



MAINE AFL-CIO

A Union of Unions Standing for Maine Workers

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Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, 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"

Senator Bailey, Representative Mathieson and members of the Health Coverage, Insurance and Financial Services Committee, my name is Adam Goode. I am the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people.

Last year we testified in strong opposition to LD 90 to support the more than 4,000 registered nurses and health care professionals who are members of the Maine State Nurses Association (MSNA). At that time we were concerned that the resolve could undermine the role RNs play in protecting the life and health of patients. The labor movement believes in the dignity of work, and to that end we respect the work of all healthcare workers who help nurses deliver safe care. Unlicensed assistive personnel are there to assist and support RNs and should not be caring for patients without the close oversight of an RN.

This year we ask the Committee to approve the Board of Nursing's proposed rule with a few changes. We want to thank the members of this committee for recognizing that last year's version of this rule needed work, and to the Board of Nursing for all their work incorporating the feedback of the committee and working with us and other stakeholders to improve the rule.

We strongly support the aspects of LD 2166 that ensure nurses have the right to refuse unsafe delegation. The proposed rule now requires employer policies to acknowledge the RN has the final say on delegation. The rule also includes essential details on criteria for delegation and when delegation is appropriate.

We understand that you will be receiving detailed testimony from Maine State Nurses Association / National Nurses United that details additional changes to protect patient safety and to avoid making nurses responsible for behavior they cannot effectively control. Like MSNA, we strongly recommend eliminating delegation by telephone. We believe that the Board should limit delegation to unlicensed assistive personnel with employer-verified competence. There are some nuances and exceptions to this principle. In general we believe a RN should not be responsible for the actions or errors of an unlicensed person being directed by a patient or family member.

We would support the recommendations on this principle that you find in the NNU/MSNA testimony.

The proposed rule includes examples of delegable and non-delegable tasks. One improvement on these examples would be to include any task that requires certified nursing assistant training as not appropriate for delegation to an unlicensed person without that training.

We appreciate the committee and the Board of Nursing including our thoughts in this legislation.