Florida Laws and Rules for Nurses

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Course Description

- This course is designed to meet the CE renewal requirement for nurses (64B9-5.013) on the laws and rules for the practice of nursing in the state of Florida.
According to 64B9-5.013 Continuing Education on Laws and Rules.

Beginning with the biennium ending in 2015, each licensee shall complete a two hour course on the laws and rules that govern the practice of nursing in Florida. To receive Board approval, each course must include content on Chapters 456 & 464 of the Florida Statutes and the rules in Title 64B9 of the Florida Administrative Code.

This course reviews Florida laws and regulations that govern the practice of nursing in Florida for Licensed Practical Nurses, Registered Nurses, Clinical Nurse Specialists and Advanced Registered Nurse Practitioners.

The course content includes Chapters 456 & 464 of the Florida Statutes (FS) and the rules in Title 64B9 of the Florida Administrative Code (FAC).
Learning Objectives

- This course will provide the practitioner with detailed information regarding the Laws & Rules related to the practice of nursing in Florida.
Learning Objectives

Specifically, a professional will:

- Recognize the relevant laws and rules related to professional practice of nursing.
- Identify acts that require substantial specialized knowledge and rights of delegation as well as responsibilities when delegating duties in healthcare settings.
- Describe grounds for disciplinary actions for nurses in Florida.
The Florida Nurse Practice Act is a series of statutes, which are revised and passed annually by the Florida Legislature. These statutes only apply to registered nurses, licensed practical nurses, and advanced nurse practitioners.
Certified Nursing Assistants (CNAs) are included in another part of chapter 464.

Unlicensed Assistive Personnel (UAPs) are not included in chapter 464.
Overview

- **Title XXXII, Regulation of Professions and Occupations under Chapter 464 covers the area of Nursing and describes the Nurse Practice Act (ss.464.001-464.027).**

- **This course uses exact quotes from and Ch 456 & 464 as well as the regulations in 64B9 of the FAC**
Overview

- Regulatory agencies involved in the implementation of the Florida Nurse Practice Act include the:
  - Department of Health
  - Florida's Health Care Administration
  - Florida Board of Nursing (referred to as the Board)
Overview

Under the Nurse Practice Act, the Board of Nursing was granted authority to carry out the Codes' intent by implementing regulations.
Overview

- As a professional licensed by the Board
- You are required to follow all of the laws and rules promulgated by the Board.
Overview

- Not knowing about a rule or regulation is not a defense or excuse for not following the rules.
- Every year, nurses are subject to discipline (including the loss of a license to practice) due to violation of the rules or regulations.
Overview

- Keeping up with changes in the law is as important as keeping up with changes in practice.

- This course will review some of the most important elements of the laws and rules.
464.02 Purpose. - 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.
464.003 Definitions

- There are a number of definitions you must understand when reading the laws and rules.
464.003 Definitions.

1) "Department" means the Department of Health.

2) "Board" means the Board of Nursing.
3) "Practice of professional nursing"

- a) 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:
  - i) The observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care; health teaching and counseling of the ill, injured, or infirm; and the promotion of wellness, maintenance of health, and prevention of illness of others.
  - ii) The administration of medications and treatments as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments.
  - iii) The supervision and teaching of other personnel in the theory and performance of any of the above acts.
b) "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 and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed podiatric physician, or a licensed dentist. The professional nurse and the practical nurse shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing.
c) "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 proper to be performed by an advanced registered nurse practitioner. Within the context of advanced or specialized nursing practice, the advanced registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee.
3) "Practice of professional nursing"

- i) "Nursing diagnosis" means the observation and evaluation of physical or mental conditions, behaviors, signs and symptoms of illness, and reactions to treatment and the determination as to whether/he such conditions, signs, symptoms, and reactions represent a deviation from normal
3) "Practice of professional nursing"

ii) "Nursing treatment" means the establishment and implementation of a nursing regimen for the care and comfort of individuals, the prevention of illness, and the education, restoration, and maintenance of health.
4) "Registered nurse" means any person licensed in this state to practice professional nursing.
5) "Licensed practical nurse" means any person licensed in this state to practice practical nursing.
6) "Clinical nurse specialist" means any person licensed in this state to practice professional nursing and certified in clinical nurse specialist practice.
7) "Advanced registered nurse practitioner" means any person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice.
8) "Approved program" means a nursing program conducted in a school, college, or university, which is approved by the board pursuant to s. 464.019 for the education of nurses.
Important to Note

- Not stated in the Nurse Practice Act are the specific guidelines that must be followed so that licensed practical nurses can legally give Intravenous medications. These are listed in the Florida Administrative Code Subtitle 64B9.
Important to Note

- Not stated in the Nurse Practice Act is the information that must be included in protocols between an ARNP and a physician. These requirements are listed in the Florida Administrative Code, Subtitle 64B9.
As the national shortage of licensed nursing personnel expands, more Certified Nursing Assistants (C.N.A.s) and UAPs are being hired to care for patients in healthcare facilities. Part two 464.202-464-2085 of the Florida Statute concerns the Certified Nursing Assistants. An individual who wants to be a CNA must complete a course of training conducted by a public sector or private sector educational center licensed by the Department of Education to implement the basic curriculum for nursing assistants which is approved by the Department of Education. Beginning October 1, 2000, the board shall assume responsibility for approval of training programs under this paragraph. The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants.
The principles of delegation to and supervision of UAPs are defined by the National Council of State Boards of Nursing, and in Florida Law in sections 464B9-16.001-16.004 of the FAC.

