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…Suzan R. Miller-Hoover DNP, RN, CCNS, CCRN-K

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Purpose and Objectives

Purpose
The purpose of Nursing Practice in Florida: Laws and Rules is to present selected aspects of the laws and rules that govern nursing practice in the state of Florida.

Objectives
After completing this course, you will be able to:
• Describe the legislative purpose for the Nurse Practice Act
• Verbalize specific laws and rules related to the practice of nursing and nursing assisting
• Identify the pertinent levels of nursing practice in the State and the general scope of practice of each
• Discuss the general requirements for continuing licensure in the State
• Differentiate between ethical and legal practice
• Discuss the process for discipline related to nursing practice
• Create a professional plan for career maintenance and development within the limits of the law

Welcome to the Sunshine State
I’ve had enough of these cold northern winters. I’m excited about relocating to Florida.

I need to get started on my job search for an RN position, but first I need to learn about the law and rules that govern nursing in Florida.

I want to obtain my Florida RN license as soon as possible.

I have a lot of questions about nursing in Florida. I’ll begin by reviewing the Nurse Practice Act.

Why does Florida regulate health professions?
The Florida Legislature believes that health professions and occupations shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state.

Such professions shall be regulated when:
• Their unregulated practice can harm or endanger the health, safety, and welfare of the public
• The potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from regulation
• The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation
• Less restrictive means of regulation are not available

It is further legislative intent that the use of the term “profession” with respect to those activities licensed and regulated by the department shall not be deemed to mean that such activities are not
occupations for other purposes in state or federal law.

(2012 Florida Statutes, 456.003)

**What is the purpose of the Nurse Practice Act?**

“The sole legislative purpose in enacting this part is to ensure that every nurse practicing in this state meets minimum requirements for safe practice. It is the legislative intent that nurses who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state.”

(2012 Florida Statutes, 464.002)

**What will I find in the Nurse Practice Act?**

The Nurse Practice Act delineates various aspects of nursing practice in Florida in 22 sections of the Act:

- Short title
- Purpose
- Definitions
- Board of Nursing; membership; appointment; terms
- Board headquarters
- Rulemaking authority
- Licensure by examination
- Licensure by endorsement
- Certification of clinical nurse specialists
- Certification of advanced registered nurse practitioners; fees
- Renewal of license or certificate
- Inactive status
- Titles and abbreviations; restrictions; penalty
- Violations and penalties
- Sexual misconduct in the practice of nursing
- Disciplinary actions
- Approval of nursing education programs
- Florida Center for Nursing; goals
- Florida Center for Nursing; board of directors
- Retired volunteer nurse certificate
- Exceptions
- Registered nurse first assistant

(2012 Florida Statutes, 464)

**What is the Florida Board of Nursing?**

The Board of Nursing (BON) enacts and administers rules to implement the Nurse Practice Act.

The BON is created within the Florida Board of Health.

The Governor appoints and the Senate approves 13 board members.

As the terms of the members expire, the Governor appoints successors for terms of 4 years, and these members serve until their successors are appointed.
The Florida BON celebrated its centennial in 2013. The BON is headquartered in Tallahassee, the capitol of Florida. http://www.floridasnursing.gov/

**Who are the members of the Florida BON?**
Seven members must be RNs who are Florida residents, who have been engaged in the practice of professional nursing for at least 4 years, and who represent the diverse areas of practice within the nursing profession. At least one of the seven RNs must be:

- An advanced registered nurse practitioner
- A nurse educator of an approved program
- A nurse executive

Three board members must be LPNs who are Florida residents and who have been actively engaged in the practice of practical nursing for at least 4 years prior to their appointment.

Three members must be residents of the state who have never been licensed as nurses and who are in no way connected with the practice of nursing. These members must have no connection with, or any financial interest in, any health care facility, agency, or insurer.

At least one member of the board must be 60 years of age or older.

(2012 Florida Statutes, 464.004)

**Test Yourself: Who can be a Florida BON Member?**

**Which of these individuals can qualify to be a member of the Florida Board of Nursing?**

A newly graduated RN who is a Florida resident  
Answer: **NO**

An Advanced Registered Nurse Practitioner (ARNP) Florida resident with 10 years experience as an RN  
Answer: **YES**

An RN who is a Chief Nurse Executive with 15 years experience as an RN who resides in Florida  
Answer: **YES**

An LPN Florida resident with 2 years LPN experience  
Answer: **NO**

An RN who graduated from a Florida school of nursing, practiced in Florida for 4 years, and now lives and works in Georgia  
Answer: **NO**

A 65-year-old Florida resident who is a retired high school teacher and has no connections with nursing or healthcare  
Answer: **NO**

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A certified nursing assistant with 10 years experience who resides and practices in Florida
Answer: NO

An LPN with 5 years LPN experience who lives and practices in Florida
Answer: YES

An RN with 10 years experience who is a Florida resident and faculty member at a board-approved school of nursing
Answer: YES

What are the functions of the Florida BON?

