

# A Nurse's Discussion with their Client on the Use of Medical Marijuana

## **Statement of Purpose**

This Interpretive Statement communicates the Board's expectations of the registered nurse (RN) and expectation of the licensed practical nurse (LPN), who is considering a discussion with their client on the use of medical marijuana. This Interpretive Statement also serves to assist the RN and the LPN in determining whether such activity is within their individual scope of practice.

## **Background/Significance**

On January 1, 2022, House Bill (HB) 3369 of the 81st Oregon Legislative Assembly became law. One of HB 3369's provisions enacted into law is Oregon Revised Statute (ORS) 475B.785 *Cannabis Regulation: Section (2): "A nurse licensed under ORS 678.040 to 678.101 may discuss the medical use of marijuana with a person with whom the nurse has a patient-provider relationship."* This law is under the regulatory jurisdiction of Oregon Health Authority. The Oregon State Board of Nursing (OSBN) holds no legal authority to interpret Oregon Health Authority law.

The Board holds the legal authority to interpret Oregon's Nurse Practice Act (NPA) and determine the scope of nursing practice for the RN and for the LPN.

## **OSBN Statement**

When a nurse and an individual person join for a defined period to achieve the person's health-related goals, the alliance is called a *therapeutic relationship*. The therapeutic relationship occurs as the nurse actively applies their professional knowledge, skills, abilities, and experiences towards meeting the health needs of the person.

Regardless of the context of the alliance or the period of interaction between the nurse and the person, a therapeutic relationship exists and must occur within the legal boundaries of Oregon's Nurse Practice Act. Here forward, the person with whom the nurse has entered a therapeutic relationship will be identified as *client*.

For a nurse to determine whether it is within their individual scope of practice to discuss with their client the use of medical marijuana, the nurse is directed to the Board's Scope of Practice Decision-Making Framework. Application of the Board's decision-making framework will assist the nurse to determine whether the activity, *discussion with a client on the use of medical marijuana*, is within scope of practice for their nursing license type (see below); is appropriate to occur in their location of practice; and whether the licensee possess the knowledge, technical skill, ability, ethical principle, and clinical reasoning necessary to safely engage in the discussion to prevailing standards of safe nursing practice and evidence-based professional practice guidelines.

## **Nursing License Type**

### **RN Licensure:**

The Oregon-licensed RN is independent in their scope of *practice of registered nursing*. The independent scope in the practice of registered nursing is in RN decision-making based on evidence.

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There is no legal authority for the RN to diagnose a medical condition, to recommend a medical treatment for a condition, or to offer a personal opinion on the treatment of a medical condition.

### LPN Licensure:

The Oregon-licensed LPN is dependent in their scope of the *practice of practical nursing*. LPN practice may only occur at the clinical direction of an RN or at the clinical direction of a licensed independent practitioner (LIP).

There is no legal authority for the LPN to independently engage in practical nursing practice, to diagnose a medical condition, to recommend any medical treatment for a condition, or to offer a personal opinion on the treatment of a medical condition.

### **Authority for Approval:**

Oregon's Nurse Practice Act

### **Resources:**

College of Practical Nurses of Newfoundland and Labrador (2017). *Therapeutic Nurse-Client Relationship Interpretive Document*. St. John's Newfoundland: Author.

Griffin, R. (2020). The elements of negligence liability in nursing. *British Journal of Nursing*, 29(3).

National Council of State Boards of Nursing (2018). *A Nurse's Guide to Professional Boundaries*. Chicago: Author.

National Council of State Boards of Nursing (2018). NCSBN National Nursing Guidelines for Medical Marijuana. *Journal of Nursing Regulation* 9(2):S5

Registered Nurses Association of Ontario (2002). *Nursing Best Practice Guideline: Establishing Therapeutic Relationships*. Toronto: Author.

### **History of Document:**

Adopted February 17, 2022.

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*The Oregon State Board of Nursing (OSBN) is authorized by Oregon Revised Statutes Chapter 678 to exercise general supervision over the practice of nursing in Oregon to include regulation of nursing licensure, education, and practice in order to assure that the citizens of Oregon receive safe and effective care. The OSBN further interprets statute and rule and issues opinions in the form of policies and interpretive statements, which are advisory in nature and used as guidelines for safe nursing practice.*