The Laws & Rules that Govern the Practice of Nursing in Florida

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Objectives

- To review the current and new requirements for continuing education to renew your license
- To review the required information related to Chapters and Statutes related to:
  - 6489
  - 456
  - 464

The Nurse Practice Act

- The Nurse Practice Act is not a technical document that provides instructions and standards for performing specific nursing actions.
- The Nurse Practice Act offers a general overview of the laws, rules, and regulations that pertain to nursing and nursing practice in the state of Florida

Chapter 464

- Chapter 464 - Nursing
  - 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.

The Nurse Practice Act

- It covers the following areas:
  - The nature and scope of nursing practice
  - Nursing education
  - Definitions, e.g., approved program, nursing diagnosis, nursing treatment
  - Licensing and certification information
  - Legal and disciplinary issues: The Nurse Practice Act lists specific violations and laws that pertain to nursing and nurses in the state of Florida.
  - Sexual misconduct
  - Certified Nursing Assistants.
  - Administrative Policies

The Practice Act

- There are specifics regarding the nature and scope of nursing practices for each of the recognized areas of practice (e.g., APRN, graduate).
- But the Nurse Practice Act only provides broad definitions of what nursing professionals can and cannot do.
- The Nurse Practice Act notes that an individual nurse is allowed to practice:
  - within the constraints of the Nurse Practice Act
  - within the constraints of that individual’s education, and experience
  - the rules and regulations of a specific health care facility
FLORIDA ADMINISTRATIVE CODE 64B9: THE RULES OF THE BOARD OF NURSING
- Administrative codes are rules and regulations formulated by government agencies - in this instance, the Florida State Department of Health.
- The Florida Administrative Code 64B9, administered by the Department of Health, contains rules and regulations that apply to the profession of nursing.
- There are 16 sections in Administrative Code 64B9. Some of the information in sections 1-9 and 11-17 (there is no section 10) is duplicated in the Florida state Nurse Practice Act, but some of the sections and some of the information contained in Administrative Code 64B9 are not.

Sections of 64B9
- Addresses more specifically what LPNs can and cannot do
- Addresses the Advanced Practice Nurse
  - An Advanced Practice Registered Nurse (APRN) is defined as any person who is licensed in the state to practice professional nursing and certified in advanced or specialized nursing practice including:
  - certified registered nurse anesthetists, certified nurse midwives, certified nurse practitioner, or clinical nurse specialist.
  - The proper abbreviations for these titles are A.R.N.P., C.R.N.A., C.N.M., C.N.P., and C.N.S.

APRN's
- A Florida ARNP may only perform medical acts:
  - Diagnosis, treatment, and operation pursuant to a protocol between the ARNP and a Florida-licensed medical doctor, osteopathic physician, or dentist.
  - Appropriate arrangements for supervision of the A.R.P.N. must be made: specifics on these arrangements can be found in 64B9-4.010 Standards for Protocols.
- CRNA: The requirements for certification as a CRNA and the basic scope of practice are identical to those of the basic scope of practice of the APRN.
  - CRNAs must be certified by the NBCRNA (National Board of Certification & Recertification of Nurse Anesthetists)

APRN's
- CNM: The requirements for certification as a CNM and the basic scope of practice are identical to those of the basic scope of practice of the APRN. CNMs must be certified by the AMCB (American Midwifery Certification Board).
- CNS: The requirements for certification as a CNS and the basic scope of practice are identical to those of the basic scope of practice of the APRN.
  - The certification boards that are considered acceptable are for a CNS are:
    - 1) the Oncology Nursing Certification Corporation
    - 2) American Association of Critical Care Nurses
    - 3) American Nurses Credentialing Center
**APRN’s**
- **CNP:** The requirements for certification as CNP and the basic scope of practice of a CNP are identical to those of the APRN.
  - The CNP must obtain certification through one of the following:
    1. American Nurse Credentialing Center if the CNP will be practicing as an Adult Nurse Practitioner, Family Nurse Practitioners, Gerontological Nurse Practitioner, Pediatric Nurse Acute Care Nurse Practitioner, or Psychiatric Mental Health Nurse Practitioner (Adult or Family)
    2. American Academy of Nurse Practitioners if the CNP will be practicing as an Adult-Gerontology Primary Care NP
    3. National Certification Corporation if the CNP will be practicing as a Neonatal Nurse Practitioner or a Women’s Health Nurse Practitioner
    4. Pediatric Nurse Certification Board if the CNP will be practicing as a Pediatric Nurse practitioner, Acute or Primary.

