

PROTECTING YOUR LICENSE

A license to practice nursing in the State of Indiana is a privilege, and not a right. To qualify for and practice as a professional nurse an individual must complete specific educational requirements and successfully pass a national licensing examination. A nursing license is required to practice nursing and must be valued and protected.

Nurses are required to know the specific scope of practice according to the Nurse Practice Act as well as the regulations promulgated by the Indiana State Board of Nursing. The Nurse Practice Act of Indiana can be found at Indiana Code § 25-23-1-1, et seq. or on the Indiana Professional Licensing Agency website at www.in.gov/pla, under Indiana State Board of Nursing. Regulations regarding nursing practice can be found under the Indiana Administrative Code at 848 IAC 2-1-1, et seq. or on the same website.

Ignorance is not bliss. It is your professional responsibility to regularly review the state Nurse Practice Act and regulations affecting your practice to protect your license. The Indiana Nurse Practice Act clearly defines the practice of professional nursing, licensed practical nursing, and advanced practiced nursing. The American Nurses Association has also published Standards of Practice and a Code of Ethics which guide the practice of nursing. (See Appendix A and B) In addition, the nurse should be familiar with their work place policies and procedures and follow them, or your license could be in jeopardy.

The rules and regulations under the Indiana Administrative Code more fully explain the statute. The Board promulgates these rules to help nurses define and understand the scope of their practice. Rules and regulations are easier to change than a statute or law because the rules and regulations are created through a rule-mak-

ing process whereas, a statute or law requires legislative action to make changes. They are both equally binding on the nurse as a matter of law. Specifically, 848 IAC 2-2-2 requires that a nurse “function within the legal boundaries of nursing practice based on the knowledge of statutes and rules governing nursing.”



Lorie A. Brown, RN, MN, JD

If you are asked when you last read the statute or rules governing nursing, and it has been awhile, you could be in violation of this regulation. Therefore, it is important to read the laws and regulations affecting your practice. This article will discuss a few of the laws affecting nursing practice so that you can be informed and protect your license.

A. Impaired Nurses

It is a violation of the Indiana Administrative Code to divert prescription drugs for your own or another person's use. It is also a violation to practice under the influence of drugs or alcohol. If a nurse is impaired, the statute provides that the nurse can seek help confidentially through the Indiana State Nurses Assistance Program. If a nurse turns herself in and seeks assistance from the Program, her license is usually protected if she complies with the contract of the program.

B. Patient Abuse

“Abusing a patient/client verbally, physically, emotionally or sexually” is a violation of the

continued on the following pages



Indiana Administrative Code and a nurse's license is at risk. Usually, when there is a question of verbal abuse, it can be a "he said/she said" situation. The best way to protect your license is to resolve these types of issues rather than allowing them to escalate.

C. Patient Abandonment

Your license requires you to provide nursing care regardless of socio-economic status, personal attributes, or nature of health problems. Refusing to accept a patient assignment can be considered patient abandonment. If you are given an unsafe work assignment and leave the job, that is patient abandonment. Notify your supervisor of any unsafe work assignment and complete the assignment to the best of your ability. Do not stay in a facility that provides unsafe care or unsafe assignments. Be sure to resign in writing and keep a copy of your resignation for your records.

D. License Renewal

On your license renewal application to the Indiana State Board of Nursing, it asks several questions, such as, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?", and "have you ever been terminated, reprimanded, disciplined or demoted in the scope of your practice as a nurse or health care provider?" It is important that you answer truthfully to this question if you have ever been disciplined in your nursing practice. You will be given an opportunity to explain why you checked yes, but if you do not check yes, and the Board discovers that you were disciplined, you will be asked to appear before the Board. It is therefore, very important to be truthful on the license renewal application. If you are leaving an employer, be very clear whether you are resigning or are being terminated so that you can answer that question truthfully, as well.

