

PRACTICE QUESTION: Scope of Practice

Question:

Is it within the RN's scope of practice in Maryland to perform physical examinations and assess for side effects in clinical research? I reviewed the Nurse Practice Act but it was not helpful to me on answering the question, and I need MBON's guidance. Please advise if it is within the RN's scope of practice in Maryland to perform physical examinations and assess for side effects in clinical research.

Response:

Please understand that MBON staff do not provide practice opinions or approvals, nor do we provide legal interpretation. Our consultation is limited to directing customers to applicable statutes, regulations, and possibly other evidence-based guidelines. There is nothing specifically that addresses the "clinical research" setting in the statute or regulations, however, the practice of nursing as defined below is not limited to a setting. I would point out, however, that in your query you refer to "physical examination" and the terms used in our statute/regs (below) do not use those words, rather "assessment" and "evaluation." Nurses participate in research in multiple ways, as principal investigators and assistants, as well as enacting research protocols, so it isn't clear if the concern is a nurse participating in research or conducting an assessment that is only required due to a research protocol. Nonetheless, the excerpts below speak to the scope of practice. Also included is the scope of practice for an advanced practice registered nurse to show that the language is the same for "assessment" rather than "physical examination."

If this response is insufficient for your needs, I would suggest you consult with your own agency leadership and legal team to decide what meets your own objectives and still serves patient safety and public protection.

The relevant portion of the Nurse Practice Act is copied below for your reference:

Practice registered nursing

(n)(1) "Practice registered nursing" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the biological, physiological, behavioral, or sociological sciences as the basis for assessment, nursing diagnosis, planning, implementation, and evaluation of the practice of nursing in order to:

(i) Maintain health;

(ii) Prevent illness; or

(iii) Care for or rehabilitate the ill, injured, or infirm.

(2) For these purposes, "practice registered nursing" includes:

(i) Administration;

(ii) Teaching;

(iii) Counseling;

(iv) Supervision, delegation, and evaluation of nursing practice;

(v) Execution of therapeutic regimen, including the administration of medication and treatment;

(vi) Independent nursing functions and delegated medical functions; and

(vii) Performance of additional acts authorized by the Board under § 8-205 of this title.

Registered nurse

(o) “Registered nurse” means, unless the context requires otherwise, an individual who is licensed by the Board to practice registered nursing.

Practice as a nurse practitioner

(l) “Practice as a nurse practitioner” means to independently:

- (1) Perform an act under subsection (n) of this section;
- (2) Conduct a comprehensive physical assessment of an individual;
- (3) Establish a medical diagnosis for common chronic stable or short-term health problems;
- (4) Order, perform, and interpret laboratory tests;
- (5) Prescribe drugs as provided under § 8-508 of this title;
- (6) Perform diagnostic, therapeutic, or corrective measures;
- (7) Consult and collaborate with, or refer an individual to, an appropriate licensed physician or any other health care provider as needed; and
- (8) Provide emergency care.

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