The Florida Board of Nursing:
• licenses,
• monitors,
• disciplines,
• educates and,
• when appropriate, rehabilitates its licensees to assure their fitness and competence in providing healthcare services for the people of Florida.

(Florida Board of Nursing, 2013)

How do I locate Florida Statutes that govern nursing practice?

I can access the pertinent statutes at the Florida BON website http://www.floridasnursing.gov/resources/.

The Nurse Practice Act is the short title of the 2012 Florida Statutes, Title XXXII Regulation of Professions and Occupations, Chapter 464, Part I: Nursing.

I will also need to review:
• Chapter 456: Health Professions and Occupations: General Provisions, and
• Chapter 464, Part II to learn about the law governing Certified Nursing Assistants in Florida.

At the website I can access additional chapters related to nursing in Florida:
• Nursing homes and related healthcare facilities
• Background screening; prohibited offenses
• Employment screening
• Administrative Procedure Act

The Florida Administrative Codes (F.A.C.), Chapter 64B9: Board of Nursing and Chapter 64B9-15: Certified Nursing Assistant, give the details of the rules and procedures that implement the law.

Test Yourself: The Nurse Practice Act
Which Florida regulation is also known as the Nurse Practice Act?
   A. Florida Statutes, Chapter 464, Part I: Nursing
What regulations apply?

Chapter 456 states the law pertaining to all health professions and occupations in Florida. The chapter contains 84 sections which delineate these regulations. Regulations relate to:

- General examination and licensure, including examination security; specifics for certain licenses, such as the Advanced Registered Nurse Practitioner (ARNP)
- General background screening
- Foreign-trained professionals
- Members of the Armed Forces and their spouses
- Fees
- Education and accreditation
- Continuing education requirements, including required topics of domestic violence and HIV/AIDS
- Persons who are hepatitis B or HIV carriers
- Practitioner profile
- Practitioner registry for disasters and emergencies
- Financial arrangements, including prohibition of kickbacks and free services or discounted services
- Disciplinary regulations, process, and penalties including specific infractions, such as
  - Unlicensed practice
  - Criminal violations
  - Sexual misconduct
  - Healthcare fraud
  - False information
  - Immediate suspension of license
  - Repeated malpractice
- Treatment programs for impaired practitioners
- Prescribing and prescription labeling
- Liability
- Confidential communications, exceptions, and disclosure
- Ownership and control of patient records
- Duty to notify patients
- Toll-free telephone number for reporting of complaints
- Publication of information
- Complementary or alternative healthcare treatments

(2012 Florida Statutes, 456)

What is the purpose of the Administrative Codes?
The Florida Administrative Codes (F.A.C.) spell out the specific rules and procedures that implement the Nurse Practice Act (Chapter 464, Part I). Sixteen chapters or titles comprise the Board of Nursing F.A.C.s (64B9), each of which contains a number of sections. Separate F.A.C.s (64B9-15) delineate the rules pertaining to the Certified Nursing Assistant chapter (Chapter 464, Part II).

Chapters of the Florida Administrative Codes 64B9

- Organization

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What are the levels of nursing practice in Florida?

**Advanced or specialized nursing practice**

Advanced registered nurse practitioners (ARNP) are licensed to practice professional nursing and certified in advanced or specialized nursing practice, including:

- Certified Registered Nurse Anesthetists
- Certified Nurse Midwives
- Nurse Practitioners

Advanced or specialized nursing practice means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of post basic specialized education, training, and experience, are appropriately performed by an ARNP.

Within the context of advanced or specialized nursing practice, the ARNP may perform acts of nursing diagnosis and nursing treatment of alterations of the health status and acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee composed of:

- 3 members appointed by the BON, 2 of whom must be ARNPs
- 3 members appointed by the Board of Medicine, 2 of whom must have had work experience with ARNPs
- The State Surgeon General or the State Surgeon General’s designee

Committee members serve for 4 years unless a shorter term is required to establish or maintain staggered terms.

The BON adopts rules authorizing the performance of any such acts approved by the joint committee. Unless otherwise specified by the joint committee, such acts must be performed under the general supervision of a practitioner licensed under chapter 458, chapter 459, or chapter 466 within the framework of standing protocols which identify the medical acts to be performed and the conditions for their performance. The department may, by rule, require that a copy of the protocol be filed with the department along with the notice required by s. 458.348. (2012 Florida Statues, 464.003)
Clinical Nurse Specialist (CNS)
Clinical nurse specialists are licensed to practice professional nursing and certified in clinical nurse specialist practice.

CNS practice means the delivery and management of advanced practice nursing care to individuals or groups, including the ability to:
- Assess the health status of individuals and families using methods appropriate to the population and area of practice.
- Diagnose human responses to actual or potential health problems.
- Plan for health promotion, disease prevention, and therapeutic intervention in collaboration with the patient or client.
- Implement therapeutic interventions based on the nurse specialist's area of expertise and within the scope of advanced nursing practice, including, but not limited to, direct nursing care, counseling, teaching, and collaboration with other licensed health care providers.
- Coordinate healthcare as necessary and appropriate and evaluate with the patient or client the effectiveness of care.

