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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 2126, *An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses*

Sponsor: Representative Perry
Hearing Date: February 8, 2024

Senator Bailey, Representative Perry, and Members of the Joint Standing committee on Health Coverage, Insurance and Financial Services, my name is Jaime Brave, MSN, RN, PCCN-K. I serve as Clinical Research Nurse Consultant in the Department of Health and Human Services, Office of Aging and Disability Services (OADS). I would like to thank Representative Perry for presenting LD 2126 for the Department, and I am here today to testify in support of the bill, *An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses*.

DHHS has been working with the Board of Nursing and stakeholders to develop this bill, which will align Maine with nursing delegation policy adopted by most states. The current statute was enacted almost 30 years ago, when the use of unlicensed assistive personnel, such as personal support specialists, was in its infancy. This bill would authorize the Board of Nursing to adopt rules for the safe and effective delegation of certain nursing tasks from nurses to unlicensed personnel, thereby expanding the availability of those tasks beyond what a nurse can deliver personally. This process will ensure that Maine can continue to expand home care options as our population ages, despite the continuing shortage of nurses.

Most states have already enacted legislation to address the role of licensed and unlicensed personnel and the role of the registered nurse (RN). Studies have demonstrated that a trained, collaborative, interdisciplinary team approach to delegation of nursing tasks can decrease readmissions and improve quality of care. The changes in this bill would ensure that the RN has the authority to implement best practices, including training and overseeing others to deliver high quality care. Under the rules envisioned by this bill, an RN assesses and delegates nursing tasks to ensure patient safety. The professional judgement of a nurse to delegate allows more decision making, transfers tasks that can be done safely by others, and allows the nurse to function at their level of education.

The opportunity for DHHS and other departments to provide clarity in roles for unlicensed assistive personnel in home and community-based services will help address workforce challenges, expand access to care and ensure high quality and safe care. The decision of whether

to delegate or assign would 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. 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. These updated guidelines became effective on April 29, 2019, and can be accessed at <https://www.ncsbn.org/1625.htm>. The employer, RN, and delegate have specific responsibilities within the delegation process.

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.