

Scope of Practice Decision Tree: Guidelines for R.N. and L.P.N. Practice

Statement of Purpose

The Wisconsin Board of Nursing receives many inquiries regarding the scope of practice of licensed nurses. Frequently, these questions involve whether a specific task or procedure is permitted under the nurse's level of licensure. Some questions involve the use of specific medical equipment, medications, health care procedures and business models. The practice of nursing is a dynamic profession which evolves continually in response to changes in nursing education and training, scientific and technical advancements in the health care, and patient health care needs. Due to these rapid changes, it is not feasible to maintain an up-to-date "task list" for a nurse's scope of practice. Nor is it feasible for the Board or the Department of Regulation and Licensing staff to respond individually to the extensive volume of practice questions submitted. This "Scope of Practice Decision Tree" is offered as an analytical tool to assist nurses in determining whether or not an activity or action is within the scope of a professional nurse license.¹

The Decision Tree is organized into the following three parts.

Part I: The Legal Framework

[Chapter 441: Board of Nursing](#)

All nurses share a common base of responsibility and accountability defined as the practice of nursing and consistent with their level of licensure. The parameters of the scope of practice for an R.N. or an L.P.N. derives from the statutory authority for licensure in Chapter 441 of the Wisconsin Statutes, commonly referred to as the Nurse Practice Act. The first subchapter of this statute, *Regulation of Nursing*, sets forth the requisites of examination and licensure for registered nurses, licensed practical nurses, nurse midwives and advance practice nurse prescribers. The second chapter, *Nurse Licensure Compact*, sets forth the requirements for multi-state practice privileges of nurses who are licensed in states which are members of an interstate compact which allows a nurse to practice in another compact state under the license issued by the nurses' home state.

¹ DISCLAIMER: The guidelines contained in this decision tree are offered as a "self-help" tool for members of the nursing profession to analyze their scope of practice questions. The guidelines are general in nature and do not constitute specific legal opinions which bind the Board of Nursing or the Department of Regulation and Licensing. Nurses are encouraged to consult with their own attorney regarding their own individual circumstances and the laws governing the profession.

Chapter N6: Standards of Practice for Registered Nurses and Licensed Practical Nurses

The scope of practice is further defined in Chapter N6 of the Wisconsin Administrative Code which specifies the *minimum* practice standards for an R.N. and L.P.N. in terms of general nursing procedures; assessment, planning, intervention and evaluation. In addition, the rules address the performance of delegated medical acts, supervision and direction of delegated nursing acts, and the performance of acts in basic and complex patient situations. The core concept in determining scope of practice is whether the activity is commensurate with the nurse's level of educational preparation, training and professional experience. Within that concept, however, the individual scope of practice for each nurse may vary. Also, each nurse may effectively change his or her *individual scope of practice* throughout their career through in-service education, continuing education and practice experience. Documentation is always required to verify how a new or expanded scope of practice is acquired and how minimal competency is maintained to support that practice.

Although the licensed nurse is accountable, both professionally and legally, for determining his or her *individual* scope of nursing practice, the nurse's activities must still fall within the broader scope authorized by law. Thus, a nurse may not perform activities which exceed the scope defined by the individual level of licensure. Practically this means that a nurse cannot be directed to perform an activity not recognized by the profession as appropriate for that level of licensure or otherwise prohibited by law. For example, the area of prescriptive authority and advance practice requires completion of formal advanced nursing degree, passage of national examinations and certification by a recognized certifying body; a nurse cannot exercise advance practice authority without satisfying these requirements regardless of his or her personal experience or interest in expanding her scope of practice