Sections 464B9-16.001-16.004 regulates the extent of and manner in which LPNs may supervise other LPNs and CNAs in Nursing homes, but only under the supervision of an RN. LPNs may only supervise within their own scope of practice.
Delegation

- Bottom line – as the licensed professional it is the nurse’s responsibility to delegate appropriately
- The licensed nurse will be held accountable for what they delegate and to whom they delegate
Delegation

- Licensed nurses must use their expertise and good judgment when determining if they can delegate a task and to whom they can delegate.

- They must consider:
  - The assignment
  - The setting
  - The skill and training of the person to whom they are delegating
  - The exactness of communication of what is to be done
  - How they will supervise or ensure that the job is done correctly
In the delegation process, the delegator must use nursing judgment to consider the suitability of the task or activity to be delegated.

(1) Factors to weigh in selecting the task or activity include:
(a) Potential for patient harm.
(b) Complexity of the task.
(c) Predictability or unpredictability of outcome including the reasonable potential for a rapid change in the medical status of the patient.
(d) Level of interaction required or communication available with the patient.
(e) Resources both in equipment and personnel available in the patient setting.
(2) Factors to weigh in selecting and delegating to a specific delegate include:

- (a) Normal assignments of the UAP.
- (b) Validation or verification of the education and training of the delegate.
(3) The delegation process shall include communication to the UAP which identifies the task or activity, the expected or desired outcome, the limits of authority, the time frame for the delegation, the nature of the supervision required, verification of delegate’s understanding of assignment, verification of monitoring and supervision.
(4) Initial allocation of the task or activity to the delegate, periodic inspection of the accomplishment of such task or activity, and total nursing care responsibility remains with the qualified nurse delegating the tasks or assuming responsibility for supervision.

Specific Authority 464.006 FS. Law Implemented 464.003(17),(18), (19), (20), 464.018(1)(h) FS. History—New 1-1-96, Formerly 59S-14.002.
The registered nurse or licensed practical nurse, under direction of the appropriate licensed professional as defined in Section 464.003(3)(b), F.S., shall not delegate:

(1) Those activities not within the delegating or supervising nurse’s scope of practice.
(2) 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:

- (a) The initial nursing assessment or any subsequent assessments;
- (b) The determination of the nursing diagnosis or interpretations of nursing assessments;
- (c) Establishment of the nursing care goals and development of the plan of care; and
- (d) Evaluation of progress in relationship to the plan of care.
(3) Those activities for which the UAP has not demonstrated competence.
Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificate holder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants and specifying the scope of practice authorized and the level of supervision required for the practice of certified nursing assistants. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider’s application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

History.—s. 204, ch. 99-397; s. 79, ch. 2000-318; s. 5, ch. 2005-62.

Note.—Former s. 468.822.
1) The Board of Nursing is created within the department and shall consist of 13 members to be appointed by the Governor and confirmed by the Senate. 

2) Seven members of the board must be registered nurses who are residents of this state and who have been engaged in the practice of professional nursing for at least 4 years, including at least one advanced registered nurse practitioner, one nurse educator member of an approved program, and one nurse executive. These seven board members should be representative of the diverse areas of practice within the nursing profession. In addition, three members of the board must be licensed practical nurses who are residents of this state and who have been actively engaged in the practice of practical nursing for at least 4 years prior to their appointment. The remaining 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. No person may be appointed as a lay member who is in any way connected with or has 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.
Licensure Requirements

Licensure requirements cover many areas of aspects of practice and preparation. Included are:

- training / education requirements
- fees,
- language requirements,
- examination stipulations and
- certification processes.
IMPORTANT NOTICE:

Pursuant to Section 456.0635, Florida Statutes, effective July 1, 2009, health care boards or the department shall refuse to issue a license, certificate or registration and shall refuse to admit a candidate for examination if the applicant has been:

1. Convicted or plead guilty or nolo contendere to a felony violation regardless of adjudication of: chapters 409, 817, or 893, Florida Statutes; or 21 U.S.C. ss. 801-970 or 42 U.S.C. ss 1395-1396, unless the sentence and any probation or pleas ended more than 15 years prior to the application.

2. Terminated for cause from Florida Medicaid Program (unless the applicant has been in good standing for the most recent five years).

