Nurse Delegation in Wisconsin

a Wisconsin Nurses Association Webinar

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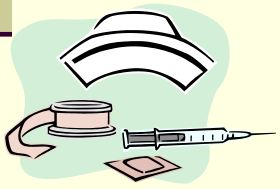
What Is The Practice of "Professional Nursing"?

- The performance for compensation of any act in the observation or care of the ill, injured, or infirm, or for the maintenance of health or prevention of illness of others, that requires substantial nursing skill, knowledge, or training or application of nursing principles based on biological, physical and social sciences.

Wisconsin Nurse Practice Act
Wisconsin Statute Section 441.001(4).



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What is Included In The Definition of Professional Nursing?

- Observing ***and recording*** symptoms and reactions;
- The execution of procedures and techniques in the treatment of the sick….
- The execution of general nursing procedures and techniques;
- *…[T]he supervision of a patient and the supervision and direction of LPNs and less skilled assistants.*

Wisconsin Statute Section 441.001(4)

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Practical Nursing

- "The performance for compensation of any simple acts in the care of convalescent, subacutely or chronically ill, injured or infirm persons, or of any act or procedure in the care of the more acutely ill, injured or infirm under the specific direction of a nurse or physician…"

Wisconsin Statutes Section 441.001(3).

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A Simple Act Means…

- "The act does not require any substantial nursing skill, knowledge, or training, or the application of nursing principles based on biological, physical, or social sciences, or the understanding of cause and effect in the act…"

or

- "The act is one that is of a nature of those approved by the board for the curriculum of schools for licensed practical nurses."

Wisconsin Statute Section 441.001(3)

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Standards of practice for RNs

- General Nursing Procedures:
  - assessment
  - planning,
  - intervention and
  - evaluation
- Perform delegated medical acts
- Supervision & Direction of Delegated Nursing Acts Wis. Admin Code N6.03

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Standards of Practice for LPNs

- Performance of Acts in Basic Patient Situations. in basic patient situations, under the general supervision of an R.N. or the direction of a physician…:
- (a) Accept only patient care assignments which the L.P.N. is competent to perform;
- (b) Provide basic nursing care;
- (c) Record nursing care given and report to the appropriate person changes in the condition of a patient;
- (d) Consult with an R.N., physician, podiatrist, dentist or optometrist in cases where an L.P.N. knows or should know a delegated nursing or medical act may harm a patient; and, (e) Perform the following other acts when applicable: 1. Assist with the collection of data; 2. Assist with the development and revision of a nursing care plan; 3. Reinforce the teaching provided by an R.N., physician, podiatrist, dentist or optometrist and provide basic health care instruction; or, 4. Participate with other health team members in meeting basic patient needs.
- Perform Acts in Complex Patient Situations under the direct supervision of an RN or physician
- Assume Charge Nurse position in Nursing Homes

Wis Admin Code N6.04

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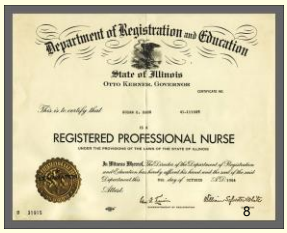
Violation of Nurse Standards

- A violation constitutes ***unprofessional conduct or misconduct*** and may result in the nursing board limiting, suspending or revoking a nurse's license to practice nursing or giving a public reprimand to a nurse.
- Wis Admin Code Nurse 6.05



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Definitions Important for Delegation

Basic Nursing Care: Care that can be performed following a defined nursing procedure with minimal modification in which the response of the patient to the nursing care is predictable. N. 6.01

Basic Patient Situation: As determined by an RN or physician, means the following 3 conditions prevail at the same time in a given situation: condition predictable, orders not changing frequently, condition requires only basic nursing care

Complex Patient Situation: as determined by the RN, physician…1 or more of these conditions exist:

1) condition not predictable;
2) medical/nursing orders involve frequent/complex changes;
3) response to nursing care not predictable.

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Definitions continued….

- **Direct Supervision:** Immediate availability to continually coordinate, direct and inspect at first hand the practice of another.
- **General Supervision:** To regularly coordinate, direct and inspect the practice of another.

