

What about Next Thursday? Professional Boundaries for Kentucky Nurses

Kentucky licensed nurses are responsible and accountable for practicing nursing with reasonable skill and safety.¹ The Kentucky Board of Nursing pursuant to the Kentucky Nurse Practice Act has the authority to discipline a nurse for professional sexual misconduct. "If the board substantiates that sexual contact occurred between a nurse and a patient while the patient was under the care of or in a professional relationship with the nurse, the nurse's license may be revoked or suspended with mandatory treatment of the nurse as prescribed by the board."²

What is professional sexual misconduct? "Professional sexual misconduct is an extreme form of professional boundary violation and includes any behavior that is seductive, sexually demeaning, harassing or reasonably interpreted as sexual by the client. Professional sexual misconduct is an extremely serious violation of the nurse's professional responsibility to the client. It is a breach of trust."³

The American Nurses Association Code of Ethics for Nurses also emphasizes the role of the nurse in establishing and maintaining professional boundaries and distinguishes the professional nurse-patient relationship from purely personal and unstructured relationships such as a friendship.⁴ Although nursing care has of course a personal component, the nurse-patient relationship is a professional relationship. A professional relationship differs from a personal relationship, business relationship, financial relationship, and a sexual relationship.

Professional boundaries and professional sexual misconduct is complex because both involve a meshing of nursing law and rules, professional nursing practice standards, evolving nursing literature and discourse, facility policies, and in some cases criminal and nursing malpractice aspects. What does this mean for you as a Kentucky-licensed nurse in practical terms? Here is my Top 10 for professional boundaries:

1. Recognize and accept your role as a professional nurse providing professional nursing care to patients;
2. Recognize and accept your role as a professional nurse and establish boundaries in your interactions with patients and their families;
3. Recognize and accept your role as a professional nurse and maintain the boundaries with patients and their families throughout the professional nurse-client relationship;
4. Recognize and accept your role as a professional

nurse providing skilled nursing care and services. Do not confuse your role as a nurse with that of a social worker:

5. Recognize and accept your role as a professional nurse and make it a point to review your facility policies pertaining to boundaries and the code of conduct in the workplace. Most facilities have formal policies prohibiting employees from accepting gifts or money from patients and their families;
6. Recognize and accept your role as a professional nurse and avoid becoming overly involved in your patients' personal affairs;
7. Recognize and accept your role as a professional nurse and avoid accepting or holding money for patients;
8. Recognize and accept your role as a professional nurse and avoid establishing a sexual, financial, business or personal relationship with a patient. Client consent to actions, behaviors, and conduct violating the nursing law (Nurse Practice Act) and regulations (Nursing Board regulations) and professional nursing practice standards does not make the actions, behaviors, and conduct "okay";
9. Recognize and accept your role as a professional nurse and speak with your supervisor if you are losing your objectivity and becoming too close to a patient or a patient's family. Seek assistance before the situation spirals out of control. What are some signs that you may be sliding down a slippery slope?
 - ⊓ You are engaged in **Excessive Self-Disclosure** of your personal problems and issues with a patient;
 - ⊓ **Secretive Behavior** between the nurse and patient, i.e. you and a patient keep secrets;
 - ⊓ **Super Nurse Behavior:** for example "I am the only one who understands this patient and family;"
 - ⊓ **Singled-Out Client Treatment or Client Attention to the Nurse.** You spend inappropriate amounts of time with a patient, visit the patient on your days off, etc.;
 - ⊓ **Selective Communication** between the nurse and the client;
 - ⊓ **Flirtations.** Sexual Innuendo, Offensive language, or off-color jokes;
 - ⊓ **You and Me Against the World Behavior** meaning you view the client in a protective manner; and/or
 - ⊓ **Failure to Protect the Client** by transferring care to another nurse, speaking with a supervisor, or recognizing the inappropriateness.⁵

10. Recognize and accept your role as a professional nurse and seek a professional consultation or legal opinion before you engage in a personal, sexual, financial, or business relationship with a former patient or initiate a post-termination relationship. Allegations of professional boundary violations and professional sexual misconduct are just that serious and should not be taken lightly because there can be employment, malpractice, licensure, and criminal implications.

Post-termination relationships are relationships occurring after the termination of the professional nurse-client relationship. Post-termination relationships are not as cut and dry as it may appear.

For example, let us assume the professional nurse-patient relationship ended on Monday or a patient is "discharged" on a Monday. Is it ethical and legal (in the context of Kentucky nursing law and regulations) to start a personal, business, financial, or sexual relationship with the patient this Thursday? What about next Thursday?

Is a "cooling off" period warranted based on an objective and unbiased review of the facts? If so, what is reasonable? Factors to be consider when making this determination include but are not limited to the following:

- ⊓ What is the length of time between the nurse-patient relationship and the start of the sexual, business, financial, or personal relationship?
- ⊓ What kind of therapy and medical care did the patient receive?
- ⊓ Did the nurse provide short-term nursing care or long-term care nursing care in the context of the patient's therapy and medical care?
- ⊓ What is the nature of the knowledge the nurse has had access to, and how will that affect the future relationship?
- ⊓ Will the client need therapy and medical care in the future?
- ⊓ Is there risk to the patient?⁶

Patient safety dictates that a nurse acts in the best interest of a patient always. This is also one of the first considerations when providing nursing care with reasonable skill and safety in the Commonwealth of Kentucky. This is also the foundation for establishing and maintaining professional boundaries in the professional nurse-patient relationship.

This article is provided for educational and informational purposes only. For legal advice, consult with an attorney.

LaTonia Denise Wright, R.N., B.S.N., J.D. is a licensed RN in Ohio and a licensed attorney in Ohio, Kentucky, and Indiana. Ms. Wright is a licensure defense attorney. Her law practice is limited to representing, counseling, and advising nurses in Nursing Board complaint investigations and professional practice matters.

Her website address is www.nursing-jurisprudence.com. She blogs about the law, legalities, and legal issues in nursing at www.advocatefornurses.typepad.com. She can be reached via email at ldw@nursing-jurisprudence.com or at her office at 513-771- 7266.

References

- i See KRS 314.021.
- ii See KRS 314.091.
- iii National Council of State Boards of Nursing (2007). *Professional Boundaries: a nurse's guide to importance of appropriate professional boundaries*. National Council of State Boards of Nursing. Available at https://www.ncsbn.org/Professional_Boundaries_2007_Web.pdf. Accessed August 13, 2008.
- iv American Nurses Association (2001). *Code of Ethics for Nurses with Interpretive Statements*. Washington, DC: American Nurses Publishing.
- v National Council of State Boards of Nursing (2007). *Professional Boundaries: a nurse's guide to importance of appropriate professional boundaries*. National Council of State Boards of Nursing. Available at https://www.ncsbn.org/Professional_Boundaries_2007_Web.pdf. Accessed August 13, 2008.
- vi National Council of State Boards of Nursing (2007). *Professional Boundaries: a nurse's guide to importance of appropriate professional boundaries*. National Council of State Boards of Nursing. Available at https://www.ncsbn.org/Professional_Boundaries_2007_Web.pdf. Accessed August 13, 2008.