3. Terminated for cause by any other State Medicaid Program or the Medicare Program (unless the termination was at least 20 years prior to the date of the application and the applicant has been in good standing with the program for the most recent five years).
1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:
464.008 Licensure by examination

- **a)** Has completed the application form and remitted a fee set by the board not to exceed $150 and has remitted an examination fee set by the board not to exceed $75 plus the actual per applicant cost to the department for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.
b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.
c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for graduation from an approved program, or its equivalent as determined by the board, for the preparation of registered nurses or licensed practical nurses, whichever is applicable. Courses successfully completed in a professional nursing program which are at least equivalent to a practical nursing program may be used to satisfy the education requirements for licensure as a licensed practical nurse.
464.008 Licensure by examination

- **d)** Has the ability to communicate in the English language, which may be determined by an examination given by the department. Each applicant who passes the examination and provides proof of meeting the educational requirements specified in subsection (1) shall, unless denied pursuant to s. 464.018, be entitled to licensure as a Registered Professional Nurse or a Licensed Practical Nurse, whichever is applicable.
2) 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.
1) The department shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the department and remitting a fee set by the board not to exceed $100, demonstrates to the board that he or she/he:
464.009 Licensure by endorsement

- **a)** Holds a valid license to practice professional or practical nursing in another state of the United States, provided that, when the applicant secured his or her original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in Florida at that time; or

- **b)** Meets the qualifications for licensure in s. 464.008 and has successfully completed a state, regional, or national examination which is substantial equivalent to or more stringent than the examination given by the department.
c) Has 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 who become licensed pursuant to this paragraph must complete within 6 months after licensure a Florida laws and rules course that is approved by the. Once the department has received the results of the national criminal history check and has determined that the applicant has no criminal history, the appropriate license by endorsement shall be issued to the applicant.
2) Such examinations and requirements from other states shall be presumed to be substantially equivalent to or more stringent than those in this state. Such presumption shall not arise until January 1, 1980. However, the board may, by rule, specify states the examinations and requirements of which shall not be presumed to be substantially equivalent to those of this state.
3) An applicant for licensure by endorsement who is 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 deemed to have satisfied the requirements of subsection (1) and shall be issued a license by endorsement upon submission of the appropriate application and fees and completion of the criminal background check required under subsection.
464.009 Licensure by endorsement

4) The applicant must submit 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 of Health shall submit the fingerprints provided by the applicant to the Florida Department of Law Enforcement for a statewide criminal history check, and the Florida Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant. The Department of Health shall review the results of the criminal history check, issue a license to an applicant who has met all of the other requirements for licensure and has no criminal history, and shall refer all applicants with criminal histories back to the board for determination as to whether/he a license should be issued and under what conditions.
5) The department shall not issue a license by endorsement to any applicant who is under investigation in another state 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.
6) The department shall develop an electronic applicant notification process and provide electronic notification when the application has been received and when background screenings have been completed, and shall 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.
1) Any nurse seeking certification as a clinical nurse specialist must apply to the department and submit proof that he or she holds a current license to practice professional nursing, a master's degree in a clinical nursing specialty, and either:
464.115 Certification of clinical nurse specialists

a) Proof of current certification in a specialty area as a clinical nurse specialist from a nationally recognized certifying body as determined by the board; or
(b) Proof that he or she holds a master's degree in a specialty area for which there is no certification within the clinical nurse specialist role and specialty and proof of having completed 1,000 hours of clinical experience in the clinical specialty for which he or she is academically prepared, with a minimum of 500 hours of clinical practice after graduation. The applicant for certification as a clinical nurse specialist must submit an affidavit to the Board of Nursing affirming the required hours of clinical experience. Falsification of the affidavit constitutes grounds for discipline in accordance with s. 464.018(1)(f).
2) The board shall certify, and the department shall issue a certificate to, any nurse who fulfills the qualifications of this section. The board shall establish an application fee not to exceed $75 and a biennial renewal fee not to exceed $75.

3) The board may adopt rules necessary to administer this section pursuant to ss. 120.536(1) and 120.54.
1) Any nurse desiring to be certified as an advanced registered nurse practitioner shall apply to the department and submit proof that he or she/he holds a current license to practice professional nursing and that he or she/he meets one or more of the following requirements as determined by the board-
a) Satisfactory completion of a formal post basic educational program of at least one academic year, the primary purpose of which is to prepare nurses for advanced or specialized practice.
b) Certification by an appropriate specialty board. Such certification shall be required for initial state certification and any recertification as a registered nurse anesthetist or nurse midwife. The board may by rule provide for provisional state certification of graduate nurse anesthetists and nurse midwives for a period of time determined to be appropriate for preparing for and passing the national certification examination.
c) Graduation from a program leading to a master's degree in a nursing clinical specialty area with preparation in specialized practitioner skills. For applicants graduating on or after October 1, 1998, graduation from a master's degree program shall be required for initial certification as a nurse practitioner under paragraph (4) (c). For applicants graduating on or after October 1, 2001, graduation from a master's degree program shall be required for initial certification as a registered nurse anesthetist under paragraph (4) (a).
2) The board shall provide by rule the appropriate requirements for advanced registered nurse practitioners in the categories of certified registered nurse anesthetist, certified nurse midwife and nurse practitioner.
3) An Advanced Registered Nurse Practitioner shall perform those functions authorized in this section within the framework of an established protocol. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced registered nurse practitioner may.
464.012 Certification of Advanced Registered Nurse Practitioners