Wis. Admin. Code N6.02(6) and (7)

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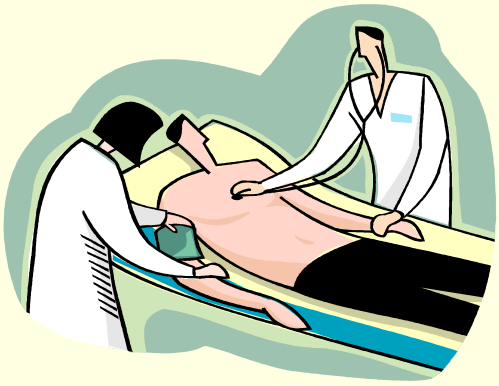
Nursing Delegation



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Del' • ə • gāt

To entrust another;

To appoint as one's representative;

To assign responsibility or authority.

Miriam Webster's online Dictionary

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Why Delegate?

- Necessity - Staffing
- Healthcare cost savings
- Reduced visits to emergency rooms
- Improved and more efficient care delivery

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What does Delegation mean for the Delegatee?

- Delegation allows a delegatee to perform a specific nursing activity, skill, or procedure that is beyond the delegatee's traditional role and not routinely performed.

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Broad Concepts of Nurse Delegation

A delegatee is allowed to perform a specific nursing activity, skill, or procedure that is outside the traditional role and basic responsibilities of the delegatee's current job.

The delegatee has obtained the additional education and training, and validated competence to perform the care/delegated responsibility. The context and processes associated with competency validation will be different for each activity, skill, or procedure being delegated.

Competency validation should be specific to the knowledge and skill needed to safely perform the delegated responsibility as well as to the level of practitioner (i.e., RN, LPN/VN, UAP) to whom the activity, skill, or procedure has been delegated.

The licensed nurse who delegates the "responsibility" maintains overall accountability for the patient. However, the delegatee bears the responsibility for the delegated activity, skill, or procedure.

The licensed nurse cannot delegate nursing judgment or any activity that will involve nursing judgment or critical decision making.

Nursing responsibilities are delegated by someone who has the authority to delegate.

The delegated responsibility is within the delegator's scope of practice.

When delegating to a licensed nurse, the delegated responsibility must be within the parameters of the delegatee's authorized scope of practice under the NPA.

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Delegation – Skill and Validation of Competency

- Even if taught in a basic caregiver education program, when the activity requires a significant level of skill and knowledge, such as administering medications or injections, it is advised that employers/nurse leaders regard these procedures as being delegated and validate competency.
- For example, an RN works with a CNA in a nursing home. The CNA has been taught to give medications via an adjunct medications class. Administering medications are part of the CNA role; however, due to the skill and knowledge required and the potential risk to patient safety if not done correctly, the RN considers medication administration a delegated responsibility. While additional coursework may not be necessary, competency validation is required. In this scenario, prior to administering medications, the RN observes the CNA go through the medication administration process for several residents of the nursing home. Once the RN is comfortable that the CNA is competent to perform the procedure, it can be routinely delegated to him or her.

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Supervision and Direction of Delegated Nursing Acts

- In the supervision and direction of delegated nursing acts an RN **shall**:

1. Delegate tasks commensurate with educational preparation and demonstrated abilities of the person supervised;
2. Provide direction and assistance to those supervised;
3. Observe and monitor the activities of those supervised;
4. Evaluate the effectiveness of acts performed under supervision.

Wis. Admin. Code N6.03(3)

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Proper Nurse Delegation

1) Delegate tasks commensurate with the educational preparation and demonstrated abilities of the person supervised.

- assess willingness, competency, enthusiasm

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Proper Nurse Delegation

- 2) Provide Direction And Assistance To Those Supervised
- "Professionalize the non-professional"

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Proper Nurse Delegation

- 3) Observe and Monitor The Activities Of Those Supervised
- Reward and recognize

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Proper Nurse Delegation

4) Evaluate The Effectiveness Of Acts Performed Under Supervision

- Reviews, return demos, teaching with errors

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How Do You Make Clear That You are Delegating?

Gold Standard

Delegation and the rescinding of delegation are in writing for each employee and are client-specific and task-specific.

This documentation includes start date and end date of delegation, and signatures of both the delegating RN and the employee accepting delegation.

A separate form is implemented by the delegating RN for each client, task, and employee.

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The 5 Rights of Delegation

- **Right Task**
  One that is delegable for a specific patient.
- **Right Circumstances**
  Appropriate patient setting, available resources, and other relevant factors considered.
- **Right Person**
  Right person is delegating the right task to the right person to be performed on the right person.

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The 5 Rights of Delegation (cont'd)

- **Right Direction/Communication**
  Clear, concise description of the task, including its objective, limits and expectations.
- **Right Supervision**
  Appropriate monitoring, evaluation, intervention, as needed, and feedback

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Delegation is a Two-Way Street

- The Nurse assures compliance with delegation process

- Once the delegatee verifies acceptance of the delegated responsibility, the delegatee is accountable for carrying out the delegated responsibility correctly and completing timely and accurate documentation per facility policy.

