



# CHAIRMAN'S MEMORANDUM

## NO. 04-2012 December 5, 2012

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TO: SHERIFFS, CHIEF ADMINISTRATIVE OFFICERS, COMMISSIONERS OF CORRECTION, NEW YORK CITY WARDENS, FACILITY MEDICAL DIRECTORS, HEALTH SERVICE ADMINISTRATORS, AND NURSE ADMINISTRATORS.

RE: Clarification of the Practice of Nursing in Local Correctional Facilities

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The Commission is providing clarification regarding the scope of practice of a Licensed Practical Nurse in a local correctional facility. Specifically the tasks that can be performed by the Licensed Practical Nurse (LPN) as opposed to a Registered Nurse (RN).

The practice of nursing is regulated in New York by the State Education Department, Office of Professions, and Board of Regents. Section 6902 of Article 139 of the Education Law distinguishes between the legal definitions of RN's and LPN's as follows:

*The practice of nursing as a licensed practical nurse (LPN) is defined as performing tasks and responsibilities within the framework of casefinding, health teaching, health counseling, and provision of supportive and restorative care under the direction of a registered professional nurse or licensed physician, dentist or other licensed health care provider legally authorized under this title and in accordance with the commissioner's regulations.*

Thus the tasks that an LPN can perform in a local correctional facility are limited to obtaining patient histories, observing patients, taking measurements, administering properly ordered patient-specific medications, and performing treatments under the direction of an RN. LPNs cannot perform physical assessments or make nursing diagnoses. The LPN works at the direction/delegation of the RN and or the MD, NP, or PA. The RN must be immediately available by telephone and no more than 15 minutes away physically. The MD must be immediately available by telephone; however, the LPN cannot take and execute any telephone order that is not within his/her scope of practice. If an emergency occurs, the LPN is responsible to recognize that emergent situation, call 911 immediately, and begin CPR if needed.

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New York State Commission of Correction  
80 So. Swan Street, 12th Floor  
Albany, New York 12210  
(518) 485-2346

Thomas A. Beilein, Chairman  
Phyllis Harrison-Ross, M.D., Commissioner

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The inappropriate delegation of tasks to LPNs beyond their scope of practice may expose agencies to potential litigation and subject LPNs, RNs, and MDs to disciplinary proceedings by the Office of Professions.

Detailed information regarding LPN's scope of practice is available by obtaining a copy of the Office of Professions "Nursing Guide to Practice" or by contacting:

Office of the Professions, State Board of Nursing, 89 Washington Avenue, Albany, NY  
12234-1000; (518) 474-3817 ext. 120 or at [nursebd@mail.nysed.gov](mailto:nursebd@mail.nysed.gov).

Should you have any questions, please contact the Commission's Forensic Medical Unit at (518) 485-2346.

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Thomas A. Beilein, Chairman

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