

## Medical and Nursing Care Minimums For Managing Detainee Medical Conditions

Managing a medical care plan for detainees in Colorado requires the application of several sets of regulations:

- 1) the regulation of the practice of medicine,
- 2) the regulation of nursing standards and practices, and
- 3) the regulation of related healthcare specialists.

There are a few minimums that must be met.

No medical care for a person in Colorado, including inmates, is adequate without a supervising physician. This includes all areas of diagnosis and treatment except dentistry, podiatry, optometry, chiropractic, qualified religious systems of health treatment, and emergency medical response providers. The practice of medicine has been defined in Colorado as judging the nature, character and symptoms of the disease, determining the proper remedy for the disease, and giving or prescribing the application of the remedy to the disease.

The Board of Nursing has been working to empower Colorado nurses to determine their own scope of practice. The Board's mission is the regulation of nursing practice in Colorado; this regulation does not mean dictating how individual nurses should carry out that practice, but whether or not the practice meets the standards established by the Nurse Practice Act. Using applicable guidelines, a nurse may decide what is within scope, and to make certain the task or practice is documented in facility or institution policies and procedures.

To be qualified to perform a task, a R.N. must have been taught the skill or task in a nursing program or comprehensive clinical training program; it must be so routine in the nursing literature and practice that it is reasonable and prudent to include it within the scope of practice; the skill/task must be in the employer's policy and procedure manual; and it must meet the "reasonable and prudent" standard for nursing. If not, the R.N. is required to seek an opinion from the nursing board.

One of the criteria for determining the suitability of a delegated nursing task is whether or not the skill or task is listed in your hiring agency policy and procedure manual. Clearly, these standards anticipate that a nurse will be working for a medically supervised organization or a physician. This requirement poses difficulties for detention facilities who wish to hire contract nurses but who do not have a supervising physician available to them.

### What This Means For Counties

As a result of these standards, it is strongly recommended that counties review their procedures so as to minimize risk of negligence claims that may be leveled at the physicians and nursing staff under their supervision. There is NO coverage for medical malpractice or nursing malpractice available from CTSI.

For more information, contact CTSI at 303-861-0507.