**Graduate Nurses**
- A Graduate Nurse is defined as someone who is a graduate of an approved nursing program or nursing or an equivalent who has not yet taken and passed the licensure examination for which that person is eligible. The title may be abbreviated as G.N.
- A Graduate Practical nurse is defined as someone who is a graduate of an approved nursing program of an equivalent who has not yet taken the licensure examination for which that person is eligible. The title may be abbreviated as G.P.N.

**APRN’s**
- Practitioners who are allowed to dispense medications must apply to the state Board of Nursing, and practitioners who dispense must comply with all state and federal laws and regulations as they apply to dispensing practitioners.

**Graduate Nurses**
- A Graduate Nurse/Graduate Practical Nurse can practice nursing only if:
  1. She/he has applied for the licensing examination and has been authorized by the State Board of Nursing to practice as a Graduate Nurse/Graduate Practical Nurse
  2. Is directly supervised by a Registered Nurse.
- Direct supervision is defined as an RN physically on the premises and immediately available if needed.

**Graduate Nurses**
- A Graduate Nurse/Graduate Practical Nurse can administer intravenous therapy if that person is under the direct supervision of a registered nurse, a physician, or a dentist. (6489-12.004 Authority for the Licensed Practical Nurse to Administer Intravenous Therapy)

**LPNs**
- A Licensed Practical Nurse is defined as any person who is licensed in the state to practice practical nursing, and the title may be abbreviated as LPN.
- An LPN maybe allowed to perform essentially all of the duties an RN might do, but
  - The LPN must be under the direct supervision of an RN, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician or a licensed dentist.
LPNs

- An LPN, if qualified by training and education and approved by place of employment, is allowed to administer intravenous medications. There are limits to this practice, and these limits are discussed (Chapter 64B9 Administration of Intravenous Therapy by Licensed Practical Nurses).
- An LPN may act in a supervisory role in nursing home facilities if certain requirements are met. (64B9-16.003 Competency and Knowledge Requirements Necessary to Qualify the LPN to Supervise in Nursing Home Facilities; 64B9-16.004 Delegation of Tasks Prohibited)

RNWs

- The scope of practice of a registered nurse in the state of Florida is defined as:
  - *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:
    1) the observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care
    2) health teaching and counseling of the ill, injured, or infirm
    3) the promotion of wellness, maintenance of health, and the prevention of illness of others
    4) the administration of medications and treatments as prescribed by a duly licensed practitioner authorized by the laws of this state to prescribe such medications and treatments
    5) diagnosis, prognosis, treatment, or therapy in the theory and performance of any of the above acts. (464.003 Definitions)

CNAs

- A Certified Nursing Assistant (CNA) must go through an approved program, take a written exam and a clinical skills test, and can then receive certification if the examined skills and the test are successfully completed.
- The CNA is then allowed to perform his/her duties while under the direct supervision of a RN or a LPN or other licensed professional. (64B9-15.001 Definitions)
- Under certain circumstances, the CNA may practice under the supervision of an RN or an LPN if that person is not present but can easily be contacted when need for consultation or advice.

