

Ebola Update – November 12, 2014

Thank you for your questions and concerns regarding the safety of your patients and the safety of those who care for patients. We have provided you with hyperlinks to connect directly to the recommended references. While the media is providing continuous information and updates on the recent confirmed cases of Ebola in the Dallas/Fort Worth area, the BON encourages all nurses to become informed and make decisions based on evidence and research from reputable sources. We encourage you to visit a few of those sources listed below. As nurses, we are an integral part of safe patient care and are advocates for our patients' safety. In order to advocate for patients, we must protect ourselves first with personal protective gear and follow other appropriate guidelines to prevent exposure to and the potential spread of infectious pathogens and communicable conditions [§217.11(1) (O)]. We are presented with an opportunity to provide education and guidance to our patients, families, communities, and other members of the healthcare team.

The BON regulates the practice of nursing and cannot direct a healthcare facility on Ebola preparedness or response; nor can the BON make determinations on whether healthcare facilities are prepared. These types of questions should be directed to the [Texas Department of State Health Services](#) if you work in a hospital setting and to the [Texas Department of Aging and Disability Services](#) if you work in a long-term care facility or home health.

Board Rule §217.11 [Standards of Nursing Practice](#), is the heart of our nursing practice. Each of us should obtain instruction and supervision when implementing nursing procedures [§217.11(1) (G)] and make reasonable efforts to obtain orientation and training to develop or maintain competency [§217.11(1) (H)]. We each are responsible for our own continuing competency in nursing practice [§217.11(1) (R)] when providing care in unfamiliar care situations. Additionally, we should remember that we protect our client's right to privacy and protected health information as we provide, without discrimination, nursing services regardless of the age, disability, economic status, gender, national origin, race, religion, health problems, or sexual orientation of the client served [§217.11(1) (E) and (L)].

Our standards of practice further require us to accept only those assignments in which we are competent to carry out safely [§217.11(1) (B) and (T)]. Information about [Safe Harbor](#) may be helpful to you as you decide whether you are competent to care for patients who may have Ebola. In addition, the [Six Step Decision-Making Model](#) will help you make decisions about safe assignments. It's important to remember that the Safe Harbor process is collaborative in nature and focuses on problem-solving. Refusing to engage in an assignment related to standards (B) and (T) are sometimes the basis for invoking Safe Harbor. The [Nursing Practice Act \(NPA\) Section 301.352](#) permits a nurse to refuse to engage in conduct that may jeopardize the safety of a patient or is unlawful.

When considering whether refusing an assignment and invoking Safe Harbor is an appropriate action, we recommend that you review [Position Statement 15.6](#), Board Rules Associated With Alleged Patient Abandonment. This position statement provides the Board's opinion on the distinction between a nurse leaving an employment setting versus a nurse violating a duty to a patient through leaving an assignment. The first is an employment issue and the second is potentially a licensure issue.

Several agencies and organizations have dedicated their efforts to provide updated information to help us stay informed. Some of these include:

- [Centers for Disease Control \(CDC\)](#),
- [Texas Department of State Health Services \(DSHS\)](#)
- [Texas Department of Aging & Disability Services \(DADS\)](#)
- [U.S. Department of Health & Human Services](#)
  - [Office for Civil Rights Bulletin related to HIPAA Privacy in Emergency Situations](#)
- [American Nurses Association](#)
- [American Association of Critical Care Nurses](#)
- [Emergency Nurses Association](#)
- [Texas Nurses Association \(TNA\)](#)
- [Texas Medical Board \(TMB\)](#)
- [Texas Task Force on Infectious Disease Preparedness and Response](#).

You may wish to seek your own private, legal counsel to help you identify, interpret, and apply laws to your practice. A lawyer referral service, not affiliated with the BON, may be able to help you locate an attorney in your area. Their phone number is (800) 252-9690. The [Updates, News and Notices](#) section of the Board's website will be periodically updated with new information as it becomes available.