Glossary of Terms for Legislative Principles

- State nurse practice acts define the legal parameters for nursing practice.
  - Allied Healthcare Personnel
    - Healthcare personnel with formal education and/or clinical training who may or may not be regulated through registration, statutory certification and/or licensure, or voluntary national specialty certification.
  - Assignment
    - Describes the distribution of work that each staff member is to accomplish a given work period.
  - Certification
    - An occupational designation that provides a confirmation of an individual's qualifications in a specific occupation or occupational designation.
      - Statutory
        - Requires passage of a law or regulation by a governmental entity and is a mandatory service to the public in that it enables consumers to identify providers who have met an established standard (see title protection/practice protection)
        - Private – voluntary, specialty certification by a private, non-governmental entity represents a level of professional achievement and a demonstrated knowledge of clinical competence and practice standards. Certification in perioperative nursing demonstrates the Perioperative nurse's individual commitment to excellence in practice, and demonstrates accountability to the general public for that practice.
  - Delegation
    - Most state nursing practice acts authorize RNs to delegate.
    - Defined - The transfer of responsibility for the performance of an activity from one person to another while retaining accountability for the outcome. Any nursing intervention that requires independent, specialized, nursing knowledge, skill, or judgment cannot be delegated.
    - Delegation requires the perioperative registered nurse to use professional judgment based on the concept of patient safety, individual needs of the patients, patient acuity, complexity of technology, the education, experience and skill of the allied healthcare provider and support personnel, and the extent of supervision required.
    - The RN uses critical thinking and professional judgment when following the Five Rights of Delegation, to be sure that the delegation or assignment is:
      - Right Task
      - Right Circumstance
      - Right Person
      - Right Direction / Communication
      - Right Supervision and Evaluation

- Delegated Tasks
  - Tasks that can be assigned to someone based on the patient's acuity level and the competency of the healthcare worker. Considerations for delegated tasks are:
    - potential for harm
    - complexity of task
    - problem-solving / innovation required
    - unpredictability of patient's outcome
    - level of patient interaction
    - consistent with applicable law, regulation, and accrediting agency standards
- Grandfathering (Clause)
  - Permits an exception to a restriction that allows those already doing something to continue doing it even if they would be stopped by the new regulation.
- Institutional Licensure
  - A concept that proposes replacing individual licensure (from the individual state) with institutional licensure.
- Licensure
  - The legal authority of formal permission from authorities to carry on certain activities which by law or by regulation require such permission.
  - An occupation can be licensed only through formal action of a legislative body – federal, state, or local authorities. Each profession's scope of practice includes the specific activities that only licensees may perform. Restriction is the hallmark of licensure.
- Nursing
  - The protection, promotion, and optimization of health and abilities, prevention of illness and injury, alleviation of suffering through the diagnosis and treatment of human response, and advocacy in the care of individuals, families, communities, and populations.
- Perioperative Nurse
  - Perioperative nurse is defined as the registered nurse who, using the nursing process, develops a plan of nursing care and then coordinates and delivers care to patients undergoing operative or other invasive procedures. Perioperative nurses have the requisite skills and knowledge to assess, diagnose, plan, intervene, and evaluate the outcomes of interventions. The Perioperative nurse addresses the physiological, psychological, socio-cultural, and spiritual responses of surgical patients.

(10) Phases of Perioperative Care:
a. Pre-operative – The period begins when the decision to have surgery is made until the patient is transferred to the operating room bed
b. Intra-operative – The period begins when the patient is transferred to the operating room and ends with transfer to the recovery room
c. Post-operative – The period begins when the patient is transferred to the recovery room until resolution of surgical sequelae
(11) Practitioner

One who has met the professional and legal requirements necessary to provide a healthcare service such as a physician, nurse, dentist, dental hygienist, or physical therapist.

(12) Profession

A vocation or occupation requiring special, usually advanced, education, knowledge, and skill. The labor and skill involved in a profession is predominantly mental and intellectual rather than physical or manual.

(13) Range of Functions

Tasks and activities that are learned in an approved allied health and competency evaluation program that are typically performed by allied health personnel for clients who are stable and predictable, supervised by a licensed nurse who may need to limit the range of tasks based on client needs.

(14) Registration

Least restrictive form of regulation which carries no warranty of competence nor any assurance that the registrant has met any predetermined standards, such as level of education or experience. Certain qualifications may apply, including but not limited to, education, experience, or examination requirements. Disciplinary action may be a part of state law.

(15) Regulation

A rule or order having force of law issued by executive authority of government.

Regulation is intended to:

1. protect the public,
2. offer public assurance the individual is competent, and
3. provide a means of discipline

3 Levels of Regulation (from least to most restrictive):

1. Registration
2. Certification
3. Licensure

(16) Scope of Practice

The scope of practice of a licensed healthcare professional is statutorily defined in each state's laws in the form of a practice act.

The parameters of the authority to practice granted to a nurse through licensure. Includes the specific activities that only licensees may perform presumably because there is a significant risk of harm to the public. Governed by a professional Board that includes requirements for accountability.

(17) Supervision / Supervisory Role

The active process of directing, guiding, and influencing the outcome of an individual's performance of an activity. Supervision does not include managing.

Supervisory Role: The person that performs the activity of directing and overseeing the activities of another member of the healthcare team.

(18) Title Protection

A means by which the public is assured that an individual who is providing care has met the educational standards for a specific practice. The term "practice protection" can be used interchangeably with title protection.

(19) Unlicensed Assistive Personnel

Unlicensed individuals who are trained to function in an assistive role to the licensed nurse in the provision of patient/client activities as delegated by the nurse.

Definitions adopted and adapted from the following sources:

American Nurses Association (ANA)
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"Nursing Social Policy Statement" (2003)
"Nursing : Scope and Standards of Practice" (2004)
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"Principles for Delegation"
"Licensure, Certification, and Accreditation" Barnum (1997)
AORN Standards, Recommended Practices, and Guidelines (various years)
Black's Law Dictionary
Center for Medicare and Medicaid Services
State Operations Manual - Conditions of Participation for Hospitals
Council on Licensure, Enforcement, and Regulations (CLEAR)
"Demystifying Occupational and Professional Regulation: Answers to Questions You May Have Been Afraid to Ask" Schmitt and Shimberg (1996)
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National Council of State Boards of Nursing (NCSBN)
"Working with Others: A Position Paper" (2006)
"Delegation – Concepts and Decision-Making Process" (1995)
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Taber's Cyclopedic Medical Dictionary