- **a)** Monitor and alter drug therapies.
- **b)** Initiate appropriate therapies for certain conditions.
- **c)** Perform additional functions as may be determined by rule in accordance with S464.003 (3) (c).
- **d)** Order diagnostic tests and physical and occupational therapy.
4) In addition to the general functions specified in subsection (3), an Advanced Registered Nurse Practitioner may perform the following acts within his or her/he specialty.
a) The Certified Registered Nurse Anesthetist may, to the extent authorized by established protocol approved by the medical staff of the facility in which the anesthetic service is performed, perform any or all of the following:
464.012 Certification of Advanced Registered Nurse Practitioners

– i) Determine the health status of the patient as it relates to the risk factors and to the anesthetic management of the patient through the performance of the general functions.

– ii) Based on history, physical assessment, and supplemental laboratory results, determines, with the consent of the responsible physician, the appropriate type of anesthesia within the framework of the protocol.

– iii) Order under the protocol pre-anesthetic medication.
– iv) perform under the protocol procedures commonly used to render the patient insensible to pain during the performance of surgical, obstetrical, therapeutic, or diagnostic clinical procedures. These procedures include ordering and administering regional, spinal, and general anesthesia; inhalation agents and techniques; intravenous agents and techniques; and techniques of hypnosis.
– v) Order or perform monitoring procedures indicated as pertinent to the anesthetic health care management of the patient.

– vi) Support life functions during anesthesia health care, including induction and intubation procedures, the use of appropriate mechanical supportive devices, and the management of fluid, electrolyte, and blood component balances.
464.012 Certification of Advanced Registered Nurse Practitioners

– **vii)** Recognize and take appropriate corrective action for abnormal patient responses to anesthesia, adjunctive medication, or other forms of therapy.

– **viii)** Recognize and treat a cardiac arrhythmia while the patient is under anesthetic care.
ix) Participate in management of the patient while in the post anesthesia recovery area, including ordering the administration of fluids and drugs.

x) Place special peripheral and central venous and arterial lines for blood sampling and monitoring as appropriate.
b) The Certified Nurse Midwife may, to the extent authorized by an established protocol which has been approved by the medical staff of the health care facility in which the midwifery services are performed, or approved by the nurse midwife's physician backup when the delivery is performed in a patient's home, perform any or all of the following:
- i) Perform superficial minor surgical procedures.
- ii) Manage the patient during labor and deliver to include anatomy, episiotomy, and repair.
- iii) Order, initiate, and perform appropriate anesthetic procedures.
- iv) Perform postpartum examination.
464.012 Certification of Advanced Registered Nurse Practitioners

- **v)** Order appropriate medications.
- **vi)** Provide family-planning services and well-woman care.
- **vii)** Manage the medical care of the normal obstetrical patient and the initial care of newborn patient.
c) The Nurse Practitioner may perform any of the following acts within the framework of established protocol.
i) Manage selected medical problems.

ii) Order physical and occupational therapy.

iii) Initiate, monitor, or alter therapies for certain uncomplicated acute illnesses.

iv) Monitor and manage patients with stable chronic diseases
– v) Establish behavioral problems and diagnosis and make treatment recommendations.
– vi) The board shall certify, and the department shall issue a certificate to, any nurse meeting the qualifications in this section. The board shall establish an application fee not to exceed $100, biennial renewal fee not to exceed $50. The board is authorized to adopt such other rules as are necessary to implement the provisions of this section.
License Verification

- All employing agencies must verify that licensed personnel have a valid license. Most employers suspend employment until the employee presents a valid license for verification.
464.013 Renewal of license or certificate

1) The department shall renew a license upon receipt of the renewal application and fee.

2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

3) The board shall by rule prescribe continuing education not to exceed 30 hours biennially as a condition for renewal of a license or certificate. The criteria for programs shall be approved by the board.
Specific continuing education requirements are not stated in the Nurse Practice Act. The requirements are listed in the Florida Administrative Code, Subtitle 64B9.

