

DRAFT

11/2/2020

AN ACT Relating to nurse delegation;

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 18.79.260 and 2012 c 164 s 407 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood (~~(, to individuals with illnesses, injuries, or disabilities)~~).

(2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, optometrist, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, advanced registered nurse practitioner, or midwife acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice.

(3) The determination of the appropriateness of a delegation is at the discretion of the registered nurse. A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

- (i) Determine the competency of the credentialed individual to perform the tasks;
- (ii) Evaluate the appropriateness of the delegation taking into consideration the condition of the patient;
- (iii) Supervise the actions of the person performing the delegated task; ~~((and))~~
- (iv) Delegate only those tasks that are within the registered nurse's scope of practice;
- (v) Delegate only the tasks that do not require nursing judgment; and
- (vi) Not delegate acts requiring substantial skill ~~((and may not delegate piercing or severing of tissues. Acts that require nursing judgment shall not be delegated))~~ as defined by the commission in rule.
- ~~(b) registered nurse, working for a home health or hospice agency regulated under chapter 70.127 RCW, may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care.~~
- ~~(c) Except as authorized in (b) or (e) of this subsection ((Except as authorized in (e) of this subsection, a~~
- ~~((d))~~ No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

~~((e))~~ (c) For delegation in a hospital as defined in RCW 70.38.02570.41.020(7), a registered nurse may not delegate the administration of medications. ((For delegation in community-based care settings or in-home care settings, a)) In hospitals, acute care settings and skilled nursing facilities, registered nurses may delegate glucose monitoring and testing to nursing assistants.

(d) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. Delegation of nursing care tasks to registered or certified nursing assistants under chapter 18.88A RCW, or to home care aides certified under chapter 18.88B RCW, may include glucose monitoring and testing. Simple care tasks such as blood pressure monitoring, personal care service, diabetic insulin device set up, verbal verification of insulin dosage for sight-impaired individuals, or other tasks as defined by the nursing care quality assurance commission are exempted from the formal delegation process.

(i) Delegation of nursing care tasks in community-based care settings and in-home care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

(ii) "Community-based care settings" includes: Community residential programs for people with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and

assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(iii) "In-home care settings" include an individual's place of temporary or permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings as defined in (d)(ii) of this subsection.

(e) Other than delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, the administration of medications by injection, sterile procedures, and central line maintenance may ~~never~~ not be delegated. This subsection does not prohibit nurse delegation to medical assistants within their scope of practice as permitted under chapter 18.360 RCW.

(i) When delegating insulin injections under this section, the registered nurse delegator must instruct the individual regarding proper injection procedures and the use of insulin, demonstrate proper injection procedures, and must supervise and evaluate the individual performing the delegated task weekly during the first four weeks of delegation of insulin injections. If the registered nurse delegator determines that the individual is competent to perform the injection properly and safely, supervision and evaluation shall occur at least every ninety days thereafter.

(ii)(A) The registered nurse shall verify that the nursing assistant or home care aide, as the case may be, has completed the required core nurse delegation training

required in chapter 18.88A or 18.88B RCW prior to authorizing delegation.

(B) Before commencing any specific nursing tasks authorized to be delegated in this section, a home care aide must be certified pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

(f) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.

(g) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

(h) The nursing care quality assurance commission may adopt rules to implement this section, including defining acts that may not be delegated.

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

(5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.