

Practice Information from the NYS Office of Professions Non-Patient Specific Orders and Protocols RNs, LPNs, CNSs & NPs

General Information

In most cases, New York State law requires a registered professional nurse (RN) to execute medical regimens (i.e., administer medications, medical treatments or tests) that are ordered for a specific patient by a physician or other qualified health care practitioner who has examined the patient. In addition, an RN cannot execute medical protocols that allow the RN to make medical diagnoses or perform medical services that are outside the scope of practice of the RN.

However, New York law allows RNs to execute non-patient specific orders and protocols, ordered by a physician or nurse practitioner, for administering: (1) immunizations; (2) anaphylaxis treatment; (3) TB tests; (4) HCV tests; (5) HIV tests; and, (6) opioid related overdose treatment. In addition, RNs may execute non-patient specific orders and protocols (issued by a physician or nurse practitioner) to medically screen at-risk persons for syphilis, chlamydia and/or gonorrhea infections. The ordering physician or nurse practitioner is not required to examine or have a treatment relationship with the recipient of the ordered tests or treatments.

Requirements for Non-Patient Specific Orders and Protocols

All non-patient specific orders and protocols must be in writing. Non-patient specific orders should include, at a minimum, the following:

- The name, license number and signature of the physician or nurse practitioner authorizing the non-patient specific order and protocol;
- Information concerning: (1) the name, dose and route of administration of the specific immunizing agent(s), anaphylactic agent(s), opioid overdose drug(s) to be administered, or the name of the specific, TB test(s), HCV test(s), HIV test(s), syphilis test(s), gonorrhea test(s) or chlamydia(s) to be administered or a specific description of the medical services to be performed to screen for syphilis, gonorrhea and/or chlamydia infections; (2) the time period that the order will be in effect, including start and end dates; and, (3) the group of persons to be treated pursuant to the order (i.e., students at X college, pediatric patients at X medical practice, employees of X corporation, residents of X nursing home, etc.);
- Identification of the RNs authorized to execute the orders by: (1) including the name(s) and license number(s) of RNs authorized to administer the ordered tests, treatments or screening services; **or** (2) identifying the health care provider that employs or contracts with the RNs who implement the order (i.e., X medical practice, X hospital's inpatient pediatric unit); and,
- A protocol for executing the order or a specific reference to a separate written protocol for executing the order.

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Protocols should, at a minimum, address the following:

- Initial Screening** The protocol must include criteria for screening or assessing potential recipients for eligibility for (and contraindications to) the ordered test or treatment or screening service.
- Pre-Test/Pre-Treatment/Pre-Screening Counseling** The protocol must include information regarding the health risks and benefits of the ordered test, treatment or screening service, which must be disclosed to potential recipients (or legally responsible person for a child or other potential recipient who lacks capacity to consent to testing or treatment).
- Informed Consent** The protocol must define criteria for obtaining informed consent from the potential recipient (or legally responsible person for a potential recipient who lacks capacity to consent to testing or treatment). In some cases, such as HCV screening in a hospital, a protocol may permit documentation of informed consent for testing or treatment be covered under “general consent” form. An RN is not required to obtain informed consent during an emergency in order to provide anaphylactic treatment or opioid overdose related treatment to a person who is not capable of consenting.
- Clinical Instructions** The protocol should include necessary instructions for administering the ordered test or treatment or performing the ordered screening. It should also address relevant storage and handling requirements for equipment and supplies needed to implement the ordered test, or treatment or perform the ordered screening.
- Documentation** The protocols must describe record keeping and medical documentation requirements that apply to recipients as well as to potential recipients who do not qualify for, or who refuse the ordered test, treatment or screening. The medical record of a recipient of an ordered tests or treatment or screening should include: the non-patient specific order and protocol; the recipient’s name; applicable documentation informed consent; the date, time and type of treatment, screening service or test that was administered; and, the administering nurse.
- Post-Test, Post-Treatment or Post-Screening Actions** The protocol must describe applicable follow up actions to be undertaken by an RN such as, post- test counseling, disclosing test results, referring patients for follow-up care or disclosing information to other health care providers.

Information for Nurses

An RN who is responsible for implementing a non-patient specific order and protocol may assign licensed practical nurses (LPNs) to help (i.e., administer the ordered test or treatment, recordkeeping), provided that the RN performs required nursing assessments of potential recipients for eligibility for (and contraindications to) the ordered test, screening or treatment. The RN must provide on-site direction to the LPN, except in emergency situations. A ratio of no more than three LPNs to one RN should be maintained. If an RN is self-employed and is the “provider of record” of the ordered test or treatment, the RN shall be responsible for complying with applicable documentation, recordkeeping, reporting and other relevant requirements set forth in law.

Note: Additional requirements and information that apply specifically to immunizations, TB tests, HIV tests, HCV tests, screening for syphilis, gonorrhea and/or chlamydia infections, opioid related overdose treatment and anaphylaxis treatment are described in the following sections.

NYS Education Department May 8, 2019

<http://www.op.nysed.gov/prof/nurse/nonpatient-specific-orders-and-protocols.htm>