All Florida-licensed RN's and LPNs are now in a 24-month renewal cycle and must complete 24 hours of appropriate continuing education during each renewal period. One (1) contact hour is required for each calendar month of the licensure cycle, including two (2) hours on Prevention of Medical Errors. HIV/AIDS is now a one-time, 1-hour CE requirement to be completed prior to the first renewal. Domestic Violence CE is now a 2-hour requirement every third renewal. For example, if you renew your license on January 31, 2007, you are required to complete the Domestic Violence CE before the January 31, 2011 renewal.
Nurses may choose to place their license on inactive status. When a license is inactive, the nurse is not obligated to renewal or continuing education requirements. An inactive license must be activated before the nurse can resume practice.
1) Any retired practical or registered nurse desiring to serve indigent, underserved, or critical need populations in this state may apply to the department for a retired volunteer nurse certificate by providing:
464.0205 Retired volunteer nurse certificate

- **a)** A complete application.
- **b)** Verification that the applicant had been licensed to practice nursing in any jurisdiction in the United States for at least 10 years, had retired or plans to retire, intends to practice nursing only pursuant to the limitations provided by the retired volunteer nurse certificate, and has not committed any act that would constitute a violation under s. 464.018(l).
- **c)** Proof that the applicant meets the requirements for licensure under s. 464.008 or s. 464.009.
464.0205 Retired volunteer nurse certificate

4) A retired volunteer nurse receiving certification from the board shall:
   – b) Comply with the minimum standards of practice for nurses and be subject to disciplinary action for violations of s. 464.018, except that the scope of practice for certified volunteers shall be limited to primary and preventive health care, or as further defined by board rule.
   – c) Work only in a setting for which there are provisions for professional liability coverage for acts or omissions of the retired volunteer nurse.
   – d) Provide services under the certificate only in settings whose sponsors have been approved by the board.
5) A retired volunteer nurse receiving certification from the board shall not:
   – a) Administer controlled substances.
   – b) Supervise other nurses.
   – c) Receive monetary compensation.
7) The retired volunteer nurse certificate shall be valid for 2 years, and a certificate holder may reapply for a certificate so long as the certificate holder continues to meet the eligibility requirements of this section. Any legislatively mandated continuing education on specific topics must be completed by the certificate holder prior to renewal; otherwise, the provisions of s. 464.013 do not apply.
The Florida Nurse Practice Act does not list every task for which nurses are responsible. Instead it states that nurses at all levels are responsible for making decisions based on their education and experience in nursing.
Therefore, the scope of practice can vary from nurse to nurse.

If there is an issue or concern, the Board is a panel of peers – so if in doubt, seek supervision.
1) Only persons who hold licenses to practice professional nursing in this state or who are performing nursing services pursuant to the exception set forth in s. 464.022(8) shall have the right to use the title "Registered Nurse" and the abbreviation "R.N."
2) Only persons who hold licenses to practice as licensed practical nurses in this state or who are performing practical nursing services pursuant to the exception set forth in s. 464.022(8) shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N."
3) Only persons who are graduates of approved programs or the equivalent may use the term "Graduate Nurse" and the abbreviation "G.N.,” pending the results of the first licensure examination for which they are eligible.
464.015 Titles and abbreviations; restrictions

4) Only persons who are graduates of approved programs or the equivalent may use the term "Graduate Practical Nurse" and the abbreviation "G.P.N., "pending the results of the first licensure examination for which they are eligible.
464.015 Titles and abbreviations; restrictions

5) Only persons who hold valid certificates to practice as advanced registered nurse practitioners in this state shall have the right to use the title "Advanced Registered Nurse Practitioner" and the abbreviation "A.R.N.P."
6) No person shall practice or advertise as, or assume the title of, registered nurse, licensed practical nurse, or advanced registered nurse practitioner or use the abbreviation "R.N.," "L.P.N.," or "A.R.N.P." or take any other action that would lead the public to believe that person was certified as such or is performing nursing services pursuant to the exception set forth in s. 464.022 unless that person is licensed or certified to practice as such.
7) A violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
Exceptions

- There are exceptions to the practice act.
- These are instances in which a person may provide care without a license.
No provision of this part shall be construed to prohibit:

- (1) The care of the sick by friends or members of the family without compensation, the incidental care of the sick by domestic servants, or the incidental care of non-institutionalized persons by a surrogate family.

- (2) Assistance by anyone in the case of an emergency.

