toward goal achievement is determined by the client/patient and the nurse.
- Standard VIII: The client's/patient's progress or lack of progress toward goal achievement directs reassessment, recording of priorities, new goal setting, and revision of the plan of nursing care.

### **VIII. THE NATIONAL LEAGUE FOR NURSING**

The National League for Nursing (NLN) is a membership organization of individuals and agencies organized for the purpose of fostering development and improvement of hospital, public health, and other organized nursing services and nursing education through the coordinated action of nurses, allied professional groups, citizens, agencies, and schools so that the nursing needs of the people will be met. The philosophy of the NLN is to bring together professional and paraprofessional health care workers and consumers to work toward improving nursing services and nursing education.

The NLN is involved in nursing research, recruitment of students, testing services, workshops, conferences, seminars, consultation service, accreditation of nursing schools, fellowship aid, publications, and films. The NLN is funded through membership dues and grantors such as the American Hospital Association, the W. K. Kellogg Foundation, and the Rockefeller Fund.