



Legal Foundations



Objectives

- Understand the Purpose of the Board
- Learn the foundations for Practice Standards
- Discuss fundamentals of the Disciplinary Process and Mandatory Reporting

Why are nurses licensed in Washington?



- Ensure that nurses meet the set standards to practice safely
- Protect the public from unsafe nursing

Purpose of the Board

Establish

Monitor

Enforce

Licensing Qualification

Consistent Standards of Practice

Continued Competency

Discipline

Education

Research

Nursing Practice Statute

RCW 18.79.040

Substantial specialized knowledge, judgment and skill based on the principles of the biological, physiological, behavioral and sociological sciences in:

- Observation, assessment, diagnosis, care counsel & health teaching
- Additional acts requiring education & training
- Administration, supervision, delegation & evaluation of nursing practice
- Teaching nursing
- Executing medical regimen as prescribed

Washington Administrative Code

WAC 246-840-700

Nursing Process

- Assessment & Analysis
- Nursing Diagnosis & Problem Identification
- Implementation & Intervention, Evaluation

Delegation & Supervision

- Responsible & accountable for the safety of patients/clients by selected delegation & supervision

Standards for RN/LPN

- Communicate Significant Changes
- Document Nursing Care Provided
- Document Patient Response

Other Responsibilities

- Know & Understand Laws & Rules
- Practice within scope of practice
- Maintain Current Knowledge
- Practice Without discrimination
- Protect Confidential Information
- Report Unsafe Nursing Practice



Determining the Nursing Scope of Practice

Permitted activities by RNs/LPNs



Defined Boundaries

Federal laws
RCWs & WACS
Interpretive Statements



Educational Qualifications

Formal nursing training
Knowledge
Experience
Training
Competency



Standards of Practice

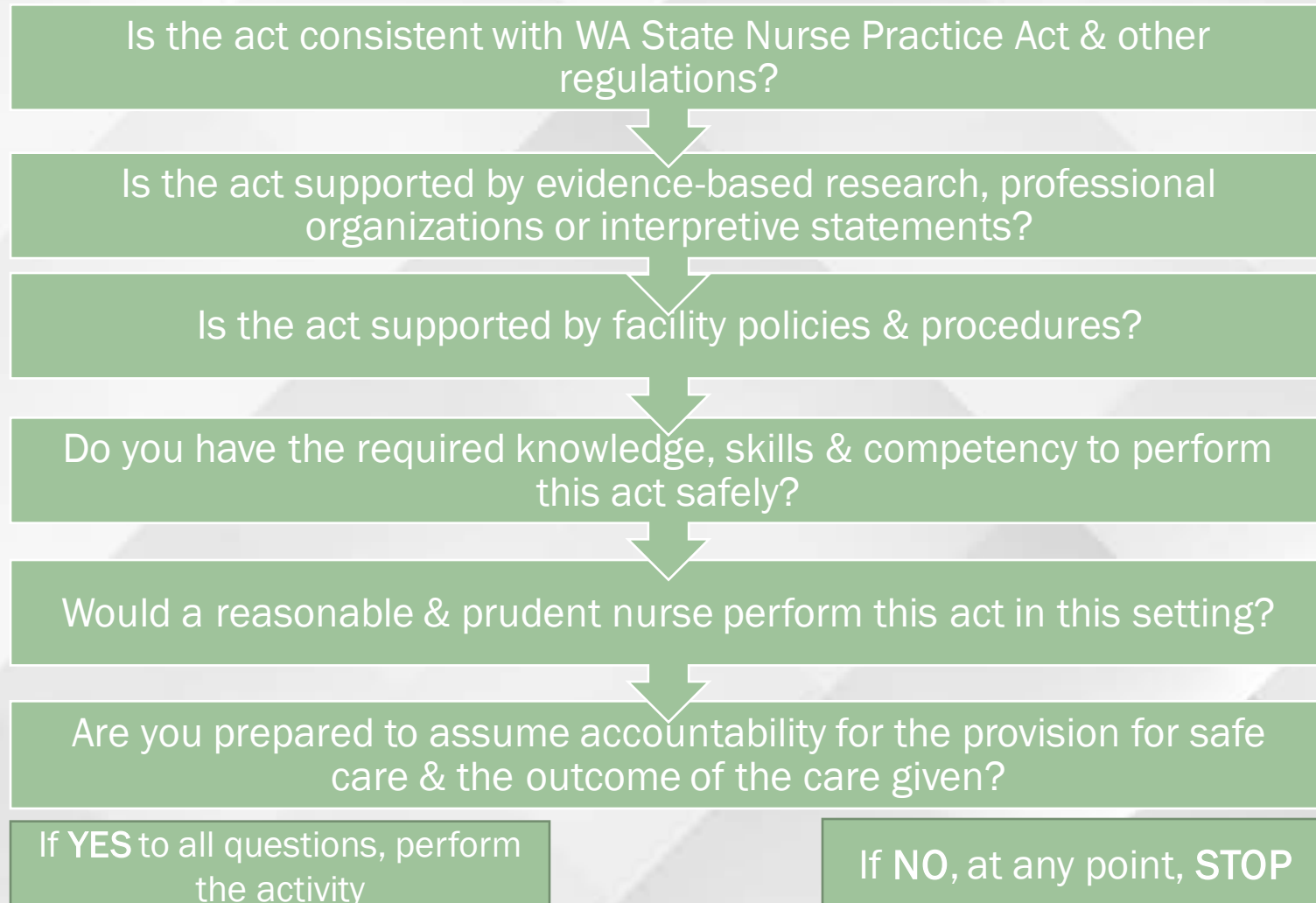
Professional organizations
Accrediting organizations
Evidence-based nursing



