



Nebraska Board of Nursing

ADVISORY
OPINION

OPINION: Safety to Practice:
Functional Ability
ADOPTED: January, 2008
REVISED: 12/13
REAFFIRMED:

This Nebraska Board of Nursing advisory opinion is issued in accordance with the Nebraska Nurse Practice Act, [Neb. Rev. Stat. 38-2216 \(2\)](#). As such, this advisory opinion is for informational purposes only and is non-binding. The advisory opinions define acts, which in the opinion of the board, are or are not permitted in the practice of nursing.

Safety to Practice: Functional Ability

Licensed nurses are accountable for ensuring their actions and behaviors meet all applicable standards. This requires constant awareness of the demands of the job and a continual process of evaluation and assessment in order to make sure the nurse is fit to practice. Nurses who practice while not fit to do so, may be subject to disciplinary action pursuant to [172 NAC 101, The Regulations Governing the Practice of Nursing](#)

One essential element of safe nursing practice is a nurse’s functional ability: the competence and reliability with which a nurse is able to practice at any given time.

Nurses sometimes experience situations that may compromise their ability to safely practice for either the short or long term. Some situations may involve personal or job-related stress, sleep deprivation, mandatory overtime, extra shifts, the normal effects of aging, and episodic or persistent health conditions. In certain circumstances the nurse may require pain management or the use of maintenance-level prescribed medication.

Whether a nurse should continue active nursing practice in these situations depends upon the nurse’s ability to function safely and effectively. The assessment of functional ability is an individualized process that does not lend itself to application of a set format based on select elements. Rather, assessment of functional ability requires active consideration of all relevant factors, such as diagnosis, prescribed treatment and situational events, as well as an evaluation of the impact of those various factors on the individual.

Constant evaluation of one’s ability to practice nursing safely and competently is the responsibility of each individual nurse. In some instances, it may be necessary for the board to require objective physical

and/or functional assessment, using reliable psychometric instruments and methods administered by qualified licensed professionals in order to determine if any limitation of the nurse's practice is needed to ensure public protection. When evidence indicates that the nurse's functional ability is impaired, action by the board may be warranted.

References:

American Nurses Association Position Statement: Registered Nurses Responsibility in All Roles and Settings to Guard Against Working When Fatigued, December 2006.

<http://www.nursingworld.org/MainMenuCategories/ThePracticeofProfessionalNursing/NurseStaffing>

<http://nursingworld.org/MainMenuCategories/Policy-Advocacy/Positions-and-Resolutions/ANAPositionStatements/Position-Statements-Alphabetically/Professional-Role-Competence.html>

<http://www.nursingworld.org/MainMenuCategories/Policy-Advocacy/Positions-and-Resolutions/ANAPositionStatements/Position-Statements-Alphabetically/Patient-Safety-Rights-of-Registered-NursesWhen-Considering-a-Patient-Assignment.htm>

<http://www.nursingworld.org/MainMenuCategories/Policy-Advocacy/Positions-and-Resolutions/ANAPositionStatements/Position-Statements-Alphabetically/Copy-of-AssuringPatientSafety-1.pdf>

<http://www.nursingworld.org/MainMenuCategories/Policy-Advocacy/Positions-and-Resolutions/ANAPositionStatements/Position-Statements-Alphabetically/AssuringPatientSafety.pdf>

North Carolina Board of Nursing Position Statement: Extended Work Hours and Patient Safety.

<http://www.ncbon.com/myfiles/downloads/position-statements-decision-trees/nursing-work-environments.pdf>

Idaho Board of Nursing Position Statement: Position on Safety to Practice.

http://ibn.idaho.gov/IBNPortal/IBN/publications/Safe_Nursing_Practice_2005.pdf

Institute of Medicine (2003). *Keeping Patients Safe: Transforming the Work Environment of Nurses*

<http://www.iom.edu/Reports/2003/Keeping-Patients-Safe-Transforming-the-Work-Environment-of-Nurses.aspx>

North Dakota Board of Nursing Position Statement: Safety to Practice.

<https://www.ndbon.org/opinions/safety%20to%20practice.asp>

Texas Board of Nursing Position Statement: Duty of a Nurse in any Practice Setting.

<http://www.bon.state.tx.us/practice/position.html#15.14>