American Nurses Association

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Scope of Practice

Nurses Must Have Chance for Input on School Decisions Affecting Nursing Responsibilities, California Court Rules ANA Claims Win for Board of Nursing's Authority

SILVER SPRING, MD – The American Nurses Association (ANA) claims a <u>recent legal</u> <u>victory</u> ensuring that registered nurses (RNs) will have an opportunity to express their concerns when California's education department proposes regulatory changes that affect school and other RNs.

The ruling is significant in underscoring the state Board of Nursing's authority in regulating nursing practice and protecting against other agencies issuing regulations that affect nursing practice without the profession's input.

"The nursing profession is committed to vigorous self-regulation to ensure provision of safe and high-quality care," said ANA President Karen A. Daley, PhD, RN, FAAN. "It's a dangerous practice to allow other professions to make unilateral decisions about how to provide safe health care services that fall under nursing's responsibilities. The court made a wise ruling in the best interests of nurses, students and patients."

A California appellate court agreed with ANA that the California Department of Education violated state law when it promulgated a new regulation in 2007 allowing unlicensed school personnel to administer insulin to students with diabetes. The education department issued the regulation without giving nurses and other stakeholders notice and a chance to comment, a violation of California's Administrative Procedures Act, which says no regulation can be enacted without such notice and a comment period.

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The education department's 2007 regulation ran counter to longstanding positions published by both the department and the California Board of Registered Nursing that said unlicensed school employees could not administer insulin. California's Nursing Practice Act provides that administering medication is a nursing function and the Nursing Practice Act prohibits unlicensed individuals from engaging in the practice of nursing.

In a related decision, the California Supreme Court ruled in favor of the American Diabetes Association in 2013 to allow unlicensed personnel to administer insulin to students, overriding two lower courts that ruled that the practice was an unlawful violation of the Nursing Practice Act's prohibition against the unlicensed practice of nursing.

The current ruling by the California appellate court on requirements to provide notice and opportunity for comment does not affect or overturn the California Supreme Court's decision allowing unlicensed personnel to administer insulin to students.

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ANA is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses through its constituent and state nurses associations and its organizational affiliates. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

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