

Janet T. Mills  
Governor

Sara Gagné-Holmes  
Commissioner



Maine Department of Health and Human Services  
Office of Aging and Disability Services  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 287-9200; Fax: (207) 287-9229  
TTY: Dial 711 (Maine Relay)

Testimony of the Office of Aging and Disability Services  
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health Coverage, Insurance and Financial Services

In support of LD 2166, *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*

Sponsor: Representative Mathieson  
Hearing Date: February 5, 2026

Senator Bailey, Representative Mathieson, and members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services. My name is Jaime Spencer, I am a registered nurse and I serve as the Director of Workforce Initiatives of the Office of Aging and Disability Services in the Maine Department of Health and Human Services. I am here today to testify in support of LD 2166, *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*.

The Department supports the proposed rule as it defines delegation and identifies the responsibilities of a registered professional nurse when delegating nursing activities and tasks to unlicensed assistive personnel. DHHS is supporting this rule from two perspectives today, Licensing and Aging and Disability Services. This rule would help promote better health outcomes for Assisted Housing Facilities and assists the populations served by OADS by ensuring access to safe, high-quality care in home and community-based settings.

This rule updates Maine's nursing delegation framework to align with nationally recognized standards. It was developed in collaboration with the Board of Nursing and stakeholders across the state to ensure safety while supporting effective team-based care.

This rule allows registered nurses to use their professional judgment to determine when certain health-related tasks can be safely performed by trained unlicensed assistive personnel, based on the condition of the patient, the skills and training of the care team, and the level of supervision required. All of these safeguards are clear and based on the National Guidelines for Nursing Delegation, developed jointly by the National Council of State Boards of Nursing and the American Nurses Association. These guidelines use what are known as the "five rights of delegation," which ensure safety and accountability: the right task, the right situation, the right person, the right instructions, and the right supervision.

The amendments to this rule also clearly define what cannot be delegated, ensuring that higher-risk and complex nursing tasks remain with licensed nurses. Delegation is never mandatory. Nurses cannot be required or coerced by employers to delegate and always retain the authority to refuse or withdraw delegation if patient safety is a concern.

In practice, this rule provides clarity about roles and responsibilities for nurses and unlicensed assistive personnel, strengthens accountability, and allows nurses to extend their reach by safely delegating appropriate tasks, which means more people can receive timely care without compromising quality or safety.

OADS 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 which in turn will help individuals to age in place.

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