

**PROPOSED REGULATION OF THE
STATE BOARD OF NURSING**

LCB File No. R019-22

March 3, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-5, NRS 632.120.

A REGULATION relating to nursing; authorizing advanced practice registered nurses, registered nurses and licensed practical nurses to delegate nursing care to other persons in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Nursing to adopt regulations necessary to enable it to administer the provisions of law governing the practice of nursing. (NRS 632.120) Existing regulations: (1) authorize registered nurses to delegate nursing care to other personnel who are qualified to provide such care and to supervise such personnel in the provision of such care; (2) require a registered nurse to consider certain information before delegating nursing care; and (3) provide that a registered nurse who delegates nursing care is responsible for the actions taken by the person to whom the care is delegated. (NAC 632.222)

Section 1 of this regulation generally authorizes an advanced practice registered nurse, registered nurse or licensed practical nurse to delegate nursing care to certain other persons and supervise such other persons in the provision of such care. **Section 1** requires that the care being delegated is within the scope of practice of the nurse who is delegating the care and, if the care is being delegated to a registered nurse or licensed practical nurse, within the parameters of the authorized scope of practice of that nurse. **Section 1** also requires that: (1) the person to whom nursing care is delegated is competent to provide the care and verbally accept the responsibility to provide the care; and (2) the delegated nursing care will not involve the use of any nursing judgment or critical decision making. **Section 1** generally authorizes a person to whom nursing care is delegated to perform any nursing activity, skill or procedure that is outside the traditional role and basic responsibilities of his or her job, but requires the nurse who is delegating the care to perform or supervise any act necessary to ensure the quality and sufficiency of the delegated care. **Section 1** additionally requires an advanced practice registered nurse, registered nurse or licensed practical nurse to consider certain information before delegating nursing care. **Section 1** further provides that an advanced practice registered nurse, registered nurse or licensed practical

nurse who delegates nursing care maintains overall accountability for the patient whose care is delegated, but the person to whom such care is delegated is responsible for any delegated activity, skill or procedure that he or she performs. Finally, **section 1** specifies that the provisions of the section apply to the delegation of nursing care and not to the assignment of any duties.

Sections 2, 3 and 4 of this regulation make conforming changes to refer to the ability of licensed nurses to delegate appropriate care pursuant to **section 1**. **Section 5** of this regulation repeals the existing regulation that pertains to the delegation of nursing care by registered nurses.

Section 1. Chapter 632 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, 4 or 6 of NAC 632.226 or paragraph (e) of subsection 1 of NAC 632.252 or as otherwise provided by law or regulation, a licensed nurse may delegate nursing care to another person and supervise the other person in the provision of that care if the following requirements are met:

(a) The licensed nurse is:

(1) An advanced practice registered nurse and delegates the care to a registered nurse, licensed practical nurse or any assistive personnel;

(2) A registered nurse and delegates the care to a licensed practical nurse or any assistive personnel; or

(3) A licensed practical nurse and delegates the care to any assistive personnel;

(b) The nursing care being delegated is within the scope of practice of the delegator;

(c) If the nursing care is being delegated to a registered nurse or licensed practical nurse, the nursing care is within the parameters of the authorized scope of practice of the delegatee;

(d) The delegatee is competent to provide the nursing care delegated to him or her and verbally accepts the responsibility to provide that care; and

(e) The nursing care being delegated will not involve the use of any nursing judgment or critical decision making.

2. Subject to the limitations set forth in subsection 1, a delegatee may perform a specific nursing activity, skill or procedure that is outside the traditional role and basic responsibilities of his or her current job.

3. A delegator shall perform or supervise any act necessary to ensure the quality and sufficiency of the delegated nursing care provided to a patient.

4. Before delegating the nursing care of a patient, the delegator must consider the following:

(a) The amount of direction required to be given to the delegatee;

(b) The complexity of the nursing care needed by the patient, recognizing that simple care may be performed by following an established policy while more complex care requires greater knowledge and a higher level of judgment, direction and supervision;

(c) Whether the delegatee has obtained the education and training and has the validated competence to perform the nursing care, recognizing that the context and processes associated with competency validation are different for each activity, skill or procedure being delegated and that competency validation should be specific to the knowledge and skill required to perform the delegated care safely and the level of practitioner of the delegatee; and

(d) The established policies and procedures relating to the care of the patient and the procedures used to communicate to other providers of health care the patient's symptoms, reactions and progress.

