

# MaineHealth

**Testimony of Devin Carr, DNP, RN, RRT, ACNS-BC, NEA-BC, CPPS,  
MaineHealth  
In Support of LD 2126, “An Act Relating to Delegation of Nursing Activities  
and Tasks to Unlicensed Assistive Personnel by Registered Professional  
Nurses”**

**Thursday, February 8, 2024**

Senator Bailey, Representative Perry, and distinguished members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, I am Devin Carr, Chief Nursing Officer for the Southern Region at MaineHealth, and I am here to testify in support of LD 2126, “An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses.”

MaineHealth is an integrated non-profit health care system that provides a continuum of health care services to communities throughout Maine and New Hampshire. Every day, our almost 23,000 care team members support our vision of “Working Together so Our Communities are the Healthiest in America” by providing high-quality and efficient care, which is demonstrated by the numerous national quality recognitions our hospitals have received, including Maine Medical Center earning Magnet designation by the American Nurses Credentialing Center four consecutive times.

As others have shared with you today, the current statute and State Board of Nursing rules related to “coordination and oversight” have led to confusion and ambiguity about the importance of delegation as a core nursing skill. Coordination and oversight regulatory language is protecting neither patients nor nurses. The professional practice of nurse delegation has been acknowledged by every state in the country, and the legislation before you today will finally bring Maine in line with those 49 other states and authorize the delegation of activities and tasks by a nurse to unlicensed personnel.

Moreover, the current “coordination and oversight” language restricts nurses from practicing to the full scope of practice to which they are educated and licensed. Removing the current restrictions will allow 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.

As my colleagues at MaineHealth have shared with you before, we are facing a long-term care crisis which is resulting in patients getting stuck in our hospitals for weeks and months longer than they need to be. Currently, Maine Medical Center has over 70 patients who are cleared for

discharge, but we are not able to place them in a long-term care bed. This is not patient-centered care, it is causing a significant delay in care for patients with acute needs, and it is leading to the burnout of our workforce. If we were able to hire mobility technicians who could be responsible for turning, repositioning, and mobilizing these patients – and give nurses the ability to delegate their responsibilities to these technicians – it would result in better patient care and reduce the amount of work that our nurses need to do, allowing them to return to providing nursing care at the highest level of professional nursing skill and judgement.

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
- 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).

It's also important to note that under the current statute and rules, nursing coordination and oversight of unlicensed personnel focuses on basic patient safety. 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 far higher standard supporting safety and quality of nursing care provided to our patients.

I urge you to support the legislation before you today and bring Maine in line with every other state in the Country and allow nurses to practice to the full scope of their license. Thank you for your consideration and I would be happy to answer any questions you may have.