

Louisiana State Board of Nursing

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Declaratory Statement Regarding the Registered School Nurse Delegating to Trained Unlicensed School Employees the Administration of Rectal Diastat in Certain Emergency Situations

The safety and welfare of the student must be given primary consideration when the Registered Nurse assesses a student requiring the administration of rectal Diastat for repetitive, cluster seizures. Since 1998 the Louisiana State Board of Nursing (herein referred to as the Board) has studied the administration of rectal Diastat in the school setting by the Registered Nurses as well as the Registered Nurse (RN) delegating to an LPN and/or trained unlicensed school employees the administration of rectal Diastat.

Diastat, FDA approved for persons with epilepsy, is a rescue drug used in seizure emergencies for students who have been diagnosed as having acute repetitive seizures, prolonged seizures, or cluster seizures. Prolonged, repetitive seizures cause hypoxia which overtime lead to impaired mental status. The Board is accountable for protecting the public health, safety, and welfare of Louisiana citizens by regulating nursing practice. Inherent in the delegation of rectal Diastat to trained unlicensed school employees there are risk factors that must be weighed against the outcome of stopping the seizure activity. As with all acts of delegation, the administration of Diastat in the school setting must be in accordance with the Board's rules on delegation, LAC 46:XLVII.3703.

The Registered Nurse, herein referred to as the certified school nurse may only delegate non-complex nursing interventions to trained unlicensed school personnel (LAC 46:XLVII.3703). The intervention, in this case, the administration of rectal diastat, must be in compliance with the Board's rules regarding a non-complex task, one that does not require decision-making. The Law Governing the Practice of Nursing (herein referred to as the Law) provides an exception for the rendering of nursing assistance by any individual in the case of *immediate emergency* (R.S. 37:929(3)). The challenge before the Board is to determine if acute repetitive, prolonged seizures, or cluster seizures constitutes an *immediate emergency* and/or that unlicensed school employees can be trained to administer rectal Diastat in accordance with the Board's rules on delegation.

BOARD'S RESPONSE:

In accordance with the Law R.S. 37:913(14) the RN's scope of practice is clearly defined and clarified by the Board's rules LAC 46:XLVII.3703, to provide nursing care based on the RN's assessment and planning that may include delegation, and evaluation of the nursing care outcomes. Based on the RN's assessment of the school environment, the clinical acuity of the student, including the overall complexity of the student's health care problems, the RN retains the accountability for the total nursing care of the students regardless of whether the care is provided solely by the RN or the RN in conjunction with licensed or unlicensed school employees.

Once the RN has assessed the student, it is the sole responsibility of the RN to determine if a certain nursing task may be delegated to a trained licensed or unlicensed school employee.

Therefore, based on the Board's rules that only a non-complex nursing task may be delegated to trained unlicensed school employees and inasmuch as R.S. 436.1 provides for the delegation of certain prescription and nonprescription drugs by certified school nurses to trained unlicensed school employees it is the judgment of the certified school nurse to determine when the administration of rectal Diastat may be delegated to trained unlicensed school employees. This nursing judgment must be based on:

- 1) a clinical protocol that is in place at the school that clearly describes the responsibility and accountability of the certified school nurse delegating rectal Diastat to trained unlicensed school employees (TUAP) or LPNs;
- 2) a signed agreement from the student's parents/legal guardians authorizing the administration of rectal Diastat to their child by a nurse (RN, LPN) or trained unlicensed school employee;
- 3) the RN's assessment that the LPN or TUAP is competent to administer the rectal Diastat.

The Board's Legal Standards of Nursing Practice (LAC 46:XLVII.3915.5) provides that the registered nurse demonstrates the following professional nursing practice behaviors:

Clarifies any order or treatment regimen believed to be inaccurate, or contraindicated by consulting with the appropriate licensed practitioner and by notifying the ordering practitioner when the registered nurse makes the decisions not to administer the medication or treatment.

Approved by Board: March 16, 2005