

Nursing Delegation in Long Term Care Facilities

Many long-term care facilities are facing staffing challenging in part because of a national workforce shortage. Dedicated individuals with strong leadership skills and knowledge bases, including LPNs, have often been selected for administrative roles in skilled nursing facilities, intermediate care facilities for the intellectually disabled and residential care facilities, and there is often confusion as to the delegation of nursing tasks. Delegation has become even more important in response to these continued workforce issues.

Definitions

Delegation is the transfer of responsibility for performance of selected nursing activity or task from and RN to an LPN or from a licensed nurse to non-licensed person. Direction is the communicating of a plan of care to an LPN. Direction by an RN is not meant to imply the RN is supervising the LPN in the employment context.

Regulatory Considerations

- ORC Chapter 4723 Nurse Practice Act
 - Chapter 4723.01 Nurse Definitions
 - Chapter 4723.48 Delegation of authority to administer certain drugs
 - Chapter 4723.489 Delegated authority to administer drugs
- OAC Chapter 4723 Ohio Board of Nursing
 - Chapter 4723-13 Delegation of Nursing Tasks
- SNF Certification - 42 CFR §483.21(b)(3)(i) (F658) Professional Standards

4723-13-05 Criteria and standards for a licensed nurse delegating to an unlicensed person¹

<http://codes.ohio.gov/oac/4723-13-05v1>

An RN may delegate a nursing task to an unlicensed person.

An LPN may delegate to an unlicensed person only at the direction of the RN.

An APRN may delegate the administration of medication to an unlicensed person.²

A licensed nurse may delegate to an unlicensed person the administration of only the following medications:

- Over-the-counter topical medications to be applied to intact skin for the purpose of improving a skin condition or providing a barrier; and
- Over-the-counter eye drop, ear drop, and suppository medications, foot soak treatments, and enemas.

Prior to delegating a nursing task to an unlicensed person, the delegating nurse shall determine the following:

- That the task is within the scope of practice of the delegating nurse.³
- That the task is within the knowledge, skill, and ability of the nurse delegating;
- That the task is within the training, ability, and skill of the unlicensed person who will be performing the task;

¹ OAC 4723-13-05

² ORC 4723.48 (C) and ORC 4723.489

³ ORC 4723.01

- That appropriate resources and support are available for the performance of the task and management of the outcome; and
- That adequate and appropriate supervision by a licensed nurse of the performance of the task is available.⁴
- That:
 - The task requires no judgment based on nursing knowledge and expertise on the part of the unlicensed person performing;
 - The results of the task are reasonably predictable;
 - The task can be safely performed according to exact, unchanging directions, with no need to alter the standard procedures for performing;
 - The performance of the task does not require that complex observations or critical decisions be made;
 - The task does not require repeated performance of nursing assessments; and
 - The consequences of performing the task improperly are minimal and not life-threatening.

Prior to delegating a nursing task, the delegating nurse shall:

- Identify:
 - The individual on whom the task may be performed; and
 - A specific time frame during which the task may be performed.
- Complete an evaluation of the conditions that relate to the delegation of the nursing task to be performed, including:
 - An evaluation of the individual who needs nursing care;
 - The types of nursing care the individual requires;
 - The complexity and frequency of the nursing care needed;
 - The stability of the individual who needs nursing care; and
 - A review of the evaluations performed by other licensed health care professionals.

The delegating nurse shall be accountable for the decision to delegate nursing tasks to an unlicensed person.

If a licensed nurse determines that an unlicensed person is not correctly performing a delegated nursing task, the licensed nurse shall immediately intervene.

The Ohio Board of Nursing has another resource entitled, The Practice of Nursing and Scopes of Practice available for providers. http://nursing.ohio.gov/wp-content/uploads/2019/08/Scope_of_Practice5.1.pdf

- Nursing Direction
 - Direction means communicating a plan of care to an LPN. Direction by an RN is not meant to imply the RN is supervising the LPN in the employment context.⁵
 - Nursing tasks are those activities that constitute the practice of nursing as a licensed nurse and may include, but are not limited to, assistance with activities of daily living that are performed to maintain or improve the client's well-being, when the client is unable to perform that activity for him or herself.

⁴ OAC 4723-13-07

⁵ OAC 4723-13-01(E)