

# Understanding LPN and RN Scope of Practice



State-level Nurse Practice Acts outline the scope of nursing practice, as well as professional and ethical conduct that nurses must adhere to. Typically, each state has its own act.<sup>1,2</sup>

Michigan eliminated the Nurse Practice Act in 1978 and incorporated all rules and laws regulating health personnel into a new Public Health Code (PA 368 of 1978).<sup>3</sup> The Michigan Public Health Code now defines the practice of nursing in Michigan.<sup>4</sup>

## Michigan Public Health Code

The Michigan Public Health Code contains limited guidance about the specific job functions RNs and LPNs can perform.<sup>5</sup> Those that have been defined are included below:

	LPN	RN
All duties to be performed under supervision of an RN, physician or dentist. <a href="#">MCL 333.17201(1)(d)</a>	✓	✗
Can teach, direct and supervise less skilled personnel. <a href="#">MCL 333.17201(1)(e)</a>	✗	✓
Can administer controlled substances, Schedules II – V, under the order of a licensed prescriber. <a href="#">MCL 333.7303a(7)(a)</a>	✓	✓
Can dispense controlled substances listed in Schedules II – V under the order of a licensed prescriber when rendering emergency hospice care services in a patient’s home. <a href="#">MCL 333.7303a(7)(b)</a>	✗	✓
Can dispense methadone or a methadone congener on the order of a licensed prescriber in a licensed methadone treatment program. <a href="#">MCL 333.7303a (7)(b)</a> <i>*Under <a href="#">MCL 333.17745a(4)(a)</a> – LPNs may administer single dose methadone treatments only</i>	✗*	✓
Can administer opioids, under the direction of a prescriber who holds a controlled substances license. <a href="#">MCL 222.9145 (3)</a>	✓	✓
Can receive direction from a physician to order, receive and dispense complimentary starter dose <sup>a</sup> drugs <i>other than</i> controlled substances. <a href="#">MCL 333.17212 (1)</a>	✗	✓
In a public health program <sup>b</sup> without an on-site pharmacy, can be delegated the dispensing of prescription drugs by a dispensing prescriber. <a href="#">MCL 333.17745a (2)</a>	✗	✓
May assist a physician in performing an abortion. <a href="#">MCL 333.17015 (2)(h)</a>	✓	✓

<sup>a</sup>A complimentary starter dose is a prescription drug packaged, dispensed and distributed in accordance with state/federal law, that is provided to a dispensing prescriber free of charge by a manufacturer or distributor, and dispensed free of charge by the dispensing prescriber to their patients.

<sup>b</sup>A Public Health Program includes all the following: local health department; migrant health center or community health center; family planning program; methadone treatment program; rural health clinic; and hospice rendering emergency services in a patient’s home.

Additional guidance about LPN/RN responsibilities in specific settings can be found in the Michigan Public Health Code: Correctional Facilities<sup>6</sup>, Hospice Services.<sup>7</sup>

## Administrative Rules of Nursing (LARA)

The Michigan Administrative Code is a compilation of all adopted rules and regulations that are in effect in the State of Michigan.<sup>8</sup> Additional information from The Department of Licensing and Regulatory Affairs (LARA) Board of Nursing – General Rules<sup>9</sup> have been outlined below:

	LPN	RN
Can delegate nursing acts, functions or tasks to other nurses or health professionals.	✗	✓

Most of the content included in the General Rules pertain to licensure (acquiring initial license and recertifying), nursing education programs, nurse specialty certification and continuing education; and does not include information about scope of practice guidelines.

**Supplemental Resources:** Michigan LARA, Bureau of Professional Licensing – MI Administrative Rules<sup>10</sup>, Board of Nursing – General Rules (R388.10101 - R 338.10705)<sup>11</sup>

## Condition of Participation (CMS)

Conditions of Participation (CoP) are developed by the CMS, and apply to hospitals and critical access hospitals, among other facility types.<sup>12</sup> CoPs outline requirements which healthcare organizations must meet to participate in federally funded healthcare programs such as Medicare and Medicaid.<sup>13</sup>

