

Michigan Department of Education
Michigan Department of Community Health

Delegation of Nursing Functions to Unlicensed Assistive Personnel in a School Setting

Model Guideline

Original Date of Issue: 2013

Foreword

These guidelines contain recommendations for minimum standards of care and current best practices for the health service topics addressed. They have been reviewed by the School Nurse Practice Subcommittee of the Michigan Statewide School Nurse Task Force as a means to provide consistent and safe care to the students. Specific laws and regulations that direct school nursing practice or other health services are identified in the guidelines.

Purpose

The purpose of this guideline is to provide protocol for delegation of nursing procedures which assures safe practice for students, nurses, and other unlicensed school staff.

Introduction

Delegation in school nursing is a complex process in which the authority to perform a selected nursing task is transferred to a competent unlicensed individual (or unlicensed assistive personnel) (UAP) in a specific situation. The decision to delegate and the supervision of delegation of nursing tasks in the school setting rest solely with the registered nurse, who makes the determination to delegate based on nursing assessment and in compliance with applicable laws and guidance provided by professional nursing associations (American Nurses Association [ANA]/National Council of State Boards of Nursing [NCSBN], 2006; NASN, 2010). The school nurse (registered nurse currently licensed by the Michigan Board of Nursing and working in a school setting) is the coordinator/facilitator of health care for all children in the school setting. The determination of nursing services required in school is made on a case-by-case basis with information obtained by the registered nurse, parents, physicians, and the school team. The registered nurse may delegate certain nursing tasks to unlicensed individuals.

The Michigan State Board of Nursing allows safe delegation of nursing tasks to unlicensed persons in the Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Part 172 Nursing. The law authorizes the RN to delegate nursing activities and requires that the RN teach and supervise less skilled personnel in the performance of delegated nursing activities.

The Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq, and 34 C.F.R. pt. 300) requires that eligible students with disabilities receive special education and related services that provide a free appropriate public education. “Related services” are determined by the Individualized Education Program (IEP) team to be necessary for the student to benefit from special education. “Medical services” are defined as services provided by a licensed physician to determine a child’s medically related disability that results in the child’s need for special education and related services.

In Cedar Rapids Community School District v. Garret F. 526 U.S. 66 (1999), the Supreme Court held that the continuous nursing services required by the quadriplegic, ventilator-dependent student in that case were “related services” that had to be provided by the school district during school hours under IDEA because the services were supportive services but did not constitute “medical services”. Thus, related services must be provided to disabled students regardless of their nature or cost provided that they are (1) supportive services (i.e., necessary for the student to remain in school); and (2) non-medical (i.e., capable of being performed by someone other than a licensed physician) or are diagnostic and evaluative in nature.

Delegation and Supervision

Delegation is defined in the Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Article 15, Part 161, General Provisions as “*authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee and which, in the absence of the authorization, would constitute illegal practice of a licensed profession.*” In their General Rules, Part 1 - General Provisions the Michigan Board of Nursing have promulgated specific administrative rules about delegation which are summarized below (Michigan Association of Nurses, 2009).

NOTE

- ONLY an RN may delegate nursing acts, functions or tasks. LPNs may not delegate.
- LPNs must be supervised by the RN, physician, or dentist.
- The RN delegates tasks - not responsibility/accountability for patient care.
- The RN delegates from her/his scope of practice. The RN cannot delegate acts/tasks/functions that are not within her/his scope of practice.
- The RN determines whether the delegatee has the knowledge/skill to do a specific task.
- The RN determines whether the task for a specific client can be performed safely and competently for the specific client.
- The RN supervises the performance.
- The RN retains ultimate responsibility.

Supervision of the UAP is required. Supervision is defined in the Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Article 15, Part 161, General Provisions as the licensed health professional overseeing the work of another individual and requires that the licensed health professional provide supervision. The RN must fulfill the requirement for continuous availability. Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Article 15, Part 161, General Provisions, 333.16215 ties delegation to supervision. You cannot delegate without supervising.

Delegatable Nursing Services

Not all nursing tasks may be delegated. The school nurse must first determine if the task can be delegated using criteria set forth in Michigan law, in professional standards and in assessment of the unique characteristics of the individual student requiring nursing services. A nursing task may be determined to be delegatable and assigned to be performed by nursing assistive personnel (UAP) under the supervision of a registered nurse (RN) if the individual situation meets all of the criteria and in the nurse’s judgment, it is safe to do so.