E. Delegation of Nursing Functions

It is a violation of the Indiana rules to delegate nursing care, functions, tasks or responsibilities to others when the nurse knows or should know that such delegation is to the detriment of patient safety. The nurse is ultimately responsible for ensuring that anyone to whom they delegate tasks is prepared, qualified and licensed to perform. The supervising nurse will be held responsible for the acts performed by those under her direct supervision.

F. Confidentiality

"Disregarding a patient/client's dignity, right to privacy, or right to confidentiality" is a violation of the nursing regulations. In addition, never give anyone your computer password or Pyxis codes. It is important to keep individual identifying information confidential. Make sure no one is standing behind you when you are entering your password into the computer or enter your code into the Pyxis machine. Never sign in for another individual. If your code is used or stolen by another, it is very difficult to defend yourself when it looks like your code is being utilized.

G. Affirmative Duty to Report

Indiana law requires you to notify, in writing, the appropriate party, which may include the Office of the Attorney General, Consumer Protection Division, his or her employer or contracting agency or the Board of any unprofessional conduct which may jeopardize the patient/client safety. You could be held responsible if you know a nurse is impaired or if you observe a nurse providing unsafe care and do not report it.

A license to practice nursing in the State of Indiana is a privilege, and not a right...

H. Disciplinary Defense Insurance

If you are asked to respond to a complaint or appear before the Board, you have the right to seek assistance of counsel. Many nurses have malpractice insurance from NSO (Nursing Service Organization). This policy does include a disciplinary defense provision which will help with the costs of counsel.

These tips are designed to help you protect your license which you worked so hard to earn, so you will not be in violation of the law and so you can protect your most valuable asset, your nursing license, to maintain your livelihood.

APPENDIX A

American Nurses Association - Standards of

Practice

Standards of Practice

Standard 1 - Assessment

The registered nurse collects comprehensive data pertinent to the patient's health or the situation.

Standard 2 - Diagnosis

The registered nurse analyzes the assessment data to determine the diagnoses or issues.

Standard 3 - Outcomes Identification

The registered nurse identifies expected outcomes for a plan individualized to the patient or situation.

Standard 4 - Planning

The registered nurse develops a plan that prescribes strategies and alternatives to attain expected outcomes.

Standard 5 - Implementation

We've got healthcare covered.

As a full-service twenty-first century hospital, Hancock Memorial Hospital and Health Services' capabilities are unparalleled. Our extensive services range from nursing, physical therapy, occupational health, radiology and everything in between. For more than 50 years, we've addressed the needs of the residents of Hancock County and the surrounding areas using the latest techniques, technology and compassionate care. So, come and check us out. We're conveniently located in Greenfield, just 15 miles east of Indianapolis. With your help, we can make sure that everybody continues to live a healthy life. We have openings in the following departments:

- **Emergency Department**
- **Inpatient/Transitional Care Rehab**
- **Intensive Care**
- **Med Surg**
- **Home Health Care**
- **Occupational Health**

We offer some of the best shift differentials in the area, as well as competitive salaries, excellent benefits, and opportunities for growth. **For consideration, you may electronically submit your resume and/or complete an online application by visiting the CAREERS SECTION of our website: www.hmhhs.org**

EOE



**Hancock Memorial Hospital
and Health Services**

Better jobs are right here.

It is your professional responsibility to regularly review the state Nurse Practice Act and regulations affecting your practice to protect your license.

The registered nurse implements the identified plan.

Standard 5A - Coordination of Care

The registered nurse coordinates care delivery.

Standard 5B - Health Teaching and Health Promotion

The registered nurse employs strategies to promote health and a safe environment.

Standard 5C - Consultation

The advanced practice registered nurse and the nursing role specialist provide consultation to influence the identified plan, enhance the abilities of others, and effect change.

Standard 5D - Prescriptive Authority and Treatment

The advanced practice registered nurse uses prescriptive authority, procedures, referrals, treatments, and therapies in accordance with state and federal laws and regulations.