RN

LPN

RN First Assistant
Florida Statutes encourage the use of RN first assistants who meet the qualifications of section 464.027 as “assistants at surgery” by physicians and hospitals to provide quality, cost-effective surgical intervention to health care recipients in the state.

Registered nurse first assistants meet the qualifications listed in section 464.027 of the Florida Statutes:
- RN licensure
- Certification in perioperative nursing
- Certificate from, and has successfully completed, a recognized program. A recognized program:
  - Addresses all content of the Association of Operating Room Nurses, Inc. Core Curriculum for the Registered Nurse First Assistant, and
  - Includes 1 academic year, defined as 45 hours of didactic instruction and 120 hours of clinical internship or its equivalent of 2 college semesters.

Each healthcare institution must establish specific procedures for the appointment and reappointment of registered nurse first assistant staff members and for granting, renewing, and revising their clinical privileges.

(2012 Florida Statutes, 464.027)

Certified Nursing Assistant (CNA)
Chapter 464, Part II contains the law related to the practice of Certified Nursing Assistants (CNAs). In Florida, the BON regulates the practice of CNAs. In some states, other governmental agencies handle this responsibility.
State regulations pertaining to nursing homes require that persons employed as nursing assistants in long-term care facilities be certified. The Florida Board of Nursing approves CNA training programs and administers the certification process which includes an examination.

CNA training and certification focus on long-term care. Though CNAs may work in acute care settings, they usually require additional training to meet the competency expectations of the acute care setting.

The practice of a certified nursing assistant means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents’ or patients’ rights, documentation of nursing-assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse.

(2012 Florida Statutes, 464.2001)

Unlicensed assistive personnel assist in nursing care delivery but are not licensed or regulated by the BON.

**Test Yourself: Levels of Nursing Practice**

**Which of these nursing practice roles is regulated by the Florida BON?**

<table>
<thead>
<tr>
<th>Role</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Registered Nurse Practitioner</td>
<td>Regulated</td>
</tr>
<tr>
<td>Charge Nurse</td>
<td>Not regulated</td>
</tr>
<tr>
<td>Licensed Practical Nurse</td>
<td>Regulated</td>
</tr>
<tr>
<td>Nurse Manager</td>
<td>Not regulated</td>
</tr>
<tr>
<td>Psychiatric Technician</td>
<td>Not regulated</td>
</tr>
<tr>
<td>Registered Professional Nurse</td>
<td>Regulated</td>
</tr>
</tbody>
</table>

**What is my scope of practice as an RN in Florida?**

*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, but not be limited to:
What is the scope of practice for the LPNs I’ll be working with in Florida?

**Practice of practical nursing** means:

- The performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm
- The promotion of wellness, maintenance of health, and prevention of illness of others
- LPNs practice under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist
- A practical nurse is responsible and accountable for making decisions that are based upon the individual’s educational preparation and experience in nursing

What aspects of IV therapy are within LPN scope of practice?

The F.A.C. define rules that permit LPNs who have Board-approved training to administer IV therapy with certain specific exceptions. The Code permits LPNs with proper training to administer TPN and care for central lines.

Know and follow your organization’s policy and procedures (P&Ps) regarding LPNs’ role in IV therapy. Your organization is responsible for assuring that the LPN’s education complies with BON requirements. Your organization may limit LPN practice of IV therapy to a lesser extent than the Code permits. You are accountable for complying with your organization’s P&Ps.

These aspects are outside the scope of practice of the LPN unless under the direct supervision of the RN or physician and shall not be performed or initiated by LPNs without direct supervision:

- Initiation of blood and blood products
- Initiation or administration of cancer chemotherapy
- Initiation of plasma expanders
- Initiation or administration of investigational drugs
• Mixing IV solution
• IV pushes, except heparin flushes and saline flushes

Although this rule limits the scope of LPN practice, it is appropriate for LPNs to care for patients receiving such therapy.

(2012 Florida Administrative Codes, 64B9-12.003)

**What about LPNs who lack Board-approved training in IV therapy?**

LPNs who have completed a Board-approved prelicensure practical nursing education program, professional nursing students who qualify as graduate practical nurses, or LPNs who have not completed the specified course under Rule 64B9-12.005, F.A.C., may engage in a limited scope of intravenous therapy under the direction of the RN, physician or dentist.

