

From: Kim Litwack [<mailto:litwack@uwm.edu>]
Sent: Tuesday, August 14, 2018 10:12 AM
To: Witkowski, Terry
Subject: McManus decision

Dear Alderman Witkowski:

I read with horror and anger the Saturday article on scaling back the Milwaukee Health department STD clinics. There is a major problem with the statement involving the nurses working outside their scope of practice. The RNs were working **within** their legal scope of practice. I have provided the State Board of Nursing Administrative rule N6 below which describes how they were able to practice. The nurses **were trained** in the procedures that they were performing, **were operating on the standard orders** from 2 physicians and **had the required backup** of 3 physicians. They **met all the requirements of performing delegated acts** as described below in Chapter N6 of Wisconsin Administrative code.

The Institute of Medicine (IOM) report, The Future of Nursing: Leading Change, Advancing Health, (<http://nationalacademies.org/hmd/reports/2010/the-future-of-nursing-leading-change-advancing-health.aspx>) calls for nurses to practice to the FULL extent of their scope of practice in order to provide health care where it is so badly needed. It is very concerning that Interim Commissioner McManus has now limited their practice. STD clinics serve an important public health role in Milwaukee, Within the legal scope of practice, employers do have the ability to limit the scope of practice by setting organization policy. Interim Commissioner McManus has done this with her recent actions. This was not necessary, and more importantly, puts the citizens of Milwaukee at risk unnecessarily.

The State Board of Nursing attorneys should be able to provide any further information you may need.

Chapter N 6 of the Wisconsin Administrative Code is meant to "specify minimum practice standards for which R.N.s and L.P.N.s are responsible, and to clarify the scope of practice" for those groups. Wis. Admin. Code § N 6.01(2). The relevant section of the Chapter concerns the "performance of delegated acts." That section states that "in the performance of delegated act an R.N. shall do all of the following:

- a. Accept only those delegated acts for which there are protocols or written or verbal orders.
- b. Accept only those delegated acts for which the R.N. is competent to perform based on his or her nursing education, training or experience.
- c. Consult with a provider in cases where the R.N. knows or should know a delegated act may harm a patient.
- d. Perform delegated acts under the general supervision or direction of a provider."

Wis. Admin. Code § N 6.03(2). A "provider" means a physician, podiatrist, dentist, optometrist or advanced practice nurse provider. Wis. Admin. Code § N 6.02(10m). "General supervision" means "regularly to coordinate, direct and inspect the practice of another," Wis. Admin. Code § N 6.02(7), and does not require that a provider be physically present at the work location.

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