

A Guide to Your Nurse Practice Act

Nursing professionals have a wide range of valuable resources to help them in their jobs, such as organizational policies and procedures and databases of clinical practice guidelines. Many nursing professionals use these on a regular basis to help them deliver quality care. But they tend to overlook one essential practice resource — the nurse practice act (NPA). As the name implies, a state's or jurisdiction's NPA provides guidance for practice; adhering to the provisions of the act makes the nurse less vulnerable to legal action. Here's what you need to know about NPAs.

NPA basics

Each state and territory of the United States has an NPA, which is a law passed by a legislative body. An NPA outlines what is required to practice as a nurse and the types of activities various nursing professionals can engage in. NPAs generally have [several common components](#):

- **Definitions.** Terminology needs to be clear so the information in an NPA is interpreted correctly. An example of a definition is unencumbered license — a license that doesn't have any restrictions or current discipline issues.
- **Authority, power, and composition of a BON.** The Board of Nursing (BON) is responsible for enforcing the NPA and protecting the public (see sidebar).
- **Educational program standards.** These standards, which include items such as faculty qualifications, are for schools of nursing.
- **Standards and scope of nursing practice.** This is a vital section of the NPA for practicing nursing professionals. It outlines expectations for practice and includes information about proper delegation.
- **Titles and licenses.** This section details requirements (such as graduation from an approved education program and passing an examination) needed to use a particular title such as RN.
- **Grounds for disciplinary action, other violations, and possible remedies.** The BON is responsible for investigating issues such as misuse of controlled substances and significant errors in care, and for taking appropriate action, based on what is permitted under the NPA.

Following the NPA

You are responsible for following the NPA in the states and jurisdictions where you are licensed. Failure to do so leaves you open to legal action. For example, if you delegate incorrectly and the patient suffers harm, you could be named in a lawsuit. You would have little defense if you did not follow the NPA's guidelines for delegation.

About Boards of Nursing

A Nurse Practice Act (NPA) includes the creation of a Board of Nursing (BON) for enforcement. The BON's main purpose is to protect the public, although another consideration is the rights of nursing professionals. According to the National Council of State Boards of Nursing (NCSBN), the BON can create rules and regulations that clarify what's in the act but are consistent with it and do not go beyond it.

BON members are elected or appointed to their position. Members typically include registered nurses, licensed practical/vocational nurses, advanced practice registered nurses, and consumers.

Consider the NPA as a helpful resource. For instance, if your organization asks you to take on a task that is outside the scope of practice defined in the NPA, you have a valid reason for declining to perform the task. If you are unsure whether a task is covered, consult the BON for the relevant state or jurisdiction. You can easily access BON contact information via the National Council of State Boards of Nursing (NCSBN): <https://www.ncsbn.org/sites/ncsbn/membership/us-members/contact-bon.page>.

Of course, to follow the NPA, you must know what is in it. You can easily find the NPA(s) for where you practice through the “Find Your Nurse Practice Act” page on the NCSBN’s website (<https://www.ncsbn.org/policy-gov/npa-toolkit/npa.page>). Simply use the drop-down menu to select your location.

It can be challenging to read a legislative act, so many states have created self-study education programs on their NPAs. You can find a list at the International Center for Regulatory Scholarship (ICRS) Connections Catalog: <https://catalog.icrsncsbn.org/browse/public/continuing-ed/npa/>.

A valuable resource

Following the NPA helps reduce your risk of legal action. Be sure to read newsletters and other correspondence from the BONs where you practice for any clarifications related to the NPA. It’s also a good idea to revisit the NPA on an annual basis to ensure you are practicing according to the law.

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References

NCSBN. What every nurse needs to know about state and territorial boards of nursing. 2018.

<https://www.ncsbn.org/brochures-and-posters/state-and-territorial-boards-of-nursing-what-every-nurse-needs-to-know>

Russell KA. Nurse practice acts guide and govern: Update 2017. J Nurs Reg. 2017;8(3):18-23.

https://www.ncsbn.org/public-files/2017_NPA_Guide_and_govern.pdf

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