This scope includes:

• Performing calculation and adjusting flow rate
• Observing and reporting subjective and objective signs of adverse reactions to IV administration
• Inspecting insertion sites, changing dressings, and removing intravenous needles or catheters from peripheral veins
• Hanging bags or bottles of hydrating fluid

(2012 Florida Administrative Codes 64B9-12.004)

**Test Yourself: RN and LPN Scopes of Practice**

**Match each activity on the left with the correct scope of practice on the right**

**Administering IV push medications**
Answer: RNs only

**Administering narcotic medications PO**
Answer: Both RNs and all LPNs who have graduated from BON-approved LPN programs

**Changing central venous line dressings and caps**
Answer: RNs and LPNs if the LPN has Board-approved training to administer IV therapy

**What are the rules for delegation to Unlicensed Assistive Personnel (UAP)?**

**Unlicensed assistive personnel (UAP)** are persons who do not hold licensure from the Division of Health Quality Assurance of the Department of Health but who have been assigned to function in an assistive role to RNs or LPNs in the provision of patient care services through regular assignments or delegated tasks or activities and under the supervision of a nurse.

**Delegation** is the transference to a competent individual the authority to perform a selected task or activity in a selected situation by a nurse qualified by licensure and experience to perform the task or activity.

**Supervision** is the provision of guidance by a qualified nurse and periodic inspection by the nurse for
the accomplishment of a nursing task or activity, provided the nurse is qualified and legally entitled to perform such task or activity. The supervisor may be the delegator or a person of equal or greater licensure to the delegator.

**Direct supervision** means the supervisor is on the premises but not necessarily immediately physically present where the tasks and activities are being performed.

(2012 Florida Administrative Codes 64B9-14.001)

**What activities may NOT be delegated to Unlicensed Assistive Personnel (UAP)?**

The RN or LPN may **NOT** delegate:

- Those activities not within the delegating or supervising nurse’s scope of practice
- Nursing activities that include the use of the nursing process and require the special knowledge, nursing judgment or skills of a registered or practical nurse, including:
  - The initial nursing assessment or any subsequent assessments
  - The determination of the nursing diagnosis or interpretations of nursing assessments
  - Establishment of the nursing care goals and development of the plan of care
  - Evaluation of progress in relationship to the plan of care
- Those activities for which the UAP has not demonstrated competence

(2012 Florida Administrative Codes 64B9-14.003)

**How do I decide what is safe delegation?**

Use nursing judgment to consider the suitability of the task or activity to be delegated. Consider these factors:

- Potential for patient harm
- Complexity of the task
- Predictability or unpredictability of outcome including the reasonable potential for a rapid change in the medical status of the patient
- Level of interaction required or communication available with the patient
- Resources both in equipment and personnel available in the patient setting
- Factors to weigh in selecting and delegating to a specific delegate include:
  - Normal assignments of the UAP
  - Validation or verification of the education and training of the delegate

(2012 Florida Administrative Codes 64B9-14.002)

**How must I communicate with UAP to delegate safely?**

Communicate to the UAP:

- The task or activity

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The expected or desired outcome
The limits of authority
The time frame for the delegation
The nature of the supervision required

Verify the UAP’s understanding of:
- The specific assignment
- Monitoring and supervision that I as an RN will provide
- The initial allocation of the task or activity
- My periodic inspection of the accomplishment of the task or activity
- My retaining of total nursing care responsibility when I delegate and assume responsibility for supervision

(2012 Florida Administrative Codes 64B9-14.002)

Test Yourself: Safe Delegation to UAP
The F.A.C. concerning safe delegation to UAP outlines specific aspects of which RN activity?
A. Communicating with UAP
B. Validating the competencies of UAP
C. Documenting UAP activities

The correct answer is A: Communicating with UAP.

How do I begin the process of licensure by endorsement?
I can create an account at the Florida Department of Health website and apply online. I can also download the application and complete it on paper.


The same process applies to LPN licensure by endorsement.

Instructions for completing the application for licensure by endorsement, including a copy of the application, are available at:

More Info
Application for Licensure by Endorsement
I can find complete instructions for completing the application at:
http://www.doh.state.fl.us/MQA/nursing/ap_endorsement-rn-lpn.pdf

The application requires:
- Personal Information, including a Florida address
- Equal Opportunity Data
- Nursing Education History
- Previous Licenses
- Mandatory Continuing Education Requirement, Prevention of Medical Errors

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What will I need to do to obtain my RN license by endorsement?

I will need to complete the application and pay a fee. I will indicate that I meet the following requirements, providing evidence as requested.

- Holds a valid license
- Possesses good physical and mental health
- Communicates in the English language
- Graduated from high school or equivalent
- Graduated from an approved nursing education program
- Submits to a criminal records check
- Passed an examination equivalent to current Florida requirement, or practiced in another state recently

(2012 Florida Statutes, 464.009)

More Info License
Holds a Valid License

Holds a valid license to practice professional or practical nursing in another state or territory of the United States, and to secure the license met qualifications comparable to Florida qualifications at that time.

