

---

## Health Care & Wellness Committee

---

### SSB 5197

**Brief Description:** Concerning the delegation of nursing care tasks to home care aides.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Pflug; by request of Department of Social and Health Services).

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Provides for the delegation of nursing care tasks to long-term care workers who are certified home care aides.</li></ul>
---



**Hearing Date:** 2/16/12

**Staff:** Chris Cordes (786-7103).

**Background:**

Delegation of Nursing Care Tasks.

Registered nurses may delegate nursing care tasks that are within the nurse's scope of practice to other individuals where the nurse finds it to be in the patient's best interest. Before delegating a nursing care task, the registered nurse must determine the competency of the person to perform the delegated task and evaluate the appropriateness of the delegation. The registered nurse must supervise the person performing the delegated task. With some exceptions, registered nurses may not delegate tasks requiring nursing judgment, substantial skill, the administration of medications, or the piercing or severing of tissues.

Nursing care tasks requiring certain skills or the administration of medications may be delegated to a registered or certified nursing assistant working in community-based or in-home care settings. Nursing assistants to whom nursing care tasks are delegated must first complete the required basic core nurse delegation training and, if administering insulin, must complete specialized diabetes nurse delegation training.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Accountability for Delegation.

The delegating nurse is accountable for his or her own actions in the delegation process. The nurse is immune from liability for delegation actions if acting within the protocols of his or her delegation authority.

A nursing assistant is accountable for his or her own individual actions in the delegation process. If a nursing assistant follows written delegation instructions from a registered nurse, the nursing assistant is immune from liability.

### Prohibition Against Reprisal.

Nursing assistants who refuse to accept delegation of nursing tasks based on patient safety issues are not subject to employer reprisal or disciplinary action by the Secretary of Health. Community-based settings and in-home care agencies are prohibited from retaliating against a person making a complaint or cooperating in an investigation.

### **Summary of Bill:**

#### Delegation of Nursing Care Tasks to Home Care Aides.

A long-term care worker who wishes to perform a nurse delegated task must be certified as a home care aide and must successfully complete the nurse delegation training required for nursing assistants. Before administering insulin, a home care aide must also complete the specialized diabetes nurse delegation three-hour training.

### Accountability for Delegation.

The home care aide is accountable for his or her own individual actions in the delegation process. Home care aides accurately following delegation instructions from a registered nurse are immune from liability regarding performance of the delegated duties.

### Prohibition Against Reprisal.

Home care aides are not subject to employer reprisal for refusing to accept delegation of nursing tasks based on concerns about patient safety. Providers of community-based care settings or in-home services agency may not retaliate against a person because the person made a complaint about the nurse delegation process or cooperated in the investigation of the complaint.

**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2012.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.