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Nurses' Concerns

- Staff training/knowledge/competency
- Staff being busy or understaffed
- Exercising appropriate judgment

- *How are these concerns mitigated?*

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Fundamental Principles of Delegation

- Health, safety and welfare of our residents
- Nurse/Carestaff Accountability
- Organizational Accountability
- Raising Up of Carestaff

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Successful Delegation

- Evidence shows that the better the communication and collaborative relationship between the nurse and the delegatee, the more optimal the outcome of the delegation process
- Nurturing a work relationship based on trust and respect is necessary for effective teamwork and therefore effective delegation.

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CNA – Medication Aide

In order for a Certified Nurse Assistant (CNA) to become a medication aide, he or she must satisfactorily complete the state-approved medication aide course.

A list of organizations that offer a state approved skilled nursing medication aide course is available from the Division of Quality Assurance.

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Common Delegation Issues

Injectables?
Assessment?
LPN delegator?
Delegating Nurse leaves employment
Rescinding a delegated task
Change in Condition – stable vs unstable
Who decides if delegation is appropriate?

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Special Hospital Provisions – Administration by Medication Aides

https://www.dhs.wisconsin.gov/publications/p01908.pdf

- All hospitals providing administration of a medication by an UAP must meet the following conditions:
- 1. The hospital has written policies and procedures designed to provide safe and accurate administration of medication. Personnel assigned to administer medications shall follow these policies. This shall include the required documentation of the name of the medication, the dose, the route of administration, the time of administration and the identification of the person administering medication. [42 CFR 482.23(c)]
- 2. A registered nurse shall assign nursing care of each patient to other nursing personnel in accordance with the patient's needs and the preparation and competence of the available nursing staff.
- 3. There is immediate and accessible supervisory support to the UAP administering medications, when needed.
- 4. Patients must be informed, prior to delivery of service, that their medications will be administered by UAP.
- 5. Supervision and delegation of medications by nurses meets the requirements of Wis. Admin. Code ch. N 6

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Special Nursing Home Provisions

https://www.dhs.wisconsin.gov/publications/p01908.pdf

- All nursing homes providing administration of a medication by an UAP (Medication Aide/Nurse Aide) must meet the following conditions:
- 1. The nursing home has written policies and procedures designed to provide safe and accurate administration of medication. Personnel assigned to administer medications shall follow these policies. This shall include the required documentation of the name of the medication, the dose, the route of administration, the time of administration, and the identification of the person administering medication. [(DHS 132.62(2)(a)3]
- 2. There is a written delegation of this nursing act (medication administration) by the registered nurse. [(DHS 132.62(2)(a)3]
- 3. There is documentation to support the educational preparation of the caregiver that administers medications. [DHS 132.60(5)(d)1]
- 4. There is immediate and accessible supervisory support available to the caregiver administering medications. [42 CFR 483.45]
- 5. Residents must be informed, prior to delivery of service, that their medications will be administered by unlicensed personnel. [DHS 132.31(1)(n)]
- 6. Supervision and delegation of the delegated nursing act meets the requirements of Wis. Admin. Code ch. N 6

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Special CBRF Provisions

https://www.dhs.wisconsin.gov/publications/p01908.pdf

- All CBRFs providing administration of a medication by an UAP (CBRF Staff who have taken the required medication training or equivalent) must meet the following conditions:
- 1. The CBRF has written policies and procedures designed to provide safe and accurate administration of medication. Personnel assigned to administer medications shall follow these policies. This shall include the required documentation of the name of the medication, the dose, the route of administration, the date and time of administration, any change in the resident's condition, and the identification of the person administering medication.
- 2. When nurse delegation is required, there is documentation indicating delegation of this nursing act (medication administration) by the registered nurse.
- 3. There is documentation to support the educational preparation of the caregiver who administers medications.
- 4. There is accessible supervisory support available to the caregiver administering medications.
- 5. Patients must be informed, prior to delivery of service, that unlicensed personnel will administer their medications. [DHS 83.32(2)(a)2]
- 6. If applicable, supervision and delegation of the delegated nursing act meets the requirements of Wis. Admin. Code ch. N 6.