(Florida Statutes, 464.009, Licensure by Endorsement)

More Info Criminal Check
Submits to Criminal Records Check

Submits to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

The department shall not issue a license by endorsement to any applicant who is under investigation in another state, jurisdiction, or territory of the United States for an act which would constitute a violation of this part or chapter 456 until such time as the investigation is complete, at which time the provisions of s. 464.018 shall apply.
More Info Exam
Passed an equivalent examination or recently practiced in another state

Successfully completed a state, regional, or national examination which is substantially equivalent to or more stringent than the examination given by the department;

OR

Actively practiced nursing in another state, jurisdiction, or territory of the United States for 2 of the preceding 3 years without having his or her license acted against by the licensing authority of any jurisdiction.

Applicants must complete within 6 months after licensure a Florida laws and rules course that is approved by the board.

What additional requirements must I satisfy for licensure by endorsement?
I will need to complete a two-hour course on Prevention of Medical Errors and supply three letters of reference.

There is a special process for nurses relocating to Florida pursuant military-connected spouse’s military orders.

The department will notify me electronically when my application has been received and when background screenings have been completed, and will issue a license within 30 days after completion of all required data collection and verification. This 30-day period to issue a license shall be tolled if the applicant must appear before the board due to information provided on the application or obtained through screening and data collection and verification procedures.

More Info
Military-related Relocation

If relocating to this state pursuant to his or her military-connected spouse’s official military orders and who is licensed in another state that is a member of the Nurse Licensure Compact shall be issued a license by endorsement upon submission of the appropriate application and fees and completion of the criminal background check required.

Test Yourself: Licensure by Endorsement
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What is one of the requirements for licensure by endorsement?
A. Obtain one character reference
B. Submit nursing school transcripts
C. Complete a two-hour course on Prevention of Medical Errors
The correct answer is C: Complete a two-hour course on Prevention of Medical Errors.

What is the process for new graduates?
What is the process for new graduates and others who have not previously taken the licensure examination?

The Florida Board of Nursing grants access to the licensure examination for candidates who meet the requirements and pay a fee.

Requirements include:
- Possesses good physical and mental health
- Communicates in the English language
- Graduated from high school or equivalent
- Graduated from an approved nursing education program
- Submits to criminal records check

(2012 Florida Statutes, 464.008)

Graduates of schools of nursing outside the U.S.A. must provide additional documentation as outlined in the Administrative Codes.

(Florida Administrative Codes, 64B9-3.01)

Repeated failure to pass licensure examination
Any applicant who fails the examination three consecutive times, regardless of the jurisdiction in which the examination is taken, shall be required to complete a board-approved remedial course before the applicant will be approved for reexamination. After taking the remedial course, the applicant may be approved to retake the examination up to three additional times before the applicant is required to retake remediation. The applicant shall apply for reexamination within 6 months after completion of remediation. The board shall by rule establish guidelines for remedial courses.

(2012 Florida Statutes, 464.008)

When do I need to renew my license?
The RN license must be renewed every 2 years. The BON website has a link for renewal information and application. I will be able to access the application ONLY when it is time for me to renew. http://www.floridasnursing.gov/renewals/

At least 90 days before my license expires, the Department of Health will notify me at the address I have provided.

If I do not respond in the time indicated, the department will send me a notice of pending cancellation.

Licensure renewal notices and notices of pending cancellation of licensure state conspicuously that a
licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board.

(2012 Florida Statutes, 456.038)

More Info
Inactive Status

FAC 69b-6, Inactive Status and Reactivation of Inactive License explains the procedure for applying for inactive status, retired license status, and reactivating an inactive license.

Only nurses who have a current active license may practice nursing in Florida.

(2012 Florida Administrative Codes, 69-B6)

How do I obtain the renewal application?
When renewal is due, I can log in to the BON site and access the application at the “Renewal” link. The form will guide me through the requirements that I must document. These requirements are contained in the Florida Statutes and F.A.C. The BON site also has a link to the pertinent statutes and rules. I must be sure that I am referring to the most current law and rules, as reflected in the application.

What are the continuing education requirements for renewal?
Continuing education (CE) requirements do not pertain to RNs licensed by examination during the current biennium.

All other RNs are required to obtain 1 contact hour per month or partial month remaining in the biennium from the date the license is issued (the nurse’s first biennium). These hours must include:
• 2 hours concerning prevention of medical errors
• 1 hour concerning HIV/AIDS

For renewal after my first biennium, I must:
• Complete 24 hours of appropriate CE each renewal period, including 2 hours relating to prevention of medical errors.
• In addition to these 24 hours of general CE, I must complete 2 hours of domestic violence CE every third renewal for a total of 26 hours.
• Beginning with the biennium ending in 2015, I must complete a 2-hour course on the laws and rules that govern the practice of nursing in Florida. This will be part of the total 24 hours that are required each biennium.

(2012 Florida Statutes, 456; Florida Administrative Codes, 64B9-5)

How do I document my continuing education?
I must retain my continuing education certificates for 4 years. The BON audits a number of licensees at random.
Florida has introduced an online method of tracking licensees’ continuing education. My completion of Florida BON-approved CE will automatically be added to my profile, however I will have to enter other CE.