It is important to note that a specific task is only delegated for a **specific student**; therefore, a procedure that is delegatable for one student **may not necessarily** be delegatable for any other student.

Michigan law does not delineate which nursing tasks can be delegated, though based on the nurse’s assessment and judgment examples of those tasks **may** include oral medication administration which does not require calculation of the dose; pharmacy or prescriber prepared hand held inhalant medication administration; clean, intermittent/non-complex bladder catheterization; student specific emergency medications; and assembly of supplies and supervision of student finger stick for blood sugar.

Non-Delegatable Nursing Services

Certain nursing services may only be performed by an RN or Licensed Practical Nurse (LPN). Should a nursing task fail to meet the criteria for delegation, the nursing task/procedure must be performed by the RN or LPN. Examples of these tasks **may** include a complex tracheotomy suctioning; tracheotomy tube or inner cannula change or replacement; any medication that requires calculation of the dose or assessment before or after administration; and certain medications given by injection. Any service needing nursing assessment and/or performed on *an as needed basis* is not delegatable.

School Nurse Responsibilities

Assessment/Determination

1. The school nurse is responsible for being familiar with the most recent requirements for delegation set forth in Michigan law.
2. In compliance with the law, the registered nurse shall determine the nursing tasks which will be delegated to the unlicensed person.
3. In determining whether aspects of a student's health care may be delegated to an unlicensed person, the nurse must assess and document that:
 - The student's health care needs are **chronic, stable, uncomplicated, routine, and predictable** (NASSNC, 2010);
 - The student is unable to perform his/her own care;
 - The environment is conducive to delegation of nursing tasks; and
 - The unlicensed person is able to perform the delegated nursing in a safe and competent manner.
4. The school nurse shall have input and agree with the selection of the unlicensed assistive personnel to whom he/she will delegate nursing tasks.
5. The school nurse is responsible for verifying the competency, orienting, instructing, supervising and evaluating the unlicensed person in the performance of delegated tasks.
6. Any nursing function that requires nursing knowledge, judgment, and skill may not be delegated. These include, but are not limited to:
 - The initial nursing assessment or intervention;
 - Development of a nursing diagnosis;
 - Establishment of the nursing care goal;
 - Development of a nursing care plan; and
 - Evaluation of a student's progress or lack of progress toward goal achievement.

Delegation depends on the complexity of the task and condition of the student. Therefore, continuation of delegation is entirely at the discretion of the delegating nurse who may decide at any time that the student's medical safety requires a licensed professional to perform the task.

Accountability

Accountability covers all aspects of the nursing task including ensuring that the right child gets the right medication/treatment at the right dose/right procedure and right time, as well as the documentation of this action. Accountability also includes nursing review of the order for accuracy.

Confidentiality

It is the responsibility of the school nurse to instruct the UAP in the importance of confidentiality and understanding the consequences of breaching confidentiality.

Effective communication

As part of the selection process, the UAP must be willing to be supervised and must possess the ability to communicate with the school nurse. The school nurse must be able to clearly and effectively communicate with the UAP and must be available to the UAP for any questions.

Documentation

Accurate and complete recording of the delegated procedure is the responsibility of the UAP, under the leadership and supervision of the registered nurse. The school nurse will document on a skills checklist the training date and their observation of a return demonstration as well as periodic supervision/evaluation of the UAP. (See Appendix C, D).

Glossary

Delegatable Nursing Services: Nursing functions which may be delegated to and performed by unlicensed assistive personnel under the supervision of a registered nurse.

Non-Delegatable Nursing Services: Nursing functions that require nursing knowledge, judgment, and skill and may not be delegated.

School Nurse: A registered nurse currently licensed by the Michigan Board of Nursing working in a school setting.

Unlicensed Assistive Personnel: An individual who is not licensed or certified to provide nursing care but is trained to function in an assistive role to the registered professional nurse in the provision of (student) care activities delegated by and under the supervision of the professional registered nurse (NASSNC, 2010).

Legal References (MNA, 2009)

Delegation is defined in the Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Article 15, Part 161, General Provisions as follows:

333.16104 Definitions

Sec. 16104. (1) *“Delegation” means an authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee and which, in the absence of the authorization, would constitute illegal practice of a licensed profession.*

In their General Rules, Part 1, General Provisions - the Michigan Board of Nursing has promulgated specific administrative rules about delegation:

R 338.10104 Delegation

Rule 104.

