

The State Nurse Practice Act, Nursing Ethics and School Nursing Practice

Avoiding Liability Bulletin - July 15, 2013

School nursing is an interesting, challenging and rewarding specialty of nursing practice. Providing nursing care to students of all ages has its own challenges and unique benefits. Yet, if you are a school nurse, you know school nursing can be quite isolating. Although some of you are lucky to have school nurse consultants, other school nurse colleagues in different schools within a district, or a school nurse who “heads” the school health program in a particular district, many of you are the *only* nurse in the entire system. There is no other nurse—indeed no other health professional—to seek an answer to a question about a particular student or treatment issue.

Because school nursing is a fairly independent practice, you may have been drawn to it for that reason. Yet, this same benefit also brings with it the potential for you to be placed in positions that are contrary to your state nurse practice act and rules and to your nursing ethics.

When you are the only nurse in an entire school district, and must cover many buildings within the district, it is impossible for you to be in more than one place. So, for example, when many students in the school buildings require medication to be given at a particular time, you are faced with the dilemma of selecting someone to administer those medications that you cannot administer.

As a result, you may delegate the administration of medications to some other health team member, someone who is not licensed and not a nurse. Or, the principal of the school may assign this responsibility unilaterally—without discussing it with you-- to his or her secretary or a teacher who is willing to do so.

In other instances, you may work in a school district that hires LPNs or RNs who are not certified school nurses but who are able to provide nursing treatments and administer medications to school-age students. Although much more consistent with a state’s nurse practice act and rules allowing these licensed individuals to administer medications and treatments, you as the certified school nurse have a duty to ensure that the RNs and LPNs are competent, properly instructed about the care of the student, delegated nursing care to consistent with the nurse practice act, and be evaluated by you on a regular basis.

As you know, school nursing practice also includes working with the parents of school age children 17 years of age and younger. Parents can request care and treatment of their child that is inconsistent with your scope of practice, ethical mandates, and/or the nurse practice act.

For example, a parent may give his or her consent for the school student to have his or her medications given to them by the team coach or the principal or consent to have the school age

student's treatment given by a teacher. Such consent does not eliminate the nurse practice act's mandates or the requirement that you comply with those mandates. In other words, neither a parent, or a principal or a school board can alter the requirements of the act or its rules.

So, as a certified school nurse, or a nurse working in a school setting that does not require certification, what are the pitfall's you need to avoid. Some include:

1. Know your nurse practice act and its rules and comply with its requirements;
2. Know your code of ethics for nurses generally and for school nurses;
3. Review the state school code for requirements, certifications, and the role of the school nurse in a public school setting;
4. Because the state school code does not apply to private schools, if working in a private school setting, conform your school nursing practice to the nurse practice act and rules;
5. Remember that the state practice act and rules apply to you in the school setting regardless of what someone else says you can do or whether someone tells you that they give you permission to do what the act and rules prohibit;
6. Work with the students' parents where applicable and educate them about your role as a nurse licensee within a school setting;
7. Delegate school students' treatments and the administration of medications consistent with the practice act and sound principles of proper delegation;
8. Consider becoming a certified school nurse and obtaining other credentials required by your state or consistent with school nursing practice; and
9. When confronted with a situation that is contrary to your ethics and/or the state nurse practice act, seek guidance from a nurse attorney, an attorney, or the state board of nursing.

GENERAL REFERENCES

The American Nurses Association (2001). Code Of Ethics For Nurses. Available at www.nursingworld.org . Accessed July 13, 2013.

Nadine Schwab and Mary Gelfman, Editors (2005). Legal Issues In School Health Services: A Guide For School Administrators, School Attorneys, School Nurses. New York: Authors Choice Press.

The American Association of School Nurses (2010). Code of Ethics . Available at <http://www.nasn.org/RoleCareer/CodeofEthics>. Accessed July 13, 2013.

The American Association of School Nurses (2011). School Nursing: Scope And Standards Of Practice. 2nd Edition. Silver Spring, MD: author.

Joint Statement On Delegation Of The American Nurses Association and the National Council of State Boards Of Nursing (2005). Available at www.nursingworld.org by placing “delegation” in the search bar at the top right of the page and clicking on the above title listed. Accessed July 13, 2013).

Cheyal Resha (May 31, 2010), “Delegation In The School Setting: Is It Safe Practice?”, 15(2) Manuscript 5, The Online Journal Of Issues In Nursing. Available at: www.nursingworld.org by placing “delegation” in the search bar at the top of the page and clicking on the above title listed. Accessed July 13, 2013.

THIS BULLETIN IS FOR EDUCATIONAL PURPOSES ONLY AND IS NOT TO BE TAKEN AS SPECIFIC LEGAL OR ANY OTHER ADVICE BY THE READER. IF LEGAL OR OTHER ADVICE IS NEEDED, THE READER IS ENCOURAGED TO SEEK SUCH ADVICE FROM A COMPETENT PROFESSIONAL.

Author:

Nancy Brent