CNAs

- A Certified Nursing Assistant provides basic care to patients: a complete list of can be found in the Nurse Practice Act, section 64B9-15.002, Certified Nursing Assistant Authorized Duties.
- The RN or LPN may not delegate the CNA certain tasks. (Nurse Practice Act: Section 64B9-14.003 Delegation of Tasks Prohibited)
**Unprofessional Conduct**

- 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

**Unprofessional Conduct**

- 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

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**Laws, Rules, Ethical Practice, and the Nursing Profession in Florida**

- Nursing is a profession and is governed by rules and ethics, and the expression of these is typically called professional conduct.
- Nurses are also guided and constrained by the rules of conduct and the laws of society.
- Some actions or behaviors may be considered unethical and unprofessional but may not be illegal - but a nurse who participated in unethical or unprofessional behavior could be punished and/or sanctioned by the Board of Nursing.

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**Laws, Rules, Ethical Practice, and the Nursing Profession in Florida**

- Some actions and behaviors are unethical, unprofessional, and illegal, and would be subject to punishment by the criminal justice system.
- The overlap between unethical/unprofessional and illegal can be complicated, and the specific differences between ethical and legal - what constitutes one as opposed to another - are not discussed.

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**Unprofessional Conduct**

- The following actions are considered to be unprofessional conduct: (Chapter 64B9-8, Section 64B9-8.005 Disciplinary Proceedings)
  - 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
Unprofessional Conduct

- 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.

Citations

A citation is defined as a summons to appear before a court, governing body, etc.

A citation can be issued and a fine of $100 can be levied if a nurse has committed any of the following acts: (Chapter 64B9-8, Section 64B9-8.003 Citations)

Citations

- False, deceptive or misleading advertising in violation of Section 464.018(1)(g), F.S., provided no criminal prosecution resulted and no practice issue was involved.
- Issuance of a worthless bank check to the Department or to the Board in violation of Section 464.018(1)(a), F.S., provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

Citations

Failure to report address change in violation of Rule 64B9-1.013, F.A.C., provided the licensee was not ordered to do so in a Board disciplinary order.

Improper use of a nursing title under Section 464.015, F.S., provided no practice issue was involved or no criminal prosecution resulted.

Failure to pay a Board ordered administrative fine by the time ordered, provided payment had been made by the time the citation issues.

Citations

- Failure to complete a Board ordered continuing education course by the time ordered, provided the course had been completed by the time the citation issues.
- Failure when requested to document full compliance with the continuing education requirements, provided that all continuing education courses had been timely completed.
- Unprofessional conduct as defined in paragraph 64B9-8.005(2)(p), F.A.C., using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

Citations

A citation can be issued and fine of $250 can be levied if a nurse has committed any of the following acts: Florida Administrative Code 64B9-8.003 Citations

First-time failure to complete continuing education hours within the biennium. In addition to the fine, the licensee will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.
Citations
- A citation can be issued and fine of $1500 can be levied if a nurse has committed any of the following acts: Florida Administrative Code 64B9-8.003
- Providing to another individual a confidential password, access code, keys, or other entry mechanisms, which results in 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 within 60 days of the issuance of the citation.

Minor Violations
- The following are considered minor violations. (Chapter 64B9-8, Section 64B9-8.0045 Minor Violations)
  - False, deceptive or misleading advertising in violation of Section 464.018(1)(g), F.S., provided no criminal prosecution resulted;
  - Issuance of a worthless bank check to the Agency or to the Board in violation of Section 464.018(1)(a), F.S., provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

Minor Violations
- The following are considered minor violations. (Chapter 64B9-8, Section 64B9-8.0045 Minor Violations)
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  - Improper use of a nursing title under Section 464.015, F.S., provided no practice issue was involved or no criminal prosecution resulted.

Sexual Misconduct
- Sexual contact between a nurse and a patient is unethical, unprofessional, and can be punishable by the Nursing Board and the criminal justice system. (Section 464.017 of Title XXXII, Sexual misconduct in the practice of nursing)

Criminal Offenses
- The following acts are considered to be a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084: Title XXXII: Regulation of the Professions and Occupations. Chapter 464, Nursing: Section, 464:016 Violations and Penalties)
- Practicing advanced or specialized, professional, or practical nursing, as defined in this part, unless holding an active license or certificate to do so.
- Using or attempting to use a license or certificate which has been suspended or revoked.
- Knowingly employing unlicensed persons in the practice of nursing.
- Obtaining or attempting to obtain a license or certificate under this part by misleading statements or knowing misrepresentation.
Dental Offenses
Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:
- Using the name or title “Nurse,” “Registered Nurse,” “Licensed Practical Nurse,” “Clinical Nurse Specialist,” “Certified Registered Nurse Anesthetist,” “Certified Nurse Midwife,” “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.
- Knowingly concealing information relating to violations of this part.