Once I receive my Florida license, I can enter my license number and set up a free account at www.CEatRenewal.com. At this website, I will find more information about this electronic tracking system and how it facilitates license renewal.

In addition to CE, what is required for renewal?
When completing the application for renewal, I will need to attest that my license is in good standing and that I have no criminal history.

I must also pay a fee. If I pay the fee with a credit card I can renew online.

What is the difference between legal and ethical practice?
In school, we studied legal and ethical implications together. As I’ve been studying the Florida Law and Rules, I need to clarify this distinction for myself.

The Florida Law and Rules prescribe what I am permitted to do as a licensed nurse and also identify consequences if I perform acts outside of my scope of practice or prohibited under my license.

Ethical practice does not necessarily prescribe one right way to act in given situations. Rather, ethical practice is governed by a set of ethical principles. To make ethical decisions about practice issues, the nurse must examine how the principles apply in a given situation.

Ethics in Healthcare and Nursing

The 4 basic principles form the basis of moral thought in healthcare:
- **Autonomy** = Respect the uniqueness and dignity of each person, self and others
- **Nonmaleficence** = Prevent harm and remove harmful conditions
- **Beneficence** = Act to remove harm or promote benefit
- **Justice** = Treat individuals equally

A code of ethics identifies what colleagues should expect of each other within a profession and what the public should expect from the professional.

A code of ethics is hallmark of a profession.  
(Scott, 2008)

The ANA Code of Ethics for Nurses (Fowler, 2010) has been updated over the years to reflect current challenges in nursing practice.

**Code of Ethics for Nurses (Fowler, 2010)**

- The nurse, in all professional relationships, practices with compassion and respect for the inherent dignity, worth, and uniqueness of every individual, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems.
• The nurse’s primary commitment is to the patient, whether an individual, family, group, or community.
• The nurse promotes, advocates for, and strives to protect the health, safety, and rights of the patient.
• The nurse is responsible and accountable for individual nursing practice and determines the appropriate delegation of tasks consistent with the nurse’s obligation to provide optimum patient care.
• The nurse owes the same duty to self as to others, including the responsibility to preserve integrity and safety, to maintain competence, and to continue personal and professional growth.
• The nurse participates in establishing, maintaining, and improving healthcare environments and conditions of employment conducive to the provision of quality health care and consistent with the values of the profession through individual and collective action.
• The nurse participates in the advancement of the profession through contributions to practice, education, administration, and knowledge development.
• The nurse collaborates with other health professionals and the public in promoting community, national, and international efforts to meet health needs.
• The profession of nursing, as represented by associations and their members, is responsible for articulating nursing values, for maintaining the integrity of the profession and its practice, and for shaping social policy.

**Ethics and the Law**
In some situations, my ethical and legal responsibilities are the same – for example in questioning an inappropriate order, reporting incompetence, protecting confidentiality, documenting only what I have really done, delegating safely, or pursuing the chain-of-command to obtain care for a patient.

In other situations, I can be confident that I am practicing within the law and at the same time needing to decide what is ethical practice. For example, when I see a patient suffering needlessly because his family is insisting upon treatments that seem to be futile. I am practicing within the law to follow provider’s orders, but am I really acting on ethical principles to protect the patient’s autonomy and prevent harm if I follow orders that seem to be prolonging suffering?

The law may not clearly require that I confront a provider to obtain additional or different orders to promote comfort for a patient. But, the provisions of the code of ethics clearly identify that my primary concern is for the patient and my duty is to advocate for the patient.

When I identify concerns such as these, I know that I cannot simply refuse to follow orders, but must raise concerns through the proper channels.

When I interview for a nursing position, I will find out about the support for ethical practice that the organization offers. I will ask about the manager’s perspective and about the process for raising concerns with the ethics committee.

**Think About It**
If I always practice within the law that governs my license, will I also be practicing ethically?

What are the resources in my practice setting to help with ethical decision-making?

If I question whether one of my co-workers is behaving ethically, what are my ethical responsibilities?
When a patient and his family do not agree on the treatment plan, do I have any ethical responsibilities?

**What infractions pertain to all healthcare professionals in Florida?**
The law which pertains generally to health professions identifies numerous violations that lead to disciplinary action, including but not limited to:
- Violating licensure regulations, such as
  - Practicing outside the scope of one’s license
  - Permitting another to practice without a license
  - Failing to complete continuing education required for license renewal
- Committing criminal acts
- Failing to perform a statutory or legal obligation including payment of child support and repayment of student loans
- Engaging in sexual misconduct
- Engaging in health care fraud
- Using public information to solicit business
- Falsifying information
- Practicing while impaired; testing positive for drugs
- Performing a wrong procedure; performing a procedure on the wrong patient; using an incorrect site for a procedure; leaving a foreign body in place in a patient after a procedure

(2012 Florida Statutes, 456)

**Immediate Suspension of License**
Some offenses lead to immediate suspension of the license. Provisions which apply to nurses include:

- Pleading guilty to, being convicted or found guilty of, or entering a plea of nolo contendere to, certain specified felonies and misdemeanors.