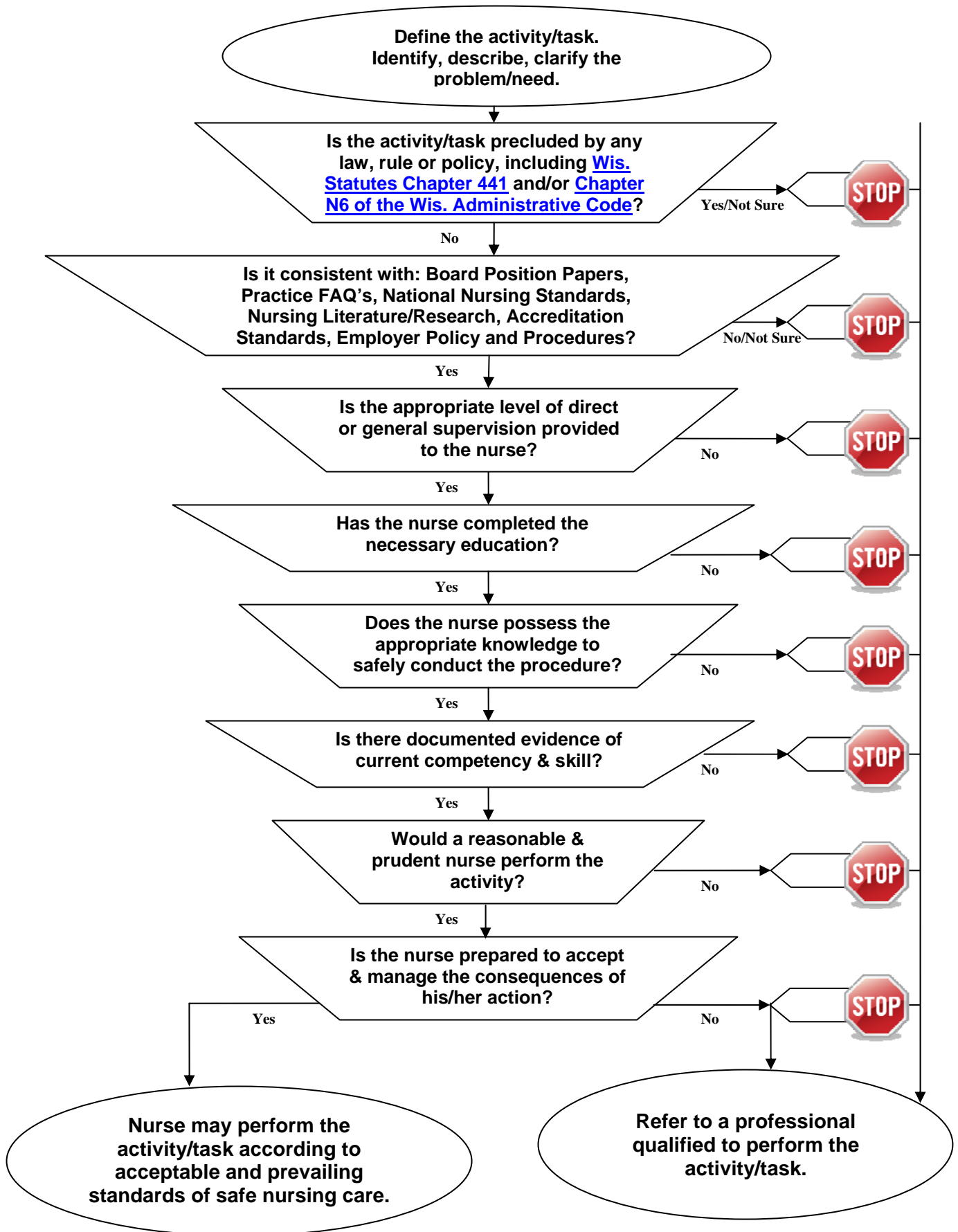
Part II: Use of Decision Tree for R.N. and L.P.N. Scope of Practice

In effort to assist in obtaining an answer or guidance regarding a scope of practice question, in lieu of, or prior to contacting the Wisconsin Board of Nursing or Department staff, please use the prompts outlined in this Decision Tree. Remember to follow the key steps summarized below:

First, review statutes and rules.

Second, apply your scenario to the decision tree.

Third, seek additional resources, if necessary.



Part III: Alternate Resources for R.N. and L.P.N. Practice

White Papers and FAQs

The Wisconsin Board of Nursing is authorized by Wisconsin Statutes Chapter 441 to exercise general supervision over the practice of nursing in Wisconsin to include regulation of nursing licensure, education and practice. This is in compliance with the DRL mission statement and assures that the citizens of Wisconsin receive safe and effective care. The Board of Nursing further interprets statute and rule and issues opinions in the form of Board Policies, Policy Guidelines and Position Statements. Although they do not have the force and effect of law, these opinions are advisory in nature and issued as guidelines for safe nursing practice.

[Wisconsin Department of Regulation and Licensing: Nursing Board 'White Papers'](#)

[Wisconsin Department of Regulation and Licensing: Nursing Board FAQs](#)

[Wisconsin Department of Regulation and Licensing: Continuing Education for Registered Nurses](#)

There may be instances when a nurse will need to consider materials, guidelines and standards other than the Wisconsin statutes and regulations to resolve their scope of practice question by asking; “Is this practice consistent with national or regional standards, nursing literature, research, accreditation, and health care funding requirements?” The following is a list of alternate resources which may be useful to clarify whether specific acts are within the nurse’s scope of practice. This list includes professional literature, educational treatises, textbooks, national guidelines, practice recommendations for specialty fields, and resources from professional membership organizations. This list is not exhaustive and further research using internet search sources may yield more resources.

National Online References

[American Nurses Association: Position Statements](#)

[The Center For Nursing Advocacy \(2006\). "Increasing Public Understanding of Nursing."](#)

[National Council of State Boards of Nursing Resources: Publications and Learning Extension Courses](#)

[National Library of Medicine Gateway](#)

[National Student Nurses Association](#)

Print References

Closing the Gap Between Can and May in Health-Care Providers’ Scopes of Practice: A Primer for Policymakers. Safriet, B J (2002). Yale Journal on Regulations, 19:301, 2002

Scope of Practice Decision Making Model, Practice Corner: Missouri State Board of Nursing, 9, (2005)

Decision Making Model, Arkansas State Board of Nursing Position Statement 98-6

Increasing Scope of Practice: Critical Questions in Assuring Public Access and Safety. Federation of State Medical Boards Annual Meeting, (Draft 2004).