

## Change Advisory: NPA Update

### Summary

Chapter 851 Division 47 of Oregon’s Nurse Practice Act is updated as of September 1, 2024. Division 47 contains Oregon Administrative Rules (OAR) on registered nurse delegation process that occurs in a community-based setting. The Board approved the proposed changes at the August 26, 2024, Special Public Board meeting.

The changes made align Division 47 rules with Chapter 678 Oregon revised statutes (ORS) on RN delegation in community-based settings and simplify rule language. Substantive changes are identified below.

### Impact

**Internal:** Changes impact OSBN policy and investigations departments.

**External:** Changes impact RNs who apply OAR 851-047 to their practice of nursing in a community-based setting. Changes may impact businesses or organizations that offer RN delegation services.

### Details

Division 47 Standards for Registered Nurse Delegation Process in a Community-Based Setting		
Rule number	Previous rule language	New rule language
0000	<p><b>Rule Summary, Statement of Purpose and Intent</b></p> <ul style="list-style-type: none"> <li>Contains definition of delegation process as per Division 006 Standard Definitions and specifies application of rules by RN who practices in a community-based setting.</li> </ul>	<p><b>Statement of Purpose</b></p> <ul style="list-style-type: none"> <li>Aligns Statement of Purpose with ORS 678.150(6)(i)(B) and (8) language on RN delegation in a community-based setting</li> </ul>
0030	<p><b>Delegation Process General Provisions</b></p> <ul style="list-style-type: none"> <li>Identifies nine general provisions with RN delegation process.</li> </ul>	<p><b>General Provisions</b></p> <ul style="list-style-type: none"> <li>Reorganizes general provisions content.</li> <li>Incorporates ORS 678.150(6)(i)(B) and (8) community-based setting delegation-related terms into rules; e.g., <i>tasks of nursing, procedural guidance, initial direction, periodic inspection and evaluation.</i></li> <li>Adds verbatim ORS 678.036(3) statute on RN civil liabilities protections.</li> </ul>
0045	<p><b>Delegation Process - RN Authorization of an Unregulated</b></p>	<p><b>Process for RN Initial Delegation</b></p> <ul style="list-style-type: none"> <li>Identifies specific criteria demonstrating delegation as a safe care delivery option for</li> </ul>

	<p><b>Assistive Person’s Performance of a Nursing Procedure.</b></p> <ul style="list-style-type: none"> <li>Permits delegation process when RN determines specific criteria are met.</li> <li>Prescribes process for teaching a UAP about the nursing procedure and its performance.</li> <li>Requires RN to directly observe UAP perform nursing procedure on client as a component of validating the UAP’s competency.</li> <li>Identifies criteria upon which RN clinical judgment must be reached to determine length of UAP’s authorization. Permits UAP authorization up to 60 days.</li> <li>Requires RN recommendation on how client might continue to receive the ordered nursing procedure in the event the RN is no longer a member of the client’s health care team.</li> </ul>	<p>a client. Permits delegation process when RN determines all criteria are met.</p> <ul style="list-style-type: none"> <li>Prescribes process for RN’s provision of procedural guidance and initial direction for the UAP’s performance of the nursing procedure on the client.</li> <li>Process identified is silent on the RN directly observing the UAP’s performance of the nursing procedure on the client during the initial delegation. This means the RN holds discretionary authority to determine data used to reach clinical judgment that the UAP is safe to perform the nursing procedure on the client.</li> <li>Retains criteria upon which RN clinical judgment must be reached to determine length of UAP’s authorization and permits UAP authorization up to *not-to-exceed) 90 days.</li> <li>Removes RN requirement to document a recommendation on how the client might continue to receive the ordered nursing procedure in the event the RN is no longer a member of the client’s health care team.</li> </ul>
<p>0050</p>	<p><b>Delegation Process - Ongoing RN Evaluation of the Safety of the Delegation</b></p> <ul style="list-style-type: none"> <li>Prescribes evaluation process to determine continued safety of delegation.</li> <li>Must occur prior to the expiration of the UAP’s authorization.</li> <li>Based on clinical judgment, RN must either rescind the UAP’s authorization to perform the nursing procedure or authorize the UAP’s performance of the nursing procedure for a period of not to exceed 180 days.</li> </ul>	<p><b>Process for Periodic Inspection and Evaluation</b></p> <ul style="list-style-type: none"> <li>Prescribes process for periodic inspection and evaluation of the continued safety of the delegation.</li> <li>Periodic inspection and evaluation must occur at least once prior to the expiration of the initial authorized period and at least once prior to the expiration of any subsequent reauthorization period.</li> <li>When RN reaches clinical judgment that delegation is not a safe option for their client, the rules expressly communicate that nothing in the rules prevents the RN from addressing the issue causing the delegation to be unsafe, verifying resolution of the issue, and then proceeding with the prescribed process for periodic inspection and evaluation.</li> <li>When RN determines delegation remains safe for the client, permits the RN to authorize UAP’s performance of the nursing</li> </ul>

		procedure for a period up to, and not-to exceed, 180 days
0055	<p><b>Delegation Process - Limitations on the RN’s Delegation of the Administration of Medication by the Intravenous Route</b></p> <ul style="list-style-type: none"> <li>Limits the delegation of administration of medications by the intravenous route to the RN who is an employee of a licensed home health agency, a licensed home infusion agency, or a licensed hospice agency.</li> </ul>	<p><b>Limitations on the Delegation of a Nursing Procedure related to the Administration of Medication by the Intravenous Route</b></p> <ul style="list-style-type: none"> <li>Permission of an RN who is an employee of a <i>licensed home infusion</i> agency to delegate a nursing procedure related to the administration of a medication by the intravenous (IV) route is removed as a “home infusion agency” is not a licensed agency type in the state of Oregon.</li> </ul>
0060	<p><b>Delegation Process - Rescinding a UAP’s Authorization to Perform a Nursing Procedure on a Client</b></p> <ul style="list-style-type: none"> <li>Identifies eight situations in which RN is responsible to rescind a UAP’s authorization.</li> </ul>	<p><b>Ending a UAP’s Authorization to Perform a Nursing Procedure</b></p> <ul style="list-style-type: none"> <li>Condenses to five the number of situations where RN must end a UAP’s authorization. Situations not expressly identified are captured through the standard requiring the RN to end a delegation when it is no longer a safe care delivery option for the client.</li> </ul>
0065	<p><b>Rescinding the delegation for a client and UAP.</b></p> <ul style="list-style-type: none"> <li>Identifies requirements of RN who is ending their professional relationship with a client for whom a nursing procedure has been delegated to a UAP.</li> </ul>	Repealed
0070	<p><b>851-047-0070 Requirements of a Synchronous Hand Off by the Accepting RN</b></p> <ul style="list-style-type: none"> <li>Identifies requirements of RN who accepts a hand-off of a client for whom a nursing procedure has been delegated.</li> </ul>	Repealed