Facility Boundaries

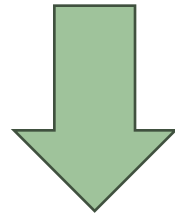
Policies & Procedures
Protocols

Scope of Practice Decision Tree

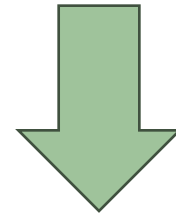


Sources & Categories of Law

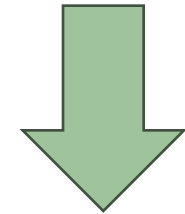
- Constitution
- Legislation
- Court Systems



Administrative



Criminal



Civil

Commission Regulation

Uniform
Disciplinary Act
RCW 18.130.180

Nurse Practice Act
RCW 18.79
WAC 246-840

Examples of Violations of Conduct & Standards

Negligence

(failure to use reasonable care)

- Failure to assess
- Failure to administer medications or treatments according to standards
- Practicing beyond scope
- Failure to document care

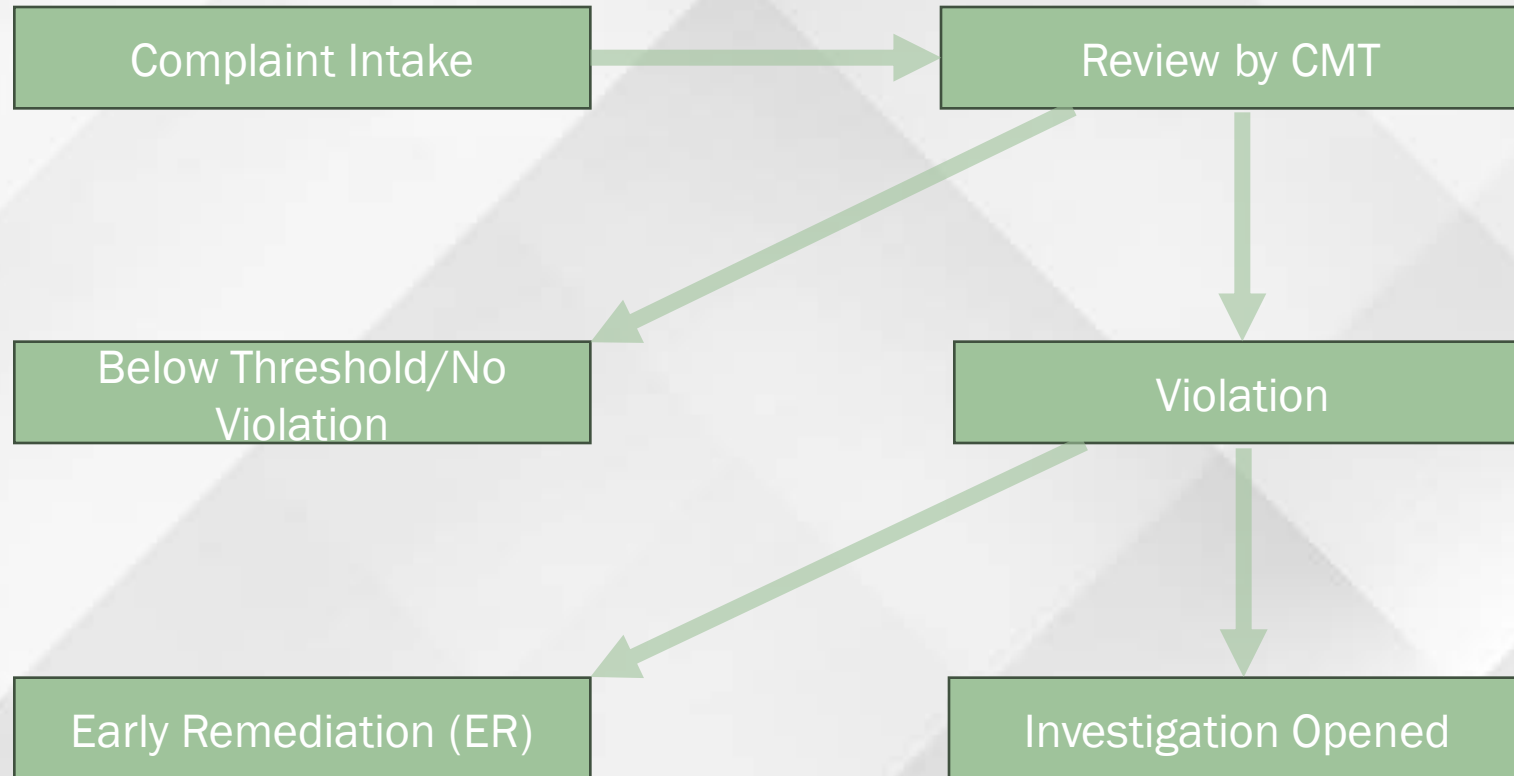
Violating Professional Boundaries

- Financial exploitation
- Abuse/Negligence
- Sexual misconduct

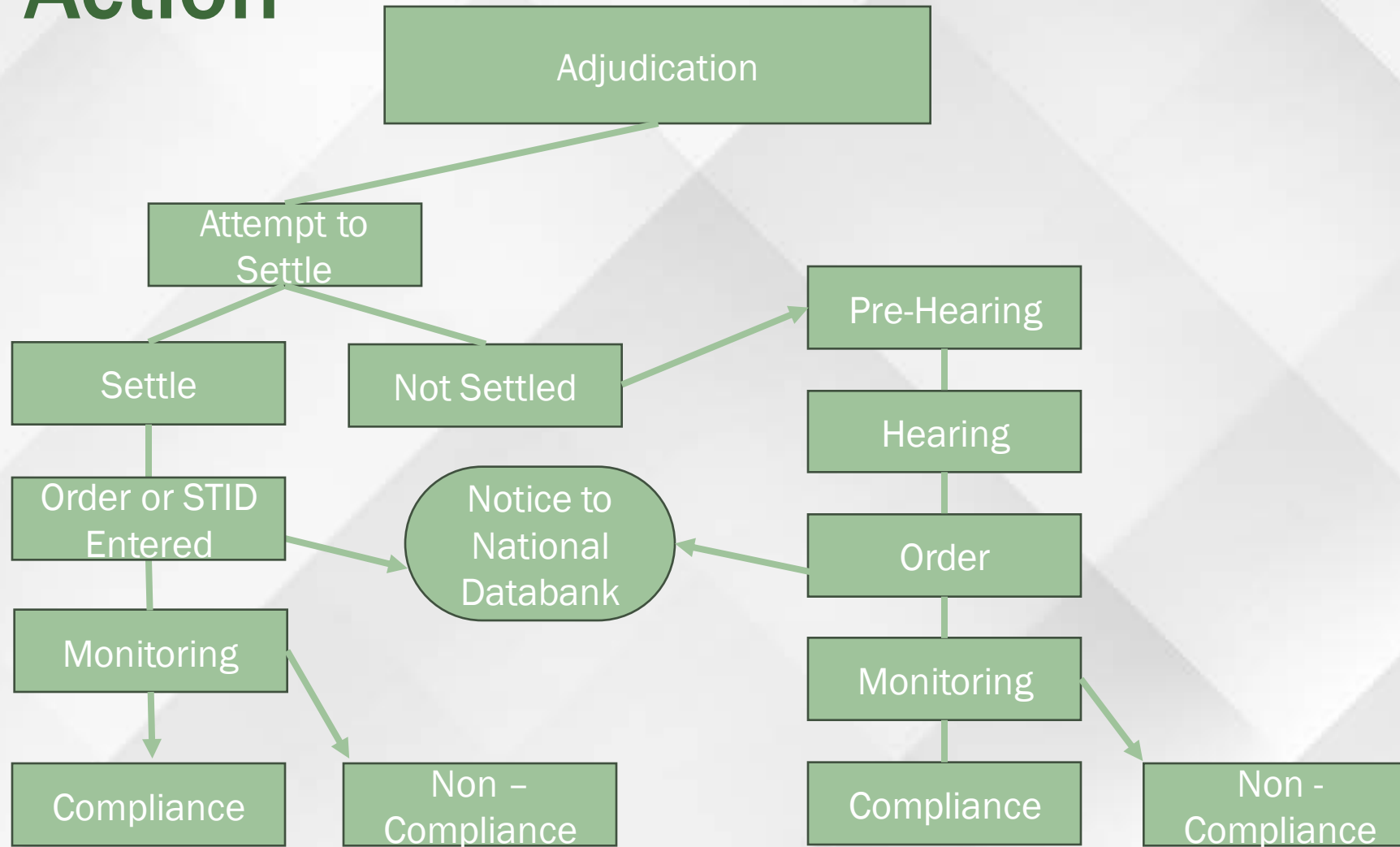
Intentional Acts

- Gross misdemeanor or felony convictions
