

201 KAR 20:400. Delegation of nursing tasks.

RELATES TO: KRS 311A.170, 314.011, 314.021(2), 314.091(1)

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the board to promulgate administrative regulations necessary to implement KRS Chapter 314. KRS 314.091(1)(d) prohibits a person from negligently or willfully acting in a manner inconsistent with the practice of nursing. This administrative regulation establishes requirements that govern the delegation of a nursing task in a safe, effective manner so as to safeguard the health and welfare of the citizens of the Commonwealth.

Section 1. Definitions.

- (1) "Board" is defined by KRS 314.011(1).
- (2) "Client" means a patient, resident, or consumer of nursing care.
- (3) "Competence" means performing an act in a safe, effective manner.
- (4) "Delegatee" means a person to whom a task is delegated.
- (5) "Delegation" is defined by KRS 314.011(2).
- (6) "Delegator" means the nurse delegating a task to another person.
- (7) "Direct supervision" means the continuous, direct, onsite supervision by a registered nurse;
- (8) "Nurse" is defined by KRS 314.011(3).
- (9) "Nurse Extern" means an employee in a healthcare facility who is also actively enrolled as a student in a board-approved prelicensure program of nursing.
- (10) "Nursing assistance" is defined by KRS 314.011(13).
- (11) "Nursing task" means an act included in the definition of registered nursing practice, advanced practice registered nursing, or licensed practical nursing practice pursuant to KRS 314.011(6), (8), or (10).
- (12) "Paramedic" is defined by KRS 311A.010.
- (13) "Supervision" means the provision of guidance by a qualified nurse for the accomplishment of a nursing task with periodic observation and evaluation of the performance of the task including validation that the nursing task has been performed according to established standards of practice.
- (14) "Unlicensed person" means an individual, other than a nurse, the client, or the client's family, legal guardian, or delegatee, who functions in an assistant or subordinate role to the nurse.

Section 2. Nurse's Responsibility in Delegation.

- (1) A registered nurse or a licensed practical nurse may delegate a task to an unlicensed person in accordance with this section and Sections 3, 4, and 5 of this administrative regulation.
- (2) A registered nurse may delegate a task to a paramedic employed in a hospital emergency department in accordance with KRS 311A.170 and Sections 3 and 4 of this administrative regulation.
- (3) Prior to delegating a nursing task, the nurse shall determine the nursing care needs of the client. The nurse shall retain responsibility and accountability for the nursing care of the client, including nursing assessment, planning, evaluation, and assuring documentation.
- (4) The nurse, prior to delegation to an unlicensed person, shall have either instructed the unlicensed person in the delegated task or determined that the unlicensed person is competent to perform the nursing task.
- (5) A nursing task shall be delegated directly or indirectly. An indirect delegation shall not alter the responsibility of the nurse for appropriately assigning and supervising an unlicensed person.

(6) A nurse who delegates a nursing task in violation of this administrative regulation or participates in the utilization of an unlicensed person in violation of this administrative regulation shall be considered acting in a manner inconsistent with the practice of nursing.

Section 3. Criteria for Delegation. The delegation of a nursing task shall meet the following criteria:

- (1) The delegated nursing task shall be a task that a reasonable and prudent nurse would find is within the scope of sound nursing judgment and practice to delegate;
- (2) The delegated nursing task shall be a task that, in the opinion of the delegating nurse, may be competently and safely performed by the delegatee without compromising the client's welfare;
- (3) The nursing task shall not require the delegatee to exercise independent nursing judgment or intervention; and
- (4) The delegator shall be responsible for assuring that the delegated task is performed in a competent manner by the delegatee.

Section 4. Supervision.

- (1) The nurse shall provide supervision of a delegated nursing task.
- (2) The degree of supervision required shall be determined by the delegator after an evaluation of appropriate factors involved including the following:
 - (a) The stability and acuity of the client's condition;
 - (b) The training and competency of the delegatee;
 - (c) The complexity of the nursing task being delegated; and
 - (d) The proximity and availability of the delegator to the delegatee when the nursing task is performed.

Section 5. Nurse Extern.

- (1) The nurse extern may perform nursing tasks as delegated under the direct supervision of a registered nurse in accordance with this section. Those tasks may include the administration of medication or other tasks that have been taught in the nurse extern's nursing education program. The nurse extern shall be individually educationally prepared and clinically competent to perform the task. At a minimum, this competency shall be verified by an official letter from the nursing program documenting that the nurse extern has successfully completed the task as a student in the program of nursing. The employer shall independently verify and document the competency of the nurse extern to successfully perform the acts that the nurse extern will perform.
 - (2) A licensed practical nurse may participate with the registered nurse in providing supervision of a nurse extern enrolled in a practical nurse program of nursing.
 - (3) The nurse extern may provide nursing assistance that is routinely a part of any nursing assistant's job description.
 - (4) For a nurse extern enrolled in a practical nurse program of nursing, the administration of medications shall be limited by 201 KAR 20:490.
 - (5) A nurse extern shall not substitute for licensed nursing staff.
 - (6) A nurse extern shall not be required to independently assume the role, function, or responsibility of licensed personnel.
- (19 Ky.R. 1242; eff. 1-27-1993; 25 Ky.R. 2189; 2546; eff. 5-19-1999; 29 Ky.R. 2947; eff. 8-13-2003; TAm eff. 7-15-2010; 44 Ky.R. 1382, 1816; eff. 2-15-2018.)