(1) *Only a registered nurse may delegate nursing acts, functions or tasks. A registered nurse that delegates nursing acts, functions, or tasks shall do all of the following:*

- (a) *Determine whether the act, function, or task delegated is within the registered nurse’s scope of practice.*
 - (b) *Determine the qualifications of the delegatee before such delegation.*
 - (c) *Determine whether the delegatee has the necessary knowledge and skills for the acts, functions, or tasks to be carried out safely and competently.*
 - (d) *Supervise and evaluate the performance of the delegatee.*
 - (e) *Provide or recommend remediation of the performance when indicated.*
- (2) *The registered nurse shall bear ultimate responsibility for the performance of nursing acts, functions, or tasks performed by the delegatee: within the scope of the delegation.*

Supervision is defined in the Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Article 15, Part 161, General Provisions, as follows:

333.16109 Definitions

(2) *“Supervision”, except as otherwise provided in this article, means the overseeing of or participation in the work of another individual by a health professional licensed under this article in circumstances where at least all of the following conditions exist:*

- (a) *The continuous availability of direct communication in person or by radio, telephone, or telecommunication between the supervised individual and a licensed health professional.*

Michigan Department of Education, Michigan Department of Community Health GUIDELINES:
Delegation of Nursing Functions to Unlicensed Assistive Personnel in a School Setting

- (b) The availability of a licensed health professional on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of the individual's functions.
- (c) The provision by the licensed supervising health professional of predetermined procedures and drug protocol.

The following from the Occupational Regulations Sections of the Michigan Public Health Code contains a statute that ties delegation to supervision. You cannot delegate without supervising:

333.16215 Delegation of acts, tasks, or functions to licensed or unlicensed individual; supervision; Sec. 16215.

(1) A licensee who holds a license other than a health profession subfield license may delegate to a licensed or unlicensed individual who is otherwise qualified by education, training, or experience the performance of selected acts, tasks, or functions where the acts, tasks, or functions fall within the scope of practice of the licensee's profession and will be performed under the licensee's supervision. An act, task, or function shall not be delegated under this section which, under standards of acceptable and prevailing practice, requires the level of education, skill, and judgment required of a licensee under this article.

The Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Part 172 Nursing states that a licensed practical nurse performs under the supervision of a registered professional nurse, physician, or dentist.

References

- American Nurses Association / National Council of State Boards of Nursing (ANA/NCSBN). (2006). *Joint statement on delegation*. Retrieved from https://www.ncsbn.org/Joint_statement.pdf
- Cedar Rapids Community School District v. Garret F.* 526 U.S. 66 (1999). Retrieved from http://www.wrightslaw.com/law/caselaw/case_Cedar_Rapids_SupCt_990303.htm
- Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §1400 et seq, and 34 C.F.R. pt. 300). Retrieved from <http://www.gpo.gov/fdsys/pkg/PLAW-108publ446/html/PLAW-108publ446.htm>
- Michigan Nurses Association (MNA) (2009). *RN accountability for delegation decisions: Legal parameters in Michigan and professional guidelines*. Lansing, MI: Author.
- Michigan Public Health Code, Act 368 of 1978, Article 15, Part 161, General Provisions. Retrieved from [http://www.legislature.mi.gov/\(S\(lmhqof45tr0qf3e4bzisp555\)\)/documents/mcl/pdf/mcl-368-1978-15-161.pdf](http://www.legislature.mi.gov/(S(lmhqof45tr0qf3e4bzisp555))/documents/mcl/pdf/mcl-368-1978-15-161.pdf)
- National Association of School Nurses (NASN) (2010). *Position statement- Delegation*. Retrieved from <http://www.nasn.org/PolicyAdvocacy/PositionPapersandReports/NASNPositionStatementsFullView/tabid/462/ArticleId/21/Delegation-Revised-2010>
- National Association of State School Nurse Consultants (NASSNC). (2010). *Position statement- Delegation of school health services*. Retrieved from <http://www.nassnc.org/files/pdf/NASSNCDelegationPostAug2010.pdf>
- Occupational Regulation Sections of the Michigan Public Health Code, Act 368 of 1978, Part 172 Nursing. Retrieved from <http://legislature.mi.gov/doc.aspx?mcl-368-1978-15-172>

Resource

- Schwab, N.C. & Gelman, M.H.B. (Eds.) (2005). *Legal issues in school health services: A resource for school administrators, school attorneys, school nurses*. North Branch, MN: Sunrise River Press.