- Illegitimate use of controlled or use of illegal drugs

Disciplinary Process



Legal Action



Mandatory Reporting



WAC 246-840-730

- Separate from reporting requirements for child or elder abuse.
- Licensed professionals must report unprofessional conduct by another licensed practitioner, health facility, or government agency.

What Must Be Reported

- Practicing beyond the practitioner's scope
- Repeated acts of unsafe care or not following accepted standards
- Conduct contributing to patient harm or death
- Termination of employment related to unsafe nursing practice or conduct violations
- Mental or physical conditions that interfere with a practitioner's clinical responsibilities (unsafe to practice)

Washington Health Professional Services



WAC 246-840-750

- Intake (refer for chemical dependency evaluation)
- Develop contract
- Treatment and continuing support (Inpatient, outpatient, NA, AA, nurse peer support meetings, counseling, etc.)
- Contract (random drug testing, prescription monitoring, practice restrictions, practice site monitoring, no access to narcotics first year, no independent work, etc.)
- Monitoring (sobriety, recovery, safety to practice)

An aerial photograph of Seattle, Washington, taken during the "blue hour" or twilight. The foreground shows the industrial structures of the Smith Tower, which are dark and silhouetted against the sky. A paved walkway and green grassy areas are visible around the base of the tower. In the middle ground, the water of the Elliott Bay is filled with numerous small boats, including sailboats and motorboats. The background features the dense city skyline of Seattle, with many skyscrapers and the iconic Space Needle tower on the right side. The overall lighting is soft and dim, with a mix of blues, greys, and muted colors.