Denial of License
- A license to practice nursing in the state of Florida can be denied or a license can be removed/suspended. Title XXXII: Regulation of the Professions and Occupations. Chapter 464, Nursing, Section 464.018 Disciplinary Actions states that the following are grounds for denial of a license or disciplinary action:
  - Procuring, attempting to procure, or renewing a license to practice nursing by bribery, by knowing misrepresentations, or through an error of the department or the board.

Denial of License
- 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.
- Being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of nursing or to the ability to practice nursing.

Denial of License
- Being found guilty, regardless of adjudication, of any of the following offenses:
  1. A forcible felony as defined in chapter 776.
  2. A violation of chapter 812, relating to theft, robbery, and related crimes.
  3. A violation of chapter 817, relating to fraudulent practices.
  4. A violation of chapter 800, relating to lewdness and indecent exposure.
  5. A violation of chapter 784, relating to assault, battery, and culpable negligence.
  6. A violation of chapter 827, relating to child abuse.

Denial of License
- Making or filing a false report or record, which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the nurse’s capacity as a licensed nurse.
- False, misleading, or deceptive advertising.
- Unprofessional conduct, as defined by board rule.
Denial of License

- Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part.
- 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.

Denial of License

- Knowingly violating any provision of this part, 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.
- Failing to report to the department any licensee under chapter 458 or under chapter 459 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, or a health maintenance organization certificated under part l of chapter 641, in which the nurse also provides services.

The Impaired Nurse

- A license to practice nursing may be denied or an existing license suspended if a nurse is "... unable to practice nursing with reasonable skill and safety to patients by reason of ... use of alcohol, drugs, narcotics ....".
- The disciplinary process for this infraction is explained in the Nurse Practice Act, Section 64B9-8.006
- Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances. The Nurse Practice Act, Section 64B9-8.014 Continuous Sobriety also addresses this issue.

The Impaired Nurse

- Denial and/or suspension of a nursing license because of impairment involves professional discipline and possibly criminal penalties, and it is a complex issue.
- For more information, the reader is referred the Florida Board of Nursing, Intervention Project for Nurses. http://www.ipnfl.org. The Nurse Practice Act and Chapter 64B9 provide general, but not complete information about nurse impairment.
Maintaining Licensure

Chapter 456

Continuing Education is a requirement to renew a professional license. Section 456.025(7), F.S. requires the Department to implement an electronic continuing education tracking system for each biennial renewal cycle and to integrate such system into the licensure and renewal system. The two systems are now integrated.

Maintaining Licensure

A licensee is exempt from continuing education requirements at the time of renewal if the licensee was on active duty with the Armed Forces within 6 months of the renewal date. However, this exemption will not arise on the basis of the performance of short periods of active duty (such as summer or weekend drills) by a member of the Armed Forces Reserves. Duty in the United States Public Health Service is not considered duty in the Armed Forces.

Maintaining Licensure

The Board of Nursing has standards for what is considered appropriate continuing education. These standards are quite detailed and can be referenced at Chapter 64B9-5.003 Standards for Continuing Education, but there are specific points regarding these standards that nurses should be aware of:
- The requirement is for 24 contact hours and one contact hour is a minimum of 60 minutes in length or more. Increments of 30 minutes will be accepted when the learning activity extends beyond 60 minutes.

Maintaining Licensure

The following requirements must be met to maintain nursing licensure in Florida:

Continuing Education

- A licensed nurse is required to participate in 24 hours of continuing education during the two year period prior to license renewal application.
- This requirement applies to most nurses and most situations, but there are several exceptions to this rule; see Chapter 64B9-5, Section 5.002, for details.