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Special AFH Provisions

https://www.dhs.wisconsin.gov/publications/p01908.pdf

- All adult family homes providing administration of a medication by UAP must meet the following conditions:
- 1. The adult family home has written policies and procedures designed to provide safe and accurate administration of medication. Personnel assigned to administer medications shall follow these policies. This shall include the required documentation of the name of the medication, the dose, the route of administration, the time of administration, and the identification of the person administering medication. [DHS 88.07(3)(e)] 2. When contracted nursing services include nurse responsibility for medication administration and the nurse delegates tasks to the AFH staff, there is a written delegation of this nursing act (medication administration) by the registered nurse. [DHS 88.06(3)(d)]
- 3. There is documentation to support the educational preparation of the caregiver who administers medications. [DHS 88.07(2)(c)]
- 4. Patients must be informed, prior to delivery of service, that unlicensed personnel will administer their medications. [DHS 88.10(3)(j) and 88.07(2)(c)]
- 5. If applicable, supervision and delegation of the delegated nursing act meets the requirements of Wis. Admin. Code ch. N 6.

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Special RCAC Provisions

https://www.dhs.wisconsin.gov/publications/p01908.pdf

- All RCACs providing administration of a medication by an UAP must meet the following conditions:
- 1. The RCAC has written policies and procedures designed to provide safe and accurate administration of medication. Personnel assigned to administer medications shall follow these policies. [(DHS 89.13(22)]
- 2. There is evidence of delegation of this nursing act (medication administration) by the registered nurse. [DHS 89.23(4)(a)]
- 3. There is evidence to support the educational preparation of the caregiver who administers medications. [DHS 89.23(4)(a)]
- 4. There is accessible supervisory support available to the caregiver administering medications. [DHS 89.23(4)(a)]
- 5. Residents must be informed, prior to delivery of service, that unlicensed personnel will administer their medications. [DHS 89.28] 6. Supervision and delegation of the delegated nursing act meets the requirements of Wis. Admin. Code ch. N 6.

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https://www.dhs.wisconsin.gov/publications/p01908.pdf

- There are also delegation guidelines for
- Home Health,
- FDD, ICF/IDD,
- Hospice,
- ESRD and
- ASC

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Tips for Successful Nurse Delegation

- 1. Develop Policies and procedures for Nurse Delegation: what can be delegated and to whom.
- 2. Educate RNs, LPNs and unlicensed staff about the delegation process.
- 3. Delegating Nurse should communicate frequently with the delegatee.
- 4. RN assessment prior to delegating higher-skill tasks (tube feeding, IV, injections, etc)
- 4. Delegating Nurse should provide feedback and collaborate with the delegate.
- 5. Delegatee should maintain competency.
- 6. Delegetee should communicate.
- 5. Document the delegation process.

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Wisconsin Board of Nursing Changes Affecting Nurse Delegation

- 1. Definition of Delegated Act: means acts delegated to an RN or LPN or acts delegated by an RN
- 2. “Provider" means a physician, podiatrist, dentist, optometrist or, advanced practice nurse provider prescriber, physician assistant, or any licensed professional who is legally authorized to delegate acts within the scope of their practice.
- 3. “Unlicensed Assistive Personnel (UAP)” means any person who is not licensed under ch. 441, Stats. to whom nursing acts may be delegated and has received the appropriate education and documented training required to perform the delegated acts. An UAP must be at least 18 years old if the delegated act involves medication administration.

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Wisconsin Board of Nursing Changes Affecting Nurse Delegation

- 4. N 6.03 Standards of practice for registered nurses.
- (1) General nursing procedures. An R.N. shall utilize the nursing process in the execution of general nursing procedures in the maintenance of health, prevention of illness or care of the ill. The nursing process consists of the steps of assessment, planning, intervention and evaluation. This standard is met through performance of each of the following steps of the nursing process:
- (a) Assessment. Assessment is the systematic and continual collection and analysis of data about the health status of a patient culminating in the formulation of a nursing diagnosis.
- (b) Planning. Planning is developing a nursing plan of care for a patient which includes goals and priorities derived from the nursing diagnosis.
- (c) Intervention. Intervention is the nursing action to implement the plan of care by directly administering care or by directing and supervising nursing acts delegated to L.P.N.s, or UAPs.

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Resources

- Guidelines for RNs Delegating Med Administration
  https://www.dhs.wisconsin.gov/publications/p01908.pdf
- DHS Guidance
- https://www.dhs.wisconsin.gov/regulations/training/c10-ho1.pdf
- National Council of State Boards of Nursing – Delegation Position paper
- https://www.ncsbn.org/NCSBN_Delegation_Guidelines.pdf
- American Nurses Association – Delegation
  https://www.ncsbn.org/NCSBN_Delegation_Guidelines.pdf

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THANK YOU!

Attorney Bob Lightfoot, RN

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