- Testing positive for any drug on any government or private sector pre-employment or employer-ordered confirmed drug test, when the licensee does not have a lawful prescription and legitimate medical reason for using such drug.
  - The licensee shall be given 48 hours from the time of notification of the confirmed test result to produce a lawful prescription for the drug before an emergency order of suspension is issued.

- Defaulting on a student loan issued or guaranteed by the state or the Federal Government.
  - The licensee may provide proof within 45 days after the date of mailing, that new payment terms have been agreed upon. Disciplinary action may be initiated even though the licensee provides proof.

(2012 Florida Statutes, 456.074)

**What is the disciplinary process related to nursing?**
Disciplinary Process
- When a complaint is made, the Probable Cause Panel of the BON considers whether discipline is indicated and makes recommendations to the BON, including penalties.
- When discipline is indicated, the BON issues a citation to the licensee.
• Certain offenses incur specific fines, such as unprofessional conduct and failure to complete required continuing education contact hours. For example,
  • A fine of $1,500 is imposed for providing to another individual a confidential password, access code, keys, or other entry mechanisms, which results in a violation of, or threatens, the integrity of a medication administration system or an information technology system. In addition to the fine, the licensee will be required to complete a 2-hour continuing education course in legal aspects of nursing.

**More Info Unprofessional Conduct**

**Unprofessional conduct includes:**
• Inaccurate recording;
• Misappropriating drugs, supplies or equipment;
• Leaving a nursing assignment without advising licensed nursing personnel;
• Stealing from a patient;
• Violating the integrity of a medication administration system or an information technology system;
• Falsifying or altering of patient records or nursing progress records, employment applications or time records;
• Violating the confidentiality of information or knowledge concerning a patient;
• Discriminating on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it relates to human rights and dignity of the individuals;
• Engaging in fraud, misrepresentation, or deceit in taking the licensing examination;
• Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of practicing nursing;
• Providing false or incorrect information to the employer regarding the status of the license;
• Testing positive for any drugs under Chapter 893, F.S., on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug;
• Practicing beyond the scope of the licensee’s license, educational preparation or nursing experience;
• Using force against a patient, striking a patient, or throwing objects at a patient;
• Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

(2012 Florida Administrative Codes, 64B9-8)

**What is the disciplinary process related to nursing?**

**Disciplinary Process**
• The F.A.C. outline:
  • Specific minimum and maximum penalties for numerous violations and also identify more severe penalties for a second offense of the same violation.
  • **Mitigating circumstances** which might be considered to make a penalty more severe or less severe.
• In addition to fines, possible penalties include reprimand, suspension of license, and revocation of license.
• When a license has been suspended or revoked, the individual must apply for reinstatement and submit evidence of the ability to practice nursing safely.
• Certain offenses may be resolved through **mediation**.
Mitigating Circumstances

Circumstances which may be considered for purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

- The danger to the public
- Previous disciplinary action against the licensee in this or any other jurisdiction
- The length of time the licensee has practiced
- The actual damage, physical or otherwise, caused by the violation
- The deterrent effect of the penalty imposed
- Any efforts at rehabilitation
- Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations
- Cost of treatment
- Financial hardship
- Cost of disciplinary proceedings

Safe Practice

Ability to Engage in Safe Practice

- Completion of continuing education courses approved by the Board, particularly if the disciplinary action resulted from unsafe practice or the nurse has been out of practice for a number of years.
- Participation in nursing programs, including refresher courses, clinical skills courses, and any Board approved nursing education programs leading to licensure in this state, particularly if the nurse has been out of practice for a number of years.
- Submission of evaluations of mental or physical examinations by appropriate professionals which attest to the nurse’s present ability to engage in safe practice or conditions under which safe practice can be attained.
- Completion of treatment within a program designed to alleviate alcohol or other chemical dependencies, including necessary aftercare measures or a plan for continuation of such treatment as appropriate. Current sobriety must be demonstrated.
- Other educational achievements, employment background, references, successful completion of criminal sanctions imposed by the courts, or other factors which would demonstrate rehabilitation and present ability to engage in the safe practice of nursing.

Mediation
Mediation is an acceptable resolution for the first instance of:

- Failure to respond timely to a continuing education audit.
- Issuance of a worthless bank check to the Department or the Board for initial licensure or renewal of license, provided the licensee does not practice on a delinquent license.
- Failure to report address changes in violation of Rule 64B9-1.013, F.A.C., provided the failure does not constitute failure to comply with an order of the Board.
- Failure to pay fines and investigative costs by the time ordered.
- Failure to timely submit documentation of completion of continuing education imposed by Board order.
- Failure to update a practitioner profile within 15 days as required by Section 456.042, F.S.
- Failure to complete continuing education hours within the applicable biennium.

(2012 Florida Administrative Codes, 64B9-8)

Test Yourself: Disciplinary Consequences
The F.A.C. identify specific fines to be levied for specific violations.

