

**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**

**Testimony in Support  
February 27, 2025**

Senator Bailey, Representative Mathieson and members of the Committee on Health Coverage, Insurance and Financial Services, my name is Lisa Harvey-McPherson, I am here today speaking in support of this bill on behalf of the Organization of Maine Nursing Leadership (OMNL) and Maine's Nursing Action Coalition (MeNAC).

OMNL represents nursing leaders from patients to policy. It is a professional organization that directs the course for nursing by promoting sound healthcare policies within our organizations and at the local, state, and national level. Towards this Mission, OMNL creates an environment that encourages collaborative partnerships.

The Maine Nursing Action Coalition was originally formed to advance the work of the Institute of Medicine's report on the Future of Nursing. The organization creates an environment that encourages networking, unity, and collaborative partnerships among all healthcare professionals and non-healthcare stakeholders across Maine.

I am in a unique position testifying in support of this rule as I participated, on behalf of OMNL, with the nursing workgroup formed in the early 90's that developed the coordination and oversight of unlicensed health care assistive personnel language that this rule replaces with delegation of nursing activities and tasks. Maine is one of the few states left in the country to adopt rules regarding delegation to unlicensed assistive personnel. On behalf of OMNL and MeNAC, we are in full support of bringing our nursing practice regulations in line with the national standards of delegation practice.

I want to thank the leadership of the Maine State Board of Nursing for their work to engage Maine's nursing community in development of the proposed rule. During the summer board leadership hosted a meeting with representatives of the various nursing

organizations to review a draft of the rule and provide comment. The proposed rule reflected our input and recommendations.

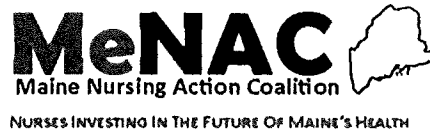
As noted in our testimony supporting the proposed rule, the rule clearly documents the responsibilities of the registered nurse when delegating to unlicensed assistive personnel regardless of setting. This is critically important as nurses work in all settings in which patient care is provided. The rule also importantly states that the delegating nurse can determine at any time that nursing activities or tasks can no longer be delegated based on a change in the health status of the patient, the unlicensed assistive personnel's performance of the activities or tasks, or other reason the delegating nurse determines may jeopardize patient health or safety.

In 2019 the National Council of State Boards of Nursing and the American Nurses Association published national guidelines for nursing delegation, including RN delegation to unlicensed assistive personnel. The guidelines identify five rights of delegation which are included in the Maine State Board of Nursing Rule.

- Right Task
- Right Circumstance
- Right Person
- Right Direction and Communication
- Right Supervision and Evaluation

As noted, most states in the country have already adopted rules regarding delegation to unlicensed assistive personnel. In an era of nursing shortages, technological advances, increasing complexity in patient care, and continuous changes in healthcare, delegation becomes essential to ensure the delivery of safe patient care. We ask that you support this important legislation so the board can formally adopt the delegation rule fully supported by both of our nursing organizations.

Thank you.



Maine State Board of Nursing  
Proposed Rule – Chapter 6 Delegation of Nursing Activities and Tasks to Unlicensed Assistive  
Personnel by Registered Professional Nurses

Public Comment in Support  
August 7, 2024

Thank you for the opportunity to provide comment in support of the proposed rule. My name is Peggy McRae, I am a registered nurse and serve as the President for Maine's Nursing Action Coalition (MeNAC). MeNAC was originally formed to advance the work of the Institute of Medicine's report on the Future of Nursing in Maine. The organization creates an environment that encourages networking, unity, and collaborative partnerships among all healthcare professionals and non-healthcare stakeholders across Maine.

MeNAC is in support of the proposed ruling as it aligns with one of their goals; to foster leadership development for nurses, support population health, and contribute to improvements in the delivery of healthcare.

Most states in the country have adopted rules regarding delegation to unlicensed assistive personnel. In an era of nursing shortages, technological advances, increasing complexity in patient care, and continuous changes in healthcare, delegation becomes essential to ensure the delivery of safe patient care. Having rules and structure around delegation by Registered Nurses can help ensure that patients are safely cared for and can improve outcomes when used appropriately. In addition to supporting the delivery of safe patient care, the benefits of delegation in nursing include employee empowerment, decreasing burn-out, and improving job satisfaction.

The proposed rule outlines the responsibilities of the registered nurse when delegating to unlicensed assistive personnel and incorporates the five "rights" of delegation as defined by the American Nurses Association in their "Principles for Delegation by Registered Nurses to Unlicensed Assistive Personnel". Additionally, it provides clear guidance for the nurse to determine when and where tasks can be delegated. There are provisions for when a nurse can withdraw that delegation based on their determination of the impact to patient safety.

The members of MeNAC look forward to collaborating with Nurse Leaders, Nurse Educators and other stakeholders across the state to support communication, education needed to operationalize nursing delegation to unlicensed assistive personnel once the rule is adopted.

Thank you,

A handwritten signature in black ink that reads "Peggy McRae". The signature is written in a cursive style with a large, prominent initial "P".

Peggy McRae, DNP, RN, CENP  
President Maine Nursing Action Coalition



Maine State Board of Nursing  
Proposed Rule – Chapter 6 Delegation of Nursing Activities and Tasks to Unlicensed Assistive  
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Thank you for the opportunity to provide comment in support of the proposed rule. My name is Lisa Harvey-McPherson, I am a registered nurse and I serve as the legislative liaison for the Organization of Maine Nursing Leadership (OMNL). OMNL represents nursing leaders from patient to policy. It is a professional organization that directs the course for nursing by promoting sound healthcare policies within our organizations and at the local, state, and national level. Towards this Mission, OMNL creates an environment that encourages collaborative partnerships.

I am in a unique position testifying in support of this rule as I participated, on behalf of OMNL, with the nursing workgroup formed in the early 90's that developed the coordination and oversight of unlicensed health care assistive personnel language that this rule replaces with delegation of nursing activities and tasks. Maine is one of the few states left in the country to adopt rules regarding delegation to unlicensed assistive personnel. We are in full support of bringing our nursing practice regulations in line with the national standards of delegation practice.

In 2019 the National Council of State Boards of Nursing and the American Nurses Association published national guidelines for nursing delegation, including RN delegation to unlicensed assistive personnel. The guidelines identify five rights of delegation which are included in the proposed rule.

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During the legislative committee discussion regarding RN delegation to unlicensed assistive personnel the committee was very clear that the rule must not impact unpaid individuals performing tasks at the direction of the patient, the rule clearly excludes these individuals from the definition of unlicensed assistive personnel.

The proposed rule clearly documents the responsibilities of the registered nurse when delegating to unlicensed assistive personnel regardless of setting, this is critically important as nurses work in all settings in which patient care is provided. The rule also importantly states that the delegating nurse can determine at any time that nursing activities or tasks can no longer be delegated based on a change in the health status of the patient, the unlicensed assistive personnel's performance of the activities or tasks, or other reason the delegating nurse determines may jeopardize patient health or safety.

OMNL looks forward to providing education and information to our members as they develop policies and procedures to implement nurse delegation to unlicensed personnel once the rule is formally adopted.

Thank you.