

MDS Alert

Legal Tip: Your Nurse Practice Act Could Include A Troubling Surprise

Better double-check who's qualified to do what.

Your facility could be in for legal woes if its forms are titled "assessment" and you have the wrong caregivers completing them.

"Check your state practice acts for nursing to determine what you will call your various forms," suggests **Cathy Ates, RNC, CDONA**, director of nursing of **Parthenon Healthcare of Crestview** in Crestview, FL. In some states, only an RN can assess. LPNs may be restricted to observing, collecting data and reporting, and CNAs to observing and reporting data.

Another tip: Make sure RNs don't cross the line from assessing into diagnosing. For example, "nurses cannot diagnose wounds unless they are advance practice nurses allowed to do so as specified by the state practice act," cautions attorney **Joseph Bianculli** in Arlington, VA.