A. True
B. False

The correct answer is: True.

Alternative to Discipline: The Intervention Project for Nurses (IPN)
Florida legislative action established The Intervention Project for Nurses (IPN) in 1983 to ensure public health and safety through a program that provides close monitoring of nurses who are unsafe to practice due to impairment as a result of misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety.

The Nurse Practice Act (2012 Florida Statutes, 464.018) requires licensees to report to the department any person who the licensee knows is practicing while impaired however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

The licensee may report the impaired nurse to the IPN. The report leads to a process of:
What is included in the IPN Process?
An impaired nurse may be removed from practice in 1 – 3 days, much more quickly than in the disciplinary process, which may take 9 – 12 months.

A nurse in the IPN program participates in structured support groups and relapse prevention groups. Quarterly progress evaluations include practice-setting reports.

A nurse may return to practice when there is evidence of:
- Stability in recovery
- Support systems
- Problem-solving ability
- Cognitive functioning
- Judgment
- Ability to cope with stressful situations
- Decision-making ability in a crisis

The nurse must:
- Comply with any practice restrictions such as no overtime, floating, multiple employers, agency, home health, hospice employment
- Participate in a weekly support group
- Complete the relapse prevention workbook

Discipline if IPN is Unsuccessful
If a nurse fails to satisfactorily progress, discontinues treatment, and/or fails to comply with program stipulations, the IPN immediately provides this information to the Department of Health to initiate swift action to ensure the health, safety and welfare of the citizens of Florida.
(2012 Florida Statute 455)
The BON will not reinstate the license of a nurse whom the BON has found guilty on 3 separate occasions of violations relating to the use of drugs or narcotics, which offenses involved the diversion of drugs or narcotics from patients to personal use or sale.

Planning My Career Development
I will comply with license renewal requirements and accrue the required number of CE contact hours and required topics. But that is only the beginning of my professional development. As a nurse I have a commitment to lifelong learning.

One of the things I will consider in my job search is professional development opportunities available within the healthcare organization. Most of the hospitals where I’ve worked provide staff education and some of the courses and learning activities offer CE contact hours. Some of my employers have established programs that offer tuition reimbursement, payment for CE courses, and reimbursement for the certification exam fees.

I have several years experience in critical care. Once I get settled in my new position, I will start preparing for certification in critical care nursing. There are actually a few different certifications available for critical care nurses, so I will have to investigate further.

The American Board of Nursing Specialties posts a directory of nursing specialty certification organizations http://www.nursingcertification.org/membership-directory-regular.html.

I plan to join the critical care nursing specialty organization, the American Association of Critical Care Nurses (AACN). I know that there are lots of resources and networking opportunities available to members. I may find a local chapter in my area.

Specialty nursing organizations can be a great resource for professional development. I found a lengthy list of links to organizations for many nursing specialties at http://www.nurse.org/orgs.shtml.

Planning My Career Development: Looking Toward the Future
*The Future of Nursing* Report (IOM, 2010) recommends 80% BSN nurses by 2020. The report also recommends that nurses pursue advanced degrees and expanded roles. The vision of this important report sees an expanded scope of practice for all RNs, increased use of APRNs to provide care, and increased interprofessional collaboration.

In my own future in nursing, I might want to become a Clinical Nurse Specialist (CNS) in critical care. I know that the Master’s degree will be required for that step.

Many of the nurses I’ve worked with in critical care have enrolled in Certified Registered Nurse Anesthetist (CRNA) programs. Some of them are practicing CRNAs now. I plan to touch base with them and learn more about that advanced practice role.

But, I also have always enjoyed precepting students and orientees. I might want to teach in a school of nursing.

An important part of my career development plan is to gather more information about the roles and opportunities open to me and the requirements for each one.

Think About It
- What parts of your current job do you enjoy the most?
• Can you envision a role in nursing that would provide you with more opportunity to do your favorite parts of nursing role?
• What parts of your current job do you think you do best?
• Can you envision a role in nursing that would provide you with more opportunity to develop and contribute your special strengths?
• Whom can you approach to learn more about specific roles and opportunities in nursing?

My Own Career Development: Step-by-Step
I know that my career will not just develop without investigation, planning and effort on my part.

As a first step, I plan to consider the professional development opportunities, resources, and support available with potential employers.

Once settled in my new position, I will investigate the specialty certifications available in my specialty, select the most appropriate one for me, and begin the preparation and application process.

I will also connect with my nursing specialty organization.

I am interested in pursuing a Master’s degree and possibly a role as an ARNP or nursing faculty member. But I need to refine my goals. I’m going to do some networking with nurses who are working in some of the roles and learn more about their practice. That will help me determine which of the possibilities is the best fit for me based on my own strengths and what I enjoy most in practice.

I also need to learn about the educational requirements. I will investigate the programs that prepare nurses for these roles. I know that many schools offer courses online.

I’m excited to begin the next phase of my career in the Sunshine State!