APPENDIX A

Five Rights of Delegation (ANA, 2012; NBCSN, 1997; NASN, 2010)

The Right Task - Is the task:

- based on written medical orders?
- repeated frequently?
- reasonably routine with a predictable outcome?
- to be performed according to an established sequence of steps without modification?
- one that does not involve assessment, interpretation, or decision-making?

The school nurse must review each case to evaluate whether the nursing task can be safely delegated. If the task is not routine, is complicated, or requires additional expertise or assessment to administer, that particular task may need to be administered only by a licensed person.

The Right Circumstances - Have you clearly evaluated the circumstances regarding:

- A child's particular vulnerability because of age, developmental level, cognitive abilities, gender, or specific health issues?
- Whether the environment is appropriate, safe, and sufficiently confidential for the UAP to perform the delegated task?

The Right Person - Is the person:

- Available at the right time?
- Open to and good at working with students?
- Competent to do the task?
- Consents to be supervised?

The Right Direction/Communication - Have you taken into account:

- How much training of the UAP will be required to perform the task in a safe and appropriate way?
- What are the learning needs of the UAP?
- How many tasks will the UAP need to learn?
- Does UAP possess the skills and knowledge to communicate appropriately to the school nurse?

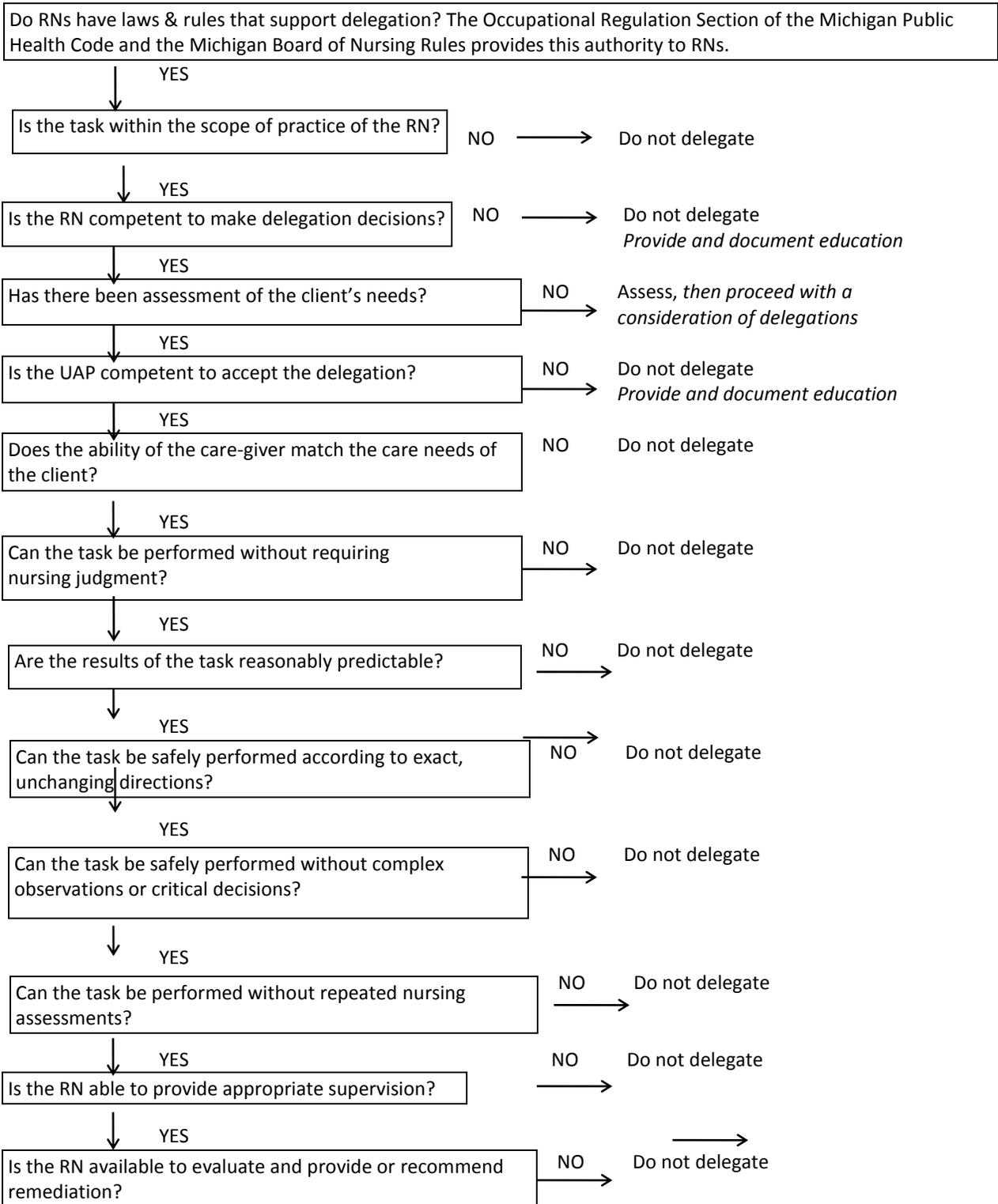
The school nurse must determine the UAP competency and document the training, observations, and competence of the delegate.

