Oregon State Board of Nursing Interpretive Statement

Scope of Practice Decision Making Guidelines
For the RN and the LPN

**Statement of Purpose**
Many nurses contact the Oregon State Board of Nursing asking whether or not a specific procedure, activity or intervention is within their scope of practice. Such a question cannot be answered by Board staff. This is because Oregon’s Nurse Practice Act (NPA) does not contain lists of health-related procedures or interventions that may be performed based on one’s nursing licensure level.

This document guides the individual licensee to arrive at a decision regarding specific factors that will either 1). Support that the role, intervention or activity in question is within one’s scope of practice or 2). Identify the specific role, intervention or activity as outside of one’s scope of practice.

**Background/Significance**
The Chapter 678 statutes and Chapter 851 administrative rules together comprise Oregon’s NPA. The 678 statutes identify and define Oregon’s nursing licensure categories. The Chapter 851 rules further interpret those categories and establish acceptable levels of safe practice for each. Neither the 678 statutes nor the chapter 851 rules contain lists of health-related procedures or interventions which may be performed by a licensee based on nursing licensure category.

**Board Statement**
Within the broader scope of practice set forth in the NPA for each nursing licensure category is each licensee’s individual scope of practice. Individual scope of practice is a licensee’s demonstrated knowledge, skills, abilities, and competencies that have been developed and maintained through practice experience and through engagement in independent and formal learning experiences.

The practice of nursing occurs across a continuum of care environments and is actively responsive to the expansion of nursing and other scientific knowledge. The practice of nursing is also responsive to advancements in technologies; enactment of federal and state laws; changing client demographics; and multiple other factors. It is the responsibility of each licensed nurse to attain and maintain the knowledge, technical skill, ability, ethical principle, and clinical reasoning necessary for safe practice in their care environment.

Application of the Board’s decision-making guidelines will assist the licensee to determine whether or not a specific practice role, intervention, or activity is within the scope of practice for the licensee’s level of licensure, appropriate to occur in the care environment, and commensurate with the licensee’s individual scope of practice.

There is no authority for another health professional, an employer, a policy, a position description, or an organization to compel a licensee of the Board to practice beyond the legal boundaries of the NPA.
Scope of Nursing Practice Decision-Making Framework

Identify, describe or clarify the role, intervention or activity under consideration.

Is the role, intervention or activity **prohibited** by the Nurse Practice Act Rules/Regulations or any other applicable laws, rules/regulations or accreditation standards?

- **YES**
  - STOP

- **NO**
  
  Is performing the role, intervention or activity consistent with professional nursing standards, evidence-based nursing and health care literature?

- **YES**
  
  Are there practice setting policies and procedures in place to support performing the role, intervention or activity?

- **YES**
  
  Has the nurse completed the necessary education to safely perform the role, intervention or activity?

- **YES**
  
  Is there documented evidence of the nurse’s current competence (knowledge, skills, abilities, and judgments) to safely perform the role, intervention or activity?

- **YES**
  
  Would a reasonable and prudent nurse perform the role, intervention or activity in this setting?

- **YES**
  
  Is the nurse prepared to accept accountability for the role, intervention or activity for the related outcomes?

- **YES**
  
  Nurse may perform the role, intervention or activity to acceptable and prevailing standards of safe nursing care.
References


Oregon Secretary of State (2019, August 1). Oregon Administrative Rules Chapter 851 Division 45: Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse.


Safriet, B. J. (2002). Closing the Gap Between Can and May in Health-Care Providers’ Scope of Practice: A Primer for Policymakers. Yale Law School Faculty Scholarship Series, paper 44222. Retrieved http://digitalcommons.lawyale.edu/fss_papers/4422

Sermchief v. Gonzales, 660 S.W.2d 683 (1983), No. 64692 (Supreme Court of Missouri, En Banc).


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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 issued as guidelines for safe nursing practice.