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OFFICE PRACTICE SETTING – UAP DELEGATION

Position Statement for RN and LPN Practice

Issue:

The licensed nurse (RN or LPN) and the physician in the office practice setting must be aware of the differences in their respective practice laws in terms of authority to delegate and accountability for the outcome of patient care. Unlicensed Assistive Personnel (UAP) often provide direct patient care under the delegation of both licensed nurses and physicians in the office practice setting. The organizational chart and job descriptions must clearly reflect responsibility for teaching, delegating to, and supervising UAP within respective medical and nursing scopes of practice. The RN or LPN is held accountable for their specific actions/advice as they relate to UAP but not for decisions to delegate made by the physician.

In order to clarify the nurse's role in the office practice setting and his/her accountability for the care being provided by the unlicensed assistive personnel (UAP), the following questions need to be answered:

1. Who is directing the care that is being provided by the UAP? ---- the nurse, the physician, or other licensed health care provider?
2. From whom does the UAP get the authority to act? --- the nurse, the physician, or other licensed health care provider?
3. What are the nursing activities for which the licensed nurse is held accountable? ---- direct care responsibilities, teaching, delegating to, or supervising other office personnel who perform direct patient care activities?

Definition:

Unlicensed Assistive Personnel (UAP) - includes nurse aides (NA I or NA II), patient care assistants (PCA), medical office assistants (MOA), medical assistants (MA), or other unlicensed staff to whom direct patient care activities are delegated. UAP may work under the direction of both licensed nurses and physicians.

Note: Although MOAs and MAs may be nationally certified, they are not regulated and/or licensed under occupational laws and rules in North Carolina and do not, therefore, have a designated scope of practice.

Physician Role:

The Medical Practice Act allows physicians to delegate patient care to UAP. When the physician delegates to the UAP, he/she assumes responsibility/accountability for the UAP actions and for patient outcomes.

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RN and LPN Role:

1. WHEN THE LICENSED NURSE DELEGATES PATIENT CARE ACTIVITIES TO UAP:

Nursing roles may include the following:

| RN Nursing Roles | LPN Nursing Roles |
|--|--|
| <ul style="list-style-type: none">• Assigns to other RNs and LPNs, and delegates nursing care activities to UAP;• Maintains overall accountability for the coordination and delivery of nursing care to the individual client or group of clients for whom the RN has accepted responsibility;• Assesses client's status, determines clinical competence of licensed and unlicensed personnel, and identifies variables in each practice setting prior to permitting <u>any</u> staff to assign or delegate nursing activities;• Indicates through policy, procedure, and plans of care what nursing activities and tasks may appropriately be completed by each level of licensed or unlicensed personnel based on scope of practice for each level of licensed nurse or UAP;• Validates on-going maintenance of staff competency; and• Provides appropriate supervision and follow-up on activities to verify nursing care tasks have been performed as assigned and/or delegated and according to established standards of practice.• Documentation of teaching and validation of competence of UAP and other nursing personnel to perform patient care activities should be maintained within the office practice setting and be accessible to those assigning/delegating. | <ul style="list-style-type: none">• Assigns to other LPNs and delegates specific tasks to UAP following RN assessment and consistent with nursing care plan, provided:<ul style="list-style-type: none">• RN has validated competence of staff to whom activities are assigned or delegated, and• RN supervision is continuously available• Maintains accountability for all assignments and delegations made to staff;• Maintains ongoing observation of clients and their response to nursing action; and• Supervision is limited to on-the-job assurance that tasks have been performed as assigned or delegated and according to standards of practice established in agency policies and procedures. <p>Note: It is beyond the scope of practice for the LPN to participate in broader supervisory/management activities <u>related to the nursing care of clients.</u></p> <p>It is beyond the LPN scope of practice to assign or supervise the nursing activities of RNs.</p> |

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2. WHEN THE PHYSICIAN DELEGATES PATIENT CARE ACTIVITIES TO UAP:

Nursing roles when the physician delegates activities to unlicensed assistive personnel are limited by the Nursing Practice Act and related rules.

Nursing roles may include the following:

| RN Nursing Roles | LPN Nursing Roles |
|---|---|
| <ul style="list-style-type: none">• Teaching the UAP the specific physician-delegated activity• Providing the physician with feedback relative to the UAP's performance of the physician delegated activity.• Validating if/when the UAP is competent to perform the physician-delegated activity• Supervising the performance of the physician-delegated activity• Documentation of teaching and validation of competence of UAP and other nursing personnel to perform patient care activities should be maintained within the office practice setting and be accessible to those assigning/delegating. | <ul style="list-style-type: none">• Demonstrating specific nursing tasks or activities according to the office practice's established procedures• Observing the UAP return demonstration of specific tasks or activities in comparison to the office practice's established step-by-step procedure,• Providing physician with feedback relative to the UAP's on-going performance of delegated activities <p>Note: It is beyond the scope of practice for the LPN to participate in broader supervisory/management activities <u>related to the nursing care of clients.</u></p> |

References:

G.S. 90-171.20 (7) & (8) – Nursing Practice Act

21 NCAC 36.0224 (a)(d)(i) & (j) – Components of Nursing Practice for Registered Nurse (RN Rules)

21 NCAC 36.0225 (d)(1)(F),(2)(A-E) – Components of Nursing Practice for Licensed Practical Nurse (LPN Rules)

21 NCAC 36.0221 - License Required

21 NCAC 36.0401 - Roles of Unlicensed Personnel

Refer to Position Statement - Delegation and Assignment of Nursing Activities to UAP, and Decision Tree for Delegation to UAP for clarification of delegation within scope of practice.

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