- (3) The practice of nursing by students enrolled in approved schools of nursing.
(4) The practice of nursing by graduates of pre-licensure nursing education programs listed in s. 464.008(1)(c), pending the result of the first licensing examination for which they are eligible following graduation, provided they practice under direct supervision of a registered professional nurse. The board shall by rule define what constitutes direct supervision.
(5) The rendering of services by nursing assistants acting under the direct supervision of a registered professional nurse.
(6) Any nurse practicing in accordance with the practices and principles of the body known as the Church of Christ Scientist; nor shall any rule of the board apply to any sanitarium, nursing home, or rest home operated in accordance with the practices and principles of the body known as the Church of Christ Scientist.
(7) The practice of any legally qualified nurse or licensed attendant of another state who is employed by the United States Government, or any bureau, division, or agency thereof, while in the discharge of official duties.
464.022 Exceptions

(8) Any nurse currently licensed in another state or territory of the United States from performing nursing services in this state for a period of 60 days after furnishing to the employer satisfactory evidence of current licensure in another state or territory and having submitted proper application and fees to the board for licensure prior to employment. If the nurse licensed in another state or territory is relocating to this state pursuant to his or her military-connected spouse’s official military orders, this period shall be 120 days after furnishing to the employer satisfactory evidence of current licensure in another state or territory and having submitted proper application and fees to the board for licensure prior to employment. The board may extend this time for administrative purposes when necessary.
464.022 Exceptions

(9) The rendering of nursing services on a fee-for-service basis, or the reimbursement for nursing services directly to a nurse rendering such services by any government program, commercial insurance company, hospital or medical services plan, or any other third-party payor.
464.022 Exceptions

(10) The establishment of an independent practice by one or more nurses for the purpose of rendering to patients nursing services within the scope of the nursing license.
(11) The furnishing of hemodialysis treatments in a patient’s home, using an assistant chosen by the patient, provided that the assistant is properly trained, as defined by the board by rule, and has immediate telephonic access to a registered nurse who is licensed pursuant to this part and who has dialysis training and experience.
464.022 Exceptions

(12) The practice of nursing by any legally qualified nurse of another state whose employment requires the nurse to accompany and care for a patient temporarily residing in this state for not more than 30 consecutive days, provided the patient is not in an inpatient setting, the board is notified prior to arrival of the patient and nurse, the nurse has the standing physician orders and current medical status of the patient available, and prearrangements with the appropriate licensed health care providers in this state have been made in case the patient needs placement in an inpatient setting.
(13) The practice of nursing by individuals enrolled in board-approved remedial courses.
Things a Nurse Shouldn’t Do

- There are a number of things that a licensed nurse is prohibited from doing.

- Committing one of these actions may result in fines, sanctions and even loss of license.
464.016 Violations and penalties

1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or S. 775.084:
464.016 Violations and penalties

- **a)** Practicing advanced or specialized, professional or practical nursing, as defined in this part, unless holding an active license or certificate to do so.

- **b)** Using or attempting to use a license or certificate which has been suspended or revoked.
464.016 Violations and penalties

- **c)** Knowingly employing unlicensed persons in the practice of nursing.

- **d)** Obtaining or attempting to obtain a license or certificate under this part by misleading statements or knowing misrepresentation.
464.016 Violations and penalties

2) Punishable as provided in s. 775.082 or s. 775.083:
   - a) Using the name or title "Nurse," "Registered Nurse," "Licensed Practical. Each of the following acts constitutes a misdemeanor of the first degree Nurse," "Advanced Registered Nurse Practitioner," or any other name or title which implies that a person was licensed or certified as same, unless such person is duly licensed or certified.
b) Knowingly concealing information relating to violations of this part. Sexual misconduct in the practice of nursing.

--The nurse-patient relationship is founded on mutual trust. Sexual misconduct in the practice of nursing means violation of the nurse-patient relationship through which the nurse uses said relationship to induce or attempt 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. Sexual misconduct in the practice of nursing is prohibited.
Sexual misconduct in the practice of nursing may include inducement or the attempted inducement of the patient to engage in sexual activity outside the scope of the practice or sexual activity outside of the generally accepted examination or treatment of the patient.
Sexual Misconduct

- Nurses can lose their license for sexual misconduct.
- It is important to protect yourself from claims of sexual misconduct by always acting professionally and ensuring that you have proper documentation.
464.018 Disciplinary actions

