

Accepting & Rejecting an Assignment

Guidelines for the Nurse

West Virginia Board of Examiners for Registered Professional Nurses

West Virginia State Board of Examiners for Licensed Practical Nurses

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Guidelines for The Nurse

Registered professional nurses and licensed practical nurses, as licensed nurses, share the responsibility and accountability along with their employer to ensure that safe and effective nursing care is provided. When presented with a questionable situation it is important to continue to explore options in a positive manner, recognizing that both you and the facility have a responsibility for safe patient care. This accountability is both a legal responsibility as specified in the West Virginia Nurse Practice Acts and rules and regulations; it is also an ethical one as indicated in the American Nurses Association (ANA) Code for Nurses. In addition, there are individual employer requirements as outlined in the health care facility personnel policies and clinical guidelines/procedures.

For registered nurses the ANA Code for Nurses states “The Nurse is responsible and accountable for individual nursing practice and determines the appropriate delegation of tasks consistent with the nurse’s obligation to provide optimum patient care.” The nurse’s decision regarding accepting or making work assignments is based in the legal, ethical, and professional obligation to assume responsibility for nursing judgment and action.

- Suppose you are asked to care for an unfamiliar patient population or to go to a unit for which you feel unqualified – what would you do?
- Suppose you are approached by your supervisor and asked to work an additional shift – what do you do? West Virginia Code §21-5F-3 , the Nurse Overtime and Patient Safety Act, impacts nurses employed in hospitals (not state or federal agencies). It mandates that any RN or LPN who works twelve or more consecutive hours shall be allowed at least eight hours of off-duty time immediately following the completion of the shift. No nurse shall work more than sixteen hours in a twenty-four hour period unless there is an unforeseen emergent situation such as a natural disaster, adverse weather conditions, or disease outbreak that jeopardizes patient safety.

Such situations are familiar and emphasize the rights and responsibilities of the registered nurse to make informed decisions. However, differences among the members of the healthcare team in interpretation of legal or ethical principles may lead to conflict.

This document endeavors to facilitate a strategy for problem solving as the staff nurse, nurse manager, chief nursing executive and administrator operationalize practice within the complex environment of the health care system.

Guidelines for Decision Making

The complexity of the delivery of nursing care is such that registered professional nurses with appropriate education and experience can direct nursing care. Upon employment with a health care facility the nurse contracts or enters into an agreement with that facility to provide nursing services in a collaborative practice environment. Nurses are encouraged to seek consultation with their nurse manager/executive to discuss the facility's mission and goals as well as their policies and procedures.

It is the nurse's responsibility to:

- Provide competent nursing care to the patient
- Exercise informed judgment and use individual competence qualifications as criteria in seeking consultation, accepting responsibilities, and delegating nursing activities to others
- Clarify assignments, assess personal capabilities, and jointly identify options for patient care assignments when he/she does not feel personally competent or adequately prepared to carry out a specific function. The nurse has the right to refuse an assignment that he/she does not feel prepared to assume; however the nurse should be prepared for potential disciplinary action by the employer

It is the nurse manager's responsibility to:

- Ensure competent nursing care is provided to the patient
- Evaluate the nurse's ability to deliver specialized patient care
- Organize resources to insure that patients receive appropriate nursing care
- Collaborate with the staff nurse to clarify assignments, assess personal capabilities, and jointly identify options for patient care assignments when the nurse does not feel personally competent or adequately prepared to carry out a specific function. The facility has the right to take appropriate disciplinary action according to the facility policies
- Communicate to staff through written policies the process of making assignment and reassignment decisions
- Provide education to staff and supervisory personnel in the decision making process regarding patient care assignments and reassignments including patient placement and allocation of resources,
- Plan and budget for staffing patterns based upon patient's acuity and priorities for care
- Provide a clearly defined written policy for immediate internal review of proposed assignments which includes the participation of the staff involved
- Provide a grievance procedure for use by staff after the fact

Issues Central to Potential Dilemmas

- The right of the patients to receive safe, professional nursing care in accordance with standards accepted standards of practice
- The responsibility for appropriate utilization and distribution of nursing care services when nurses become a scarce resource
- The responsibility for providing a practice environment that assures adequate nursing resources for the facility, while meeting the current socioeconomic and political realities of shrinking health care dollars

Behavior and activities relevant to giving, accepting, or rejecting a work assignment that could lead to disciplinary action include:

Legal Issues

- Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities when the licensee knows or has reason to know that he/she is not competent to perform
- Performing without adequate supervision professional services which the licensee is authorized to perform only under supervision of a licensed professional. (Exception to this is an emergency situation where a person's life or health is in danger).
- Failure to exercise supervision over persons who are authorized to practice only under supervision of that licensed professional
- Abandoning or neglecting a patient who is in need of nursing care without making reasonable arrangements for the continuation of such care

Of the above, the issue of abandonment or neglect has thus far proven the most legally devastating. Abandonment or neglect has been legally defined to include such actions as insufficient observation (frequency of contact), failure to assure competent intervention when the patient's condition changes (qualified physician not in attendance), and abandoning patients by terminating responsibility for nursing care, intervention, or evaluation without properly notifying appropriate personnel and ensuring the safety of patients. Since nurses at all levels most frequently act as agents of the employing facility, the facility shares the risk of liability with the nurse.

The following questions are some specific examples of how a nurse may apply the guidelines for decision making and the legal concepts as outlined in this document.