5. *A delegator maintains overall accountability for the patient whose nursing care is delegated pursuant to this section, but a delegatee is responsible for any delegated activity, skill or procedure that he or she performs.*

6. *The provisions of this section apply to the delegation of nursing care to a registered nurse, licensed practical nurse or assistive personnel and do not apply to the assignment of duties to such persons.*

7. *As used in this section:*

(a) *“Assignment” means entrusting the performance of routine care, activities and procedures that are within the authorized scope of practice of a registered nurse or licensed practical nurse or part of the routine functions of assistive personnel.*

(b) *“Assistive personnel” means any person trained to function in a supportive role, regardless of title or licensure, to whom nursing care may be delegated. The term includes, without limitation, certified nursing assistants, patient care technicians, medication aides - certified, home health aides and unlicensed assistants.*

(c) *“Delegatee” means a registered nurse, licensed practical nurse or assistive personnel, as applicable, to whom nursing care is delegated.*

(d) *“Delegator” means an advanced practice registered nurse, registered nurse or licensed practical nurse, as applicable, who delegates nursing care.*

Sec. 2. NAC 632.212 is hereby amended to read as follows:

632.212 1. The Board will interpret the practice of professional nursing to include, but not be limited to, the duties specified in NAC 632.214 to 632.224, inclusive.

2. A registered nurse shall demonstrate in the performance of those duties competence in:

- (a) The diagnosis and treatment of human responses to actual or potential health problems;
- (b) Synthesizing the biological, psychological and social aspects of the patient's condition;
- (c) Exercising sound judgment;
- (d) Making decisions;
- (e) Carrying out his or her duties based on an established plan of care;
- (f) Evaluating, assessing and altering, if appropriate, the established plan of care;
- (g) Delegating appropriate duties to other persons **†** *in accordance with section 1 of this regulation;*
- (h) Supervising a person to whom the registered nurse has delegated nursing duties;
- (i) Maintaining accountability in the delegation of care;
- (j) Administering medication and carrying out treatments which are properly authorized;
- (k) Determining the necessity and appropriateness of health care services for a patient or prospective patient and determining that patient's eligibility for payment of those health care services by a licensed insurer;
- (l) Managing the cases of patients assigned to him or her by coordinating services and collaborating with other health care professionals in the provision of health care services, including, without limitation, an ongoing evaluation of the patient's focused nursing assessments conducted by a licensed practical nurse pursuant to NAC 632.232;
- (m) Planning for the discharge of patients; and
- (n) Managing risk in the provision of health care services.

Sec. 3. NAC 632.230 is hereby amended to read as follows:

632.230 A licensed practical nurse:

1. May not independently carry out those duties which require the substantial judgment, knowledge and skill of a registered nurse.
2. Shall determine before the performance of any task that he or she has the knowledge, skill and experience to perform the task competently.
3. May supervise other personnel in the provision of care.
4. *May delegate appropriate duties to other persons in accordance with section 1 of this regulation.*

Sec. 4. NAC 632.825 is hereby amended to read as follows:

632.825 An approved program for medication aides - certified must provide training to enable each trainee to:

1. Learn the fundamentals of safety and the proper care of patients by a medication aide - certified at a designated facility.
2. Demonstrate the proper procedures for:
 - (a) The administration of medication:
 - (1) In the appropriate manner;
 - (2) At the appropriate time;
 - (3) To the correct patient; and
 - (4) In the correct dosage; and
 - (b) Documenting the administration of medication.
3. Perform three safety checks to ensure the proper administration of medication.
4. Understand the causes of errors in the administration of medication.
5. Support and promote the rights of patients.

6. Understand the scope of practice of a medication aide - certified and the role of the delegating and supervising nurse.

7. Understand that , *except as otherwise provided in section 1 of this regulation*, a medication aide - certified may not accept the delegation of any duty that is beyond the scope of practice of the medication aide - certified.

8. Understand the ethical and legal issues regarding the administration of medication and the rights of patients regarding the administration of medication.

Sec. 5. NAC 632.222 is hereby repealed.

TEXT OF REPEALED SECTION

632.222 Delegation and supervision of nursing care.

1. A registered nurse may delegate nursing care to other personnel and supervise other personnel in the provision of that care if those persons are qualified to provide that care.

2. A registered nurse shall perform or supervise any act necessary to ensure the quality and sufficiency of delegated nursing care provided to a patient.

3. Before delegating the care of a patient, a registered nurse shall consider the following:

(a) The amount of direction required by the person to whom the care is being delegated;

(b) The complexity of the nursing care needed by the patient, recognizing that simple care may be performed by following an established policy while more complex care requires greater knowledge and a higher level of judgment, direction and supervision;

(c) The educational preparation and demonstrated competency of the person to whom the care is delegated; and

(d) The established policies and procedures relating to the care of the patient and the procedures used to communicate to other providers of health care the patient's symptoms, reactions and progress.

4. A registered nurse who delegates nursing care or duties relating to that care to other personnel is responsible for the actions taken by those persons in carrying out the duties delegated or assigned.