Standard 6 - Evaluation

The registered nurse evaluates progress toward attainment of outcomes.

Standards of Professional Performance

Standard 7 - Quality of Practice

The registered nurse systematically enhances the quality and effectiveness of nursing practice.

Standard 8 - Education

The registered nurse attains knowledge and competency that reflects current nursing practice.

Standard 9 - Professional Practice Evaluation

The registered nurse evaluates one's own nursing practice in relation to professional practice standards and guidelines, relevant statutes, rules, and regulations.

Standard 10 - Collegiality

The registered nurse interacts with and contributes to the professional development of peers and colleagues.

Standard 11 - Collaboration

The registered nurse collaborates with patients, family, and others in the conduct of nursing practice.

Standard 12 - Ethics

The registered nurse integrates ethical provisions in all areas of practice.

Standard 13 - Research

The registered nurse integrates research findings into practice.

Standard 14 - Resource Utilization

The registered nurse considers factors related to safety, effectiveness, cost, and impact on practice in the planning and delivery of nursing practice.

Standard 15 - Leadership

The registered nurse provides leadership in the professional practice setting and the profession.

APPENDIX B

American Nurses Association - Code of Ethics

1. 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.

2. The nurse's primary commitment is to the patient, whether an individual, family, group or community.

3. The nurse promotes, advocates for and strives to protect the health, safety and rights of the patient.

4. 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.

5. The nurse owes the same duties to self as to others, including the responsibility to preserve integrity and safety, to maintain competence and

Lorie A. Brown, RN, MN, JD, of Brown Law Office, Indianapolis, Indiana (317) 465-1065 is a practicing nurse-attorney who represents nurses for licensing issues before the Indiana State Board of Nursing and for contracting matters. The views expressed in this column are those of the author. www.brownlaw1.com.

to continue personal and professional growth.

6. 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.

7. The nurse participates in the advancement of the profession through contributions to practice, education, administration and knowledge development.

8. The nurse collaborates with other health professionals and the public in promoting community, national and international efforts to meet health needs.

9. 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.

References

Indiana Code § 25-23-1-1, et seq.
848 IAC 2-1-1, et seq.

www.in.gov/pla, American Nurses Association. (2003a). Nursing: Scope and standards of practice. Washington, DC: ANA.

American Nurses Association. (2001). Code of ethics for nurses with interpretative statements. Washington, DC: ANA.

It is with a strong commitment to quality healthcare that **Regency Hospitals** have grown into a national company with an outstanding clinical reputation. We are acute care hospitals, but we treat patients who require this critical care for a longer time period than traditional hospitals are set up to provide.

We are a different kind of hospital with a different kind of culture. And it shows in everything we do. As every good nurse knows, an outstanding clinical reputation does not come easy. First, we hire dedicated nurses who give extraordinary patient care, then we provide the tools, technology and atmosphere in which you'll thrive.

If this sounds like what you've been looking for, we want you on the team at **Regency Hospital of Northwest Indiana**. Come join a team who truly makes a difference in the lives of their patients, and a hospital that makes a difference in the lives of their team.

The staff at Regency Hospital of Northwest Indiana



Patrick Ryan, CEO
Regency Hospital of
Northwest Indiana

We are currently seeking: Critical Care RNs, LPNs & CNAs



Regency Hospital of Northwest Indiana
4321 Fir Street
East Chicago, IN 46312

For the healthcare career you really wanted, contact us.
Use CODE INF305 when emailing
bpillotte@regencyhospital.com
or faxing 219.378.9875

Fayetteville, AR • Springdale, AR • Atlanta, GA • Macon, GA • E. Chicago, IN •
Florence, SC • Greenville, SC • Meridian, MS • Hattiesburg, MS • Akron, OH •
Cincinnati, OH • Ravenna, OH • Minneapolis, MN • Covington, LA • Odessa, TX