1. CLARIFY what it is you are being asked to do.

- a) What is the typical nurse to patient ratio on the unit?
- b) Does the care of these patients require you to have specialty knowledge and skills in order to deliver safe nursing care?
- c) Will there be qualified and experienced RNs on the unit?
- d) What procedures and/or medications will you be expected to administer?
- e) What kind of orientation will you receive to function safely?

2. ASSESS yourself

- a) Do you have the knowledge and skill to meet the expectations that have been outlined to you?

Applications of Guidelines for Decision Making

- b) Have you had experience with similar patient populations?
- c) Have you been oriented to this unit or a similar unit?
- d) Would the perceived discrepancies between your abilities and the expectations lead to an unsafe patient care situation?

3. IDENTIFY options and implications of your decision.

- a) If you determine that you can provide safe patient care you should accept the assignment. You would then be ethically and legally responsible for the nursing care of these patients.
- b) If you determine that there is a discrepancy between your abilities and the expectations of the assignment, further dialog with the nurse supervisor is needed before you reach a final decision. At this point it may be appropriate to consult with the next level of management, such as the House Supervisor or the Chief Nurse Executive.

In further dialogue, continue to assess whether you are qualified to accept either a portion or the whole of the assignment. Also, point out options which might be mutually beneficial. For example, obviously it would be unsafe for you to administer chemotherapy without prior training. However, if someone else administered chemotherapy perhaps you could provide the remainder of the requested nursing care for that patient. If you feel unqualified for the assignment in its entirety, the dilemma becomes more complex. At this point it is important for you to become aware of the legal rights of the facility. Even though you may have legitimate concern for the patient safety and your own legal accountability in providing safe care the facility has legal precedent to initiate disciplinary action, including termination, if you refuse to accept an assignment. **Again, it is important to continue to explore options in a positive manner, recognizing that both you and the facility have a responsibility for safe patient care.**

- a) **4. POINT OF DECISION/IMPLICATIONS** Before you accept or reject an assignment make sure that you have explored all options. Accept the assignment: Document carefully your concern for the patient's safety and the process you used to inform the facility (manager) of your concerns. Keep a personal copy of this documentation and send a copy to the Chief Nurse Executive. Courtesy suggests that you also send a copy to the manager(s) involved. Once you have reached this decision, it is unwise to discuss the situation or your feelings with other staff or patients. From this point withdrawal from the agreed upon assignments may become abandonment.
- b) Reject the assignment. Be prepared for potential disciplinary action by the employer. Document your concern for patient safety, the process you used to inform the facility (manager) of your concerns, and the steps taken in making your decision. Keep a personal copy of this documentation and send a copy to the manager(s).

Summary

Staffing dilemmas will always be present and mandate that active communication between staff nurses and all levels of nursing management be maintained to assure patient safety. The likelihood of a satisfactory solution will increase if there is prior consideration of the choices available. This consideration of available alternatives must include nurses in the decision making process.

Nurses are accountable for nursing judgment and actions regardless of the personal consequences. Providing safe and effective nursing care to the patient is the ultimate objective of the nurse and the health care facility.

For more information, you may contact the following resources:

Resources

Office of Health Facility Licensure and Certification (OHFLAC): The state agency responsible for promulgation of Rules regarding various types of health care facilities. Contact OHFLAC: Telephone 304-558-0050; Website www.wvdhhr.org/ohflac

West Virginia Nurses Association (WVNA): The statewide organization of registered nurses which represents nursing in the governmental and policy making arena and maintains current information and publications relative to the nurses' practice. Membership is also available to licensed practical nurses. WVNA is a constituent member of the American Nurses Association (ANA). Contact WVNA: 405 Capitol St., Suite 600 Charleston WV 25301; Website www.wvnurses.org; Telephone 304-342-1169, Toll Free 1-800-400-1226; Email centraloffice@wvnurses.org.

West Virginia Hospital Association (WVHA): The statewide organization with the goal of promoting a strong healthcare system in West Virginia that supports and improves the health of those served by our hospitals, as well as the economic condition of the state. Contact WVHA: 100 Association Drive Charleston, WV 25311; Website www.wvha.org; Telephone 304-344-9744; Fax 304-344-9745.

West Virginia League for Nurses (WVLN): A statewide organization of persons interested in fostering the development and improvement of nursing services and nursing education. The WVLN is concerned with service, education, and research programs that are designed to meet the needs of the area. Contact the West Virginia Nurses Association for the current address for the WVLN.

West Virginia Board of Examiners for Registered Professional Nurses: The state government agency which oversees education, licensure, and practice of the RNs. A copy of the Registered Nurse Practice Act is available on the Board's website at www.wvrnboard.com. Contact the RN Board: 101 Dee Drive, Suite 102, Charleston WV 25311; Telephone 304-558-3596; Toll Free 877-743-NURS (6877); Fax 304-558-3666; Email rnboard@state.wv.us

West Virginia State Board of Examiners for Licensed Practical Nurses: The state government agency which oversees the education, licensure, and practice of LPNs. Rules and Regulations regarding LPN practice in West Virginia are available on the Board's website at www.lpnboard.state.wv.us. Contact the LPN Board: 101 Dee Drive, Suite 100, Charleston WV 25311; Telephone 304-558-3572; Toll Free 877-558-LPNS (5767); Fax 304-558-4367; Email LPN.Board@wv.gov.

American Nurses Association (2001). Code of Ethics for nurses with interpretive statements. Washington, DC: Publisher.