Questions?

Resources

Advisory Opinions

- [Registered Nurse and Licensed Practical Nurse Scope of Practice](#)
- [Nursing Telehealth Practice: Registered Nurse, Licensed Practical Nurse, Nursing Technician, and Nursing Assistant](#)
- [Telehealth Advanced Practice Nursing Care Services](#)
- [Board of Nursing website-Support for Practicing Nurses](#)
- [Board of Nursing Frequently Asked Questions-Continuing Competency Advisory Opinions Glossary of Terms](#)
- [Interactive Scope of Practice Decision Tree](#)
- [Board of Nursing \(BON\) Cast #1- All about the Nursing Care Quality Assurance Commission](#)
- [Board of Nursing \(BON\) Cast #2 -The In's and outs of the Licensing Process.....](#)
- [Board of Nursing \(Bon\) cast #3- Washington Health Professions Program-Substance Use Help](#)
- <https://studentprivacy.ed.gov/frequently-asked-questions>

Resources, Continued

- Medical Marijuana Information: <http://www.Board of Nursing.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana>
- OSPI Health Services Information: <http://www.k12.wa.us/HealthServices/Resources.aspx>
- RCW 28A.210 Health-Screening and Requirements: <http://apps.leg.wa.gov/RCW/default.aspx?cite=28A.210>
- Opioid Overdose Medication Law
<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/1671-S.SL.pdf>
- Washington State Board of Nursing POLST Information
- Read the joint guidance on the application of FERPA and HIPAA to student health records here:
www.k12.wa.us/HealthServices/pubdocs/ferpa-hipaa-guidance.pdf

Connect

- ▶ **Jurisprudence Module** – The BON provides a free educational module for anyone interested in learning more. It can be found on our [Events and Trainings page](#) on our website and is a great resource for anyone interested in additional information.
- ▶ **Attending Meetings** – Meeting dates can be found [here](#).
- ▶ **Email Invites** – Individuals can sign up to receive email invitations to meetings at the [Board of Nursing GovDelivery signup page](#)
- ▶ **Public Records** – Requests for minutes and/or recordings of previous meetings can be obtained by contacting the Public Records Disclosure Center at pdrc@doh.wa.gov.
- ▶ **BONcast** – The BONcast is the Board of Nursing’s podcast, currently hosted on [YouTube](#).
- ▶ **Website** – Take some time to peruse our [website](#). There is a section for each BON unit as well as links to the BONcast, the Jurisprudence Module, and other resources you may find valuable.
- ▶ **Request a Presentation** – We offer both in-person and virtual presentations, provided by our Nurse Practice Consultants. To request a presentation or more information, please fill out this [form](#) and we will be in contact with you as soon as possible. Current presentations include topics such as the Disciplinary Process, Documentation, Just Culture, Safe Nursing Care, Boundaries, Advocacy, Legal Foundations, Burnout, and Delegation.
- ▶ **GovDelivery** – [GovDelivery](#) is the main way that the BON provides notices, agendas, and announcements that affect the nursing community. Visit [The Board of Nursing GovDelivery signup page](#) to be added to the distribution list.

Contact

Debbie Carlson, MSN, RN	Margaret Holm, JD, RN	Shana Johnny, DNP, MN, RN
Nurse Practice Advisor	Nurse Practice Consultant	Nurse Practice Consultant
360-236-4725	360-236-4731	360-236-4729
debbie.carlson@doh.wa.gov	margaret.holm@doh.wa.gov	shana.johnny@doh.wa.gov



Thank You