1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):
(a) Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or board. (Section 456.072(1)(h) or 464.018(1)(a), F.S.)
(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory or country. (Section 456.072(1)(f) or 464.018(1)(b), F.S.)
(c) Criminal Violations:
1. Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing. (Sections 456.072(1)(c), 464.018(1)(c), F.S., misdemeanors in violation of Section 464.018(1)(d)3., or (d)7., or 464.018(1)(e), F.S., for crimes set forth in Sections 435.04(2)(a) through (t), (v) through (dd) or (ff), F.S.)
2. Being found guilty, regardless of adjudication, of a violation of Chapter 776, 784, 812, 827, 415 or 39, F.S. (Section 464.018(1)(d)1., (d)2., (d)5., (d)6., (d)7., or (d)8., or a misdemeanor violation of Chapter 409 or 817, F.S.)
3. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication of a felony violation of Chapter 409, 817 or 893, F.S., or of any crime related to health care fraud. (Section 456.072(1)(ll), 464.018(1)(d)3. or 464.018(1)(e), F.S., for crimes set forth in Section 435.04(2)(u) or (ee), F.S.)
4. Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure. (Section 464.018(1)(d)4., F.S.)
(d) Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so; Intentionally submitting a claim, statement or bill that has been upcoded as defined in Section 627.736, F.S., for a PIP claim or for services that were not rendered. (Section 456.072(1)(l), (ee) or (ff) or 464.018(1)(f), F.S.)
(e) False, misleading or deceptive advertising. (Section 464.018(1)(g), F.S.)
(f) Unprofessional conduct as defined by Rule 64B9-8.005, F.A.C. (Section 464.018(1)(h), F.S.).
(g) Engaging or attempting to engage in the possession, sale or distribution of controlled substances as set forth in Chapter 893, F.S. for illegitimate purposes; being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition; testing positive for any drug, as defined in Section 112.0455, F.S., on any confirmed pre-employment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug; or being terminated from a treatment program for impaired practitioners for failure to comply without good cause with the terms of the monitoring or treatment contract, or not successfully completing a drug or alcohol treatment program. (Section 456.072(1)(z), (aa), or (hh), or 464.018(1)(i) or (j), F.S.)
(h) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; 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. (Section 456.072(1)(i) or 464.018(1)(k), F.S.)
(i) Knowingly violating any provision of Chapter 456 or 464, F.S., a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department; or failing to perform any statutory or legal obligation placed on a licensee. (Section 456.072(1)(b), (k) or (q) or 464.018(1)(l) or (o), F.S.)
64B9-8.006 Disciplinary Guidelines

(j) Failing to report to the department any licensee under Chapter 458, F.S., or under Chapter 459, F.S., who the nurse knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under Chapter 395, F.S., or a health maintenance organization certificated under Part I of Chapter 641, F.S., in which the nurse also provides services. (Section 464.018(1)(m), F.S.)
(k) Failing to meet minimal standards of acceptable and prevailing nursing practice, including engaging in acts for which the licensee is not qualified by training or experience, or practicing; or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (Section 456.072(1)(o) or 464.018(1)(n), F.S.)
(I) Making misleading, deceptive or fraudulent representations in or related to the practice of the licensee’s profession or making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(a) or (m), F.S.)
(m) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted under Section 501.122(2), F.S., governing the registration of the devices. (Section 456.072(1)(d), F.S.)
(n) Failing to comply with the educational course requirements. (Section 456.072(1)(e) or (s), F.S. or Rule 64B9-5.002, F.A.C.)
(o) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)
(p) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board. (Section 456.072(1)(j), F.S.)
(q) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party. (Section 456.072(1)(n), F.S.)
(r) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(p), F.S.)
(s) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)
(t) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. (Section 456.072(1)(t), F.S.)
(u) Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint. (Section 456.072(1)(u), F.S.)
(v) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)
(w) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application. (Section 456.072(1)(w) or 456.041(8), F.S.)
(x) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F. S.)
(y) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents under Section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in the accidents. (Section 456.072(1)(y), F.S.)
(z) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient’s diagnosis or medical condition or leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. (Section 456.072(1)(bb) or (cc), F.S.)
(aa) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. (Sections 456.072(1)(ii) and (ll), F.S.)
(bb) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement (Section 456.072(1)(jj), F.S.)
(cc) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored. (Section 456.072(1)(kk), F.S.)
(dd) Violating any of the provisions of Section 790.338, F.S. (Section 456.072(1)(nn), F.S.)
2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of such person has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of nursing.
3) The board shall not reinstate the license of a nurse who has been found guilty by the board on three separate occasions of violations of this part relating to the use of drugs or narcotics, which offenses involved the diversion of drugs or narcotics from patients to personal use or sale.
464.018 Disciplinary actions

4) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions or probation or re-issuance of a license.
(1) As used in this section, the term “kickback” means a remuneration or payment, by or on behalf of a provider of health care services or items, to any person as an incentive or inducement to refer patients for past or future services or items, when the payment is not tax deductible as an ordinary and necessary expense.
(2) It is unlawful for any health care provider or any provider of health care services to offer, pay, solicit, or receive a kickback, directly or indirectly, overtly or covertly, in cash or in kind, for referring or soliciting patients.
(3) Violations of this section shall be considered patient brokering and shall be punishable as provided in s. 817.505.

History.—s. 8, ch. 92-178; s. 2, ch. 96-152; s. 79, ch. 97-261; s. 8, ch. 99-204; s. 78, ch. 2000-160; s. 6, ch. 2006-305.
Every licensed health care practitioner shall inform each patient, or an individual identified pursuant to s. 765.401(1), in person about adverse incidents that result in serious harm to the patient. Notification of outcomes of care that result in harm to the patient under this section shall not constitute an acknowledgment of admission of liability, nor can such notifications be introduced as evidence.

