

STATE OF FLORIDA
BOARD OF NURSING

IN RE: THE PETITION
FOR DECLARATORY
STATEMENT OF
WANDA GIBBONS

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (hereinafter Board) pursuant to §120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code, at a duly-noticed meeting in Jacksonville, Florida on August 10, 2006, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A) filed by WANDA GIBBONS (hereinafter Petitioner). Having considered the petition, the arguments submitted by counsel for Petitioner, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. This petition was noticed by the Board in Vol. 32, No. 31, dated August 4, 2006 of the Florida Administrative Weekly at page 3672.
2. Petitioner, WANDA GIBBONS, does not state in her petition whether she is licensed as a nurse in Florida.
3. Petitioner is Vice president of Patient Care Services at St. Vincent's in Jacksonville.
4. Petitioner seeks an interpretation that would cover a class of nurses, not just Petitioner is specifically stated circumstances.
5. Petitioner also seeks an interpretation that would evaluate the practice of other nurses.

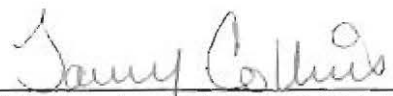
CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.
2. The petition filed in this cause is not in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.
3. A petition for declaratory statement may not request an interpretation that could constitute a statement of general applicability that should be adopted in the rulemaking process.
4. A petitioner for a declaratory statement may not inquire as to the appropriateness of actions of other licensees.
5. Petitioner is directed to the Final Order issued in response to a petition for declaratory statement requested by Linda C. Noelke, R.N., Final Order No. DOH-03-0407-DS-MQA, filed April 29, 2003.

WHEREFORE, the Board hereby dismisses the Petitioner for Declaratory Statement.

DONE AND ORDERED this 28th day of August, 2006.

BOARD OF NURSING



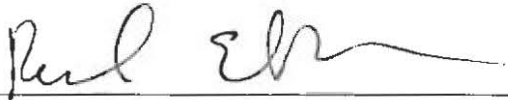
Rick García, MS, RN, CCM, Executive
Director
for Patricia Dittman, RN, Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail to Petitioner WANDA GIBBONS, St. Vincent's, 1800 Barrs Street, Jacksonville FL 32204, and by interoffice mail to John Garrison, Department of Legal Affairs, PL01 the Capitol, Tallahassee FL 32399-1050 this 29th day of August, 2006.



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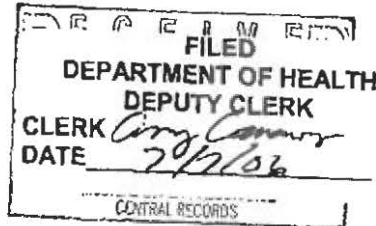
Deputy Agency Clerk



ST. VINCENT'S

1800 Barrs Street • Jacksonville, Florida 32204
Phone: (904) 308-8324
FAX: (904) 308-7326

Wanda Gibbons, RN, FACHE
Vice President
Patient Care Services



July 3, 2006

Department of Health's Agency Clerk's Office
4052 Bald Cypress Way
Bin #A02
Tallahassee, Florida 32399-3252

Re: Petition for Declaratory Statement before the Florida Board of Nursing.

A declaratory statement is sought based on:

1. The 2005 Florida statutes, Title XXXII regulation of Professions and Occupations, Chapter 464 Nursing, Part I Nurse Practice Act, 464.012

St. Vincent's Medical Center would like to determine if administration and management of Ketamine for monitored, non-intubated patients, is within the scope of practice for a registered nurse, who is not a CRNA. We would appreciate a response to the following questions:

- A. Is it within the scope of practice for a registered nurse in an Emergency Department who has *specialized knowledge and training to administer intravenous Ketamine (Ketalar) pursuant to a written or verbal order by a Board Certified Emergency Medicine Physician where the patient is not-intubated?
- B. Is it within the scope of practice for a registered nurse in an Emergency Department who has *specialized knowledge and training to administer intravenous Ketamine (Ketalar) pursuant to a written or verbal order by a Board Certified Emergency Medicine Physician for the purpose of rendering the patient insensible to pain while performing a procedure such as shoulder reduction or suturing?

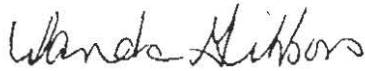
C. Is it within the scope of practice for a registered nurse in an Emergency Department who has *specialized knowledge and training to administer intramuscular Ketamine (Ketalar) pursuant to a written or verbal order by a Board Certified Emergency Medicine Physician for the purpose of rendering the patient insensible to pain while performing a procedure such as shoulder reduction or suturing?

- * Specialized knowledge and training consists of mandatory education and training in moderate/deep sedation monitoring and recognition and treatment of adverse reactions, as well as emergency interventions.

Thank you for clarifying the scope of practice of a registered nurse in an Emergency Department for the administration of Ketamine (Ketalar).

Please feel free to contact me at (904) 308-8324 if you have any questions or require additional information.

Sincerely,



Wanda Gibbons



Jeb Bush
Governor

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary

INTEROFFICE MEMORANDUM

DATE: 24 August 2006

TO: Cassandra Pasley, B.S.N., J.D., Chief
Bureau of Health Care Practitioner Regulation

FROM: Rick García, MS, RN, CCM
Executive Director, Florida Board of Nursing

SUBJECT: Delegation of Authority

This is to advise you that while I am out of the office on 25 – 30 August 2006, Ms. Tammy Collins has delegated authority to serve as Acting Executive Director for the Florida Board of Nursing. Tammy may be reached at 245-4133.

ECG/sbe

cc: Diane Orcutt
Lorene Wilson
Lola Pouncey
Executive Directors