

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
Commissioner's Office
11 State House Station
109 Capitol Street
Augusta, Maine 04333-0011
Tel: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

February 27, 2025

Senator Bailey, Chair
Representative Mathieson, Chair
Members, Joint Standing Committee on Health Coverage, Insurance and Financial Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 90 – Resolve, Regarding Legislative Review of Chapter 6: Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses, a Major Substantive Rule of the Department of Professional and Financial Regulation, State Board of Nursing.

Senator Bailey, Representative Mathieson and members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, thank you for the opportunity to provide information in support of LD 90.

My name is Jaime Spencer, MSN, RN, PCCN-K. I serve as the Director of Workforce Initiatives and Nurse Consultant in the Department of Health and Human Services, Office of Aging and Disability Services (OADS).

DHHS worked with the Board of Nursing and statewide interest holders to develop this rule in order to align Maine with national nursing delegation standards. The decision of whether to delegate or assign should be based upon the RN's professional judgment concerning the condition of the patient, the competence of all members of the care team, and the degree of supervision that will be required of the RN if a task is delegated, each of which are delineated in the proposed rule.

Delegation is clearly defined in the National Guidelines for Nursing Delegation jointly adopted by the National Council of State Boards of Nursing and the American Nurses Association. The proposed rule outlines the responsibilities of the registered nurse when delegating to unlicensed assistive personnel and includes the five rights of delegation as defined in the National Guidelines:

- Right task
- Right circumstance
- Right person
- Right direction and communication
- Right supervision and evaluation

The rule provides clarity in roles and definition of unlicensed assistive personnel and guidance for the registered nurse's professional judgement for the safe and effective delegation of certain nursing tasks, thereby expanding the availability of those tasks beyond what a nurse can deliver personally and expanding access to high quality and safe care. The rule also importantly states that the delegating nurse can withdraw that delegation based on professional judgement in regard

to the impact on patient safety. The authority to delegate appropriate nursing tasks ensures that the RN has the direct responsibility to manage a team to allow flexibility in decision making, staff assignments and outcomes of patient care based on the registered nurse's professional judgement and assessment.

DHHS strongly supports this rule as an important mechanism for improving access to home-based nursing tasks that can be safely delegated to well-trained home care staff. This rule will enable nurses, using their professional discretion, to increase their reach throughout Maine as our population continues to grow older.

Thank you for your time today. I would be happy to answer any questions you may have and to make myself available for questions at the work session.

Sincerely,

A handwritten signature in dark ink, reading "Jaime Spencer". The signature is written in a cursive, flowing style.

Jaime Spencer
Director of Workforce Initiatives
Office of Aging and Disability Services
Maine Department of Health and Human Services