History.—s. 8, ch. 2003-416.
Communications between a patient and a psychiatrist, as defined in s. 394.455, shall be held confidential and shall not be disclosed except upon the request of the patient or the patient’s legal representative. Provision of psychiatric records and reports shall be governed by s. 456.057. Notwithstanding any other provision of this section or s. 90.503, where:
(1) A patient is engaged in a treatment relationship with a psychiatrist;

(2) Such patient has made an actual threat to physically harm an identifiable victim or victims; and

(3) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out that threat, the psychiatrist may disclose patient communications to the extent necessary to warn any potential victim or to communicate the threat to a law enforcement agency. No civil or criminal action shall be instituted, and there shall be no liability on account of disclosure of otherwise confidential communications by a psychiatrist in disclosing a threat pursuant to this section.

History.—s. 10, ch. 88-1; s. 33, ch. 92-149; s. 43, ch. 96-169; s. 83, ch. 97-261; s. 81, ch. 2000-160.

Note.—Former s. 455.2415; s. 455.671.
(1) A practitioner regulated through the Division of Medical Quality Assurance of the department shall not be civilly or criminally liable for the disclosure of otherwise confidential information to a sexual partner or a needle-sharing partner under the following circumstances:
(a) If a patient of the practitioner who has tested positive for human immunodeficiency virus discloses to the practitioner the identity of a sexual partner or a needle-sharing partner;
(b) The practitioner recommends the patient notify the sexual partner or the needle-sharing partner of the positive test and refrain from engaging in sexual or drug activity in a manner likely to transmit the virus and the patient refuses, and the practitioner informs the patient of his or her intent to inform the sexual partner or needle-sharing partner; and
(c) If pursuant to a perceived civil duty or the ethical guidelines of the profession, the practitioner reasonably and in good faith advises the sexual partner or the needle-sharing partner of the patient of the positive test and facts concerning the transmission of the virus.
However, any notification of a sexual partner or a needle-sharing partner pursuant to this section shall be done in accordance with protocols developed pursuant to rule of the Department of Health.
(2) Notwithstanding the foregoing, a practitioner regulated through the Division of Medical Quality Assurance of the department shall not be civilly or criminally liable for failure to disclose information relating to a positive test result for human immunodeficiency virus of a patient to a sexual partner or a needle-sharing partner.

History.—s. 43, ch. 88-380; s. 12, ch. 89-350; s. 191, ch. 97-103; s. 84, ch. 97-261; s. 220, ch. 99-8; s. 82, ch. 2000-160. Note.—Former s. 455.2416; s. 455.674.
Unprofessional conduct shall include:

1. Inaccurate recording;
2. Misappropriating drugs, supplies or equipment;
Unprofessional conduct shall include:

- (3) Leaving a nursing assignment without advising licensed nursing personnel;
- (4) Stealing from a patient;
(5) Violating the integrity of a medication administration system or an information technology system;
(6) Falsifying or altering of patient records or nursing progress records, employment applications or time records;
(7) Violating the confidentiality of information or knowledge concerning a patient;
(8) 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;
(9) Engaging in fraud, misrepresentation, or deceit in taking the licensing examination;
(10) Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of practicing nursing;
(11) Providing false or incorrect information to the employer regarding the status of the license;
(12) 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;
(13) Practicing beyond the scope of the licensee’s license, educational preparation or nursing experience;
(14) Using force against a patient, striking a patient, or throwing objects at a patient;
(15) Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

Rulemaking Authority 464.006, 464.018(1)(h) FS. Law Implemented 464.018(1)(h) FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06, 12-11-06, 4-28-09.
The Board of Nursing strongly urges all licensees under its jurisdiction who are involved in invasive procedures to undergo testing to determine their HIV status. In the event a licensee tests positive, the licensee should enter and comply with the requirements of the Intervention Project for Nurses.

Florida Statutes

- Chapter 464, Part I: Nurse Practice Act
- Chapter 464, Part II: CNA Practice Act
- Chapter 400: Nursing Homes and Related Health Care Facilities
- Section 408.809: Background screening; prohibited offenses
- Chapter 435: Employment Screening
- Chapter 456: Health Professions and Occupations: General Provisions
- Chapter 120: Administrative Procedure Act
◆ Chapter 64B9: Board of Nursing

◆ Chapter 64B9-15: Certified Nursing Assistant
References

◆ Florida Statues
  - Chapter 464, Part I: Nurse Practice Act
  - Chapter 464, Part II: CNA Practice Act
  - Chapter 400: Nursing Homes and Related Health Care Facilities
  - Section 408.809: Background screening; prohibited offenses
  - Chapter 435: Employment Screening
  - Chapter 456: Health Professions and Occupations: General Provisions
  - Chapter 120: Administrative Procedure Act

◆ Florida Administrative Codes
  - Chapter 64B9: Board of Nursing

◆ All Florida Statutes and Codes retrieved from
  http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0464/0464PartIContentsIndex.html&StatuteYear=2013&Title=%2D%3E2013%2D%3EChapter%20464%2D%3EPart%20I On 11/2/13