The Right Supervision - Have you clearly considered:

- How much initial and ongoing supervision will be required for the UAP to correctly perform the task?
- What type of supervision will be needed?
- Is the school nurse available to periodically supervise the UAP and available on call?

APPENDIX B Delegation Decision-Making Tree

From MNA. Adapted from a model developed by the Ohio Nurses Association and the National Council of State Boards of Nursing.



The RN bears the ultimate responsibility.

Michigan Department of Education, Michigan Department of Community Health GUIDELINES:
Delegation of Nursing Functions to Unlicensed Assistive Personnel in a School Setting

APPENDIX C

Skills Checklist for Staff Training

Name: _____

Job title: _____

Date trained: _____

School Nurse Instructor: _____

Supervision/Evaluation

	Demo date	Return Demo date	Date	Date	Date	Date	Date	Date
State name and purpose of procedure								
Preparation for procedure <ul style="list-style-type: none"> • When done • Where done • Special Instructions 								
Supplies <ul style="list-style-type: none"> • • • • 								
Steps to the procedure: <ol style="list-style-type: none"> 1. 2. 3. 4. 5. 								
Able to state expected student outcomes: <ul style="list-style-type: none"> • • • • 								
Appropriate documentation								
Appropriate interactions with student (provide examples)								
Appropriate communication with school nurse (provide examples)								

Adapted from Delegation of Care: Overview for the Registered Nurse Practicing in the School Setting, NASN, 2005

Michigan Department of Education, Michigan Department of Community Health GUIDELINES:
Delegation of Nursing Functions to Unlicensed Assistive Personnel in a School Setting

Appendix D Medication Administration Skills Checklist

Staff person trained/position _____ Initials _____
 School Nurse/RN _____ Initials _____

Procedure Guideline	Dates			Comments/School Nurse initial/Staff initial (N/A if non-applicable)
	Demonstrate/ Explain or Proficient Return Demonstration	Demonstrate/ Explain or Proficient Return Demonstration	Demonstrate/ Explain or Proficient Return Demonstration	
Washes hands before and after procedure.				
Gives proper dose of medication at proper time. States 5 Rights.				
Compares labeled medication container with written order.				
Reads label 3 appropriate times.				
Checks student identity with name on label.				
Checks expiration date on label.				
Explains procedure to student if necessary.				
Documents medications given correctly.				
Maintains security of medication area.				
Describes proper actions for medication refusal, field trip, medication error.				
States appropriate times/situations for notification of school nurse.				
Emergency medications				
Epipen				
States symptoms of allergic reaction, location of medication and emergency plan.				
Demonstrates with trainer, correct procedure for administration.				
States follow-up procedures.				
Glucagon				
States symptoms of hypoglycemia, location of medication and emergency plan.				
Demonstrates mixing of medication in syringe.				
Demonstrates proper injection technique using correct site.				
States follow-up procedures.				
Diastat				
States understanding of when to use this medication, location of medication and emergency plan.				
Demonstrates proper positioning of child, procedure for administering medication.				
States follow-up procedures.				

Training/Supervision of School Personnel Administering Medication

_____ has received training to administer medications according to _____ School policy and procedures. S/he has demonstrated knowledge and understanding of the policies and procedures listed above.

RN Signature

Date

I have been instructed in the _____ School's medication policy and administration procedures. I understand that I am to administer medications to students according to these procedures and as delegated to me by the school nurse. I understand that I am to report immediately to the school nurse any new orders, change in medication orders, changes in a student's health status, and discovery of a medication error. I understand that I may not delegate this task to any other person.

School staff signature

Date