



Testimony of Sarah Calder, MaineHealth
**In Support of 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”**
Thursday, February 27, 2025

Senator Bailey, Representative Mathieson, and distinguished members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, I am Sarah Calder, Senior Government Affairs Director for MaineHealth, and I am here to testify in support of 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,” which allows the delegation of nursing activities and tasks to unlicensed assistive personnel by registered professional nurses.

We previously testified in support of LD 2126, the legislation which brought Maine into alignment with other states by allowing nurses to practice to the full scope of their education and license via the professional practice of nurse delegation.

This rule permits nurses to make informed decisions about the care of their patients by delegating appropriate activities to different types of care team members who have demonstrated the core competencies and skills necessary to complete the delegated care activity. Simply put, delegation is necessary to allow nurses to address the needs of patients in a timely, safe, effective, and efficient manner.

Delegation is a core competency for nurses which is taught in all pre-licensure programs, demonstrated in clinical learning activities, and validated through testing by the National Council Licensure Exam for Registered Nurses (NCLEXRN). Delegation follows a framework – the 5 Rights of Delegation (as defined and reaffirmed by the ANA) – and allows for nursing judgment in the provision of care. Specifically, when delegating, the nurse must ensure the following conditions are satisfied:

- the right task is delegated (must be within scope of the person to whom a task is being delegated)
- the right circumstance must exist (the task must be one that can competently and safely be completed by the person to whom care is being delegated).
- the right person (based on education/training, skills, competency, and confidence)
- the right supervision (nurse supervises all care delivered by those completing delegated responsibilities including the provision of feedback)
- the right direction and communication (specific details about what is being delegated, timeline for completion, documentation required, patient limitations, and expected outcomes).

When a nurse delegates a task to unlicensed assistive personnel the nurse retains responsibility for the patient care outcomes and quality of care including the delegated tasks – a higher standard supporting safety and quality of nursing care provided to our patients than the one which the legislation replaced.

LD 2126 was a crucial step in bringing Maine into alignment with national standards of care and supporting our nursing workforce, and we urge this Committee to pass LD 90 and implement the rule as proposed.