### CoP CRITICAL ACCESS HOSPITALS<sup>14</sup>

	LPN	RN
Must provide (or assign other personnel) the nursing care of each patient. <a href="#">42 CFR 485.635 (d)(1)</a>	✗	✓
Can supervise and evaluate the nursing care for each patient. <a href="#">42 CFR 485.635 (d)(2)</a>	✗	✓
Can administer drugs, biologicals and intravenous medications. <a href="#">42 CFR 485.635 (d)(3)</a>	✓ (under RN supervision)	✓
Can <b>supervise</b> the administration of drugs, biologicals and intravenous medications. <a href="#">42 CFR 485.635 (d)(3)</a>	✗	✓
Can develop or supervise development of discharge plans. <a href="#">42 CFR 485.642 (a)(5)</a>	✗	✓

### CoP HOSPITALS<sup>15</sup>

	LPN	RN
Can evaluate a patient who has been subject to restraint or seclusion for management of violent behaviors. <a href="#">42 CFR 482.13(e)(12)(i)(B)</a>	✗	✓
Must supervise and evaluate the nursing care for each patient. <a href="#">42 CFR 482.23 (b)(3)</a>	✗	✓
Can assign the nursing care of each patient to other nursing personnel. <a href="#">42 CFR 482.23 (b)(5)</a>	✗	✓
Can develop or supervise development of discharge plans. <a href="#">42 CRD 482.43 (a)(5)</a>	✗	✓
Can supervise the operating room. <a href="#">42 CFR 482.51 (a)(1)</a>	✗	✓
Can serve as scrub nurses. <a href="#">42 CFR 482.51 (a)(2)</a>	✓ (under RN supervision)	✓
Can perform circulating duties in the operating room. <a href="#">42 CFR 482.51 (a)(3)</a>	✓ (under direction of RN)	✓

## REFERENCES

- <sup>1</sup> Zupancic-Albin, A. (2020, August 24). *The nurse practice act: Learn it, know it, live it*. Johns Hopkins Nursing Magazine. <https://magazine.nursing.jhu.edu/2017/04/the-nurse-practice-act-learn-it-know-it-live-it/>
- <sup>2</sup> Houston Baptist University. (2022). What is a Nurse Practice Act? <https://onlinenursing.hbu.edu/nursing-career/what-is-a-nurse-practice-act/>
- <sup>3</sup> Michigan Licensed Practical Nurses Association. (n.d.). *Licensed Practical Nurse Scope of Practice*. <https://www.studocu.com/en-us/document/wayne-county-community-college-district/nursing-foundations/lpn-scope-of-practice-michigan/11410676>
- <sup>4</sup> Licensing and Regulatory Affairs - Bureau of Professional Licensing. (n.d.). *Michigan Board of Nursing*. State of Michigan. <https://www.michigan.gov/whitmer/appointments/oma/all/2/michigan-board-of-nursing>
- <sup>5</sup> Michigan Public Health Code, Act 368 of 1978. (2023). <http://legislature.mi.gov/doc.aspx?mcl-Act-368-of-1978>
- <sup>6</sup> MCL 333.17766d (2004). <http://legislature.mi.gov/doc.aspx?mcl-333-17766d>
- <sup>7</sup> MCL 333.21418 (2019). <http://legislature.mi.gov/doc.aspx?mcl-333-21418>
- <sup>8</sup> Licensing and Regulatory Affairs. (n.d.) *Using the Michigan Administrative Code*. State of Michigan. <https://www.michigan.gov/lara/bureau-list/moahr/admin-rules/using-the-michigan-administrative-code>
- <sup>9</sup> Department of Licensing and Regulatory Affairs. (n.d.) *Board of Nursing – General Rules*. <https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=R%20338.10101%20to%20R%20338.10705.pdf&ReturnHTML=True>
- <sup>10</sup> State of Michigan. (n.d.). *Administrative Rules*. Licensing and Regulatory Affairs. <https://www.michigan.gov/lara/bureau-list/moahr/admin-rules>
- <sup>11</sup> See reference #9
- <sup>12</sup> Centers for Medicare & Medicaid Services. (2021, December 1). *Conditions for Coverage (CfCs) & Conditions of Participation (CoPs)*. <https://www.cms.gov/Regulations-and-Guidance/Legislation/CfCsAndCoPs>
- <sup>13</sup> See reference #12
- <sup>14</sup> Conditions of Participation: Critical Access Hospitals, 42 C.F.R. pt.485, Subpart F. (1993). <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-485/subpart-F>
- <sup>15</sup> Conditions of Participation: Hospitals, 42 C.F.R. pt 482 (1986). <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-482>