A nurse who is the spouse of a member of the Armed Forces and was caused to be absent from Florida due to the spouse’s duties with the Armed Forces shall be exempt from continuing education requirements.
- The licensee must show satisfactory proof of the absence and the spouse’s military status.

The subject matter must be appropriate for the practice area of the nurse and/or clearly relate to improved patient care.
- Continuing education courses must be approved by the Board of Nursing or be designed to be approved by the Board of Nursing.
- The nurse must be able to provide proof of attendance at and/or completion of a continuing education course.
- Nurses are required to take courses on these subject matters: 1) Domestic violence; 2) HIV/AIDS (1x); 3) Laws and rules, and; 4) Prevention of medical errors. (End of Life was repealed in 2012)
Maintaining Licensure

- See Chapter 64B9-5, Sections 64B9-5.009 to 64B9-5.013 for details on the specific requirements regarding which courses must be taken, by whom, and when. The required courses may or may not be counted as part of the biennial continuing education requirement.

From The BON Website

<table>
<thead>
<tr>
<th>REQUIRED SUBJECT AREA</th>
<th>REQUIRED NUMBER OF HOURS</th>
<th>Important information</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Hours</td>
<td>22</td>
<td>Can be live or home study</td>
</tr>
<tr>
<td>Medical Errors</td>
<td>2</td>
<td>May be live or home study; Must be board approved. Approved courses are listed on cebroker.com</td>
</tr>
<tr>
<td>Laws &amp; Rules</td>
<td>2</td>
<td>Laws and Rules will be due beginning with the biennium expiring 2015. The biennium in which the Laws and Rules course is due your general hours will total 20 (licensees expiring in 2014 are not required to complete laws and rules until their 2016 renewal)</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>2</td>
<td>Domestic Violence is required every third biennium and the hours are in addition to the 24 hours required for renewal</td>
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</tbody>
</table>

Maintaining Licensure

- First Biennium Renewal: RNs initially licensed by examination during the current biennium are exempt from the general CEU requirements for the first renewal. Those licensees must complete 2 hours of medical error, 2 laws and rules and 1 hour of HIV/AIDS.
- RNs initially licensed by endorsement during the current biennium and took the exam in another state within the biennium are exempt from general CEU hours. Those licensees must complete 2 hours of medical error, 2 hours laws and rules and 1 hour of HIV/AIDS.
- RNs that do not qualify for the exemption in their first renewal must complete 1 hour for per month or partial month remaining in the biennium from the date the license was issued. These hours must include 2 hours of medical error, 2 hours laws and rules and 1 hour of HIV/AIDS.

From The BON Website

- Continuing education is a requirement for nurses, and a citation can be issued and a fine of $100 can be levied if a nurse has not completed the continuing education requirements:
  - 1) Failure to complete a Board ordered continuing education course by the time ordered, provided the course had been completed by the time the citation issues;
  - 2) Failure when requested to document full compliance with the continuing education requirements, provided that all continuing education courses had been timely completed has committed any of the following acts, and
  - 3) A citation can be issued and fine of $250 can be levied if a nurse is found to have a first-time failure to complete continuing education hours within the biennium. In addition to the fine, the licensee will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation. (Chapter 64B9-8, Section 64B9.8.003 Citations)

Application & Fees

- License renewal requires filling out a renewal application (by mail or on-line) and paying a renewal fee.
- Information on the renewal process can be found on the Florida Board of Nursing website using this link: http://www.floridasnursing.gov/renewals/

Websites & Resources

- The Nurse Practice Act is available online at several links, e.g.,
  - http://www.doh.state.fl.us/mqa/nursing/info_PRACTICEACT.pdf
- Administrative Code 64B9 can be viewed online at:
- Violations and Penalties, and be accessed at:
Websites & Resources

More information about continuing education and license renewal can be found on the Florida Board of Nursing website using this link: http://www.ceatrenewal.com/

Additional Resources


Questions?

Thank You!!