

**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
Testimony in Support
February 11, 2026**

Senator Bailey, Representative Mathieson and members of the Health Coverage, Insurance and Financial Services Committee. My name is Lisa Harvey-McPherson RN, I am here today speaking in support of this important legislation 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. We are in full support of bringing our nursing practice regulations in line with the national standards of delegation practice. As a RN licensure compact state we believe consistency and clarity in RN delegation to UAP's is important to the practice of nursing.

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 document notes that health care is continuously changing and necessitates adjustment for evolving roles and responsibilities of licensed health care providers and assistive personnel. The abilities to delegate, assign and supervise are critical competencies for every RN. The licensed nurse must be responsible for determining patient needs and when to delegate, ensure availability to delegate, evaluate outcomes of and maintain accountability for delegated responsibility. Finally, the delegatee must accept activities based on their competency level, maintain competence for delegated responsibility and maintain accountability for delegated activity.

The guidelines identify five rights of delegation which are included in the proposed rule.

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

We appreciate the opportunity to participate in a stakeholder group hosted by the Board of Nursing in the summer of 2025 to provide feedback on a revised rule for RN delegation. Participation reflected a broad base of interested parties that will be impacted by the rule to implement the law allowing RN delegation to UAP's. In December of 2025 the Board of Nursing provisionally adopted Chapter 6 Delegation of Nursing Activities and Tasks to UAP's by RNs. The rule incorporates the national guidelines into the delegation rule guiding nursing practice here in Maine.

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. The rule also incorporates language from the law that states nurses may not be required or coerced into delegating nursing tasks.

Sections 4 and 5 of the rule provides the nurse with examples of nursing activities that are commonly delegated and activities and tasks that are not within the scope of sound professional nursing judgement to delegate. We believe these examples provide the nurse with examples that will help to guide the nurse in implementing the delegation rule.

During the 2024 legislative committee discussion on LD 2126, 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 proposed rule clearly excludes these individuals from the definition of unlicensed assistive personnel.

It is now nearly two years since the law authorizing RN delegation to UAP's passed, it is critically important that the Board of Nursing move forward with final adoption of the delegation rule and we ask for your support. On behalf of both nursing organizations, we look 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 by the board.

Thank you.