



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall,
Secretary

March 3, 2020

The Honorable Shane E. Pendergrass
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401-1991

RE: HB0936 - Health Occupations - Nurses - Delegation of Nursing Tasks – Letter of Support with Amendments

Dear Chair Pendergrass:

The Maryland Board of Nursing (“the Board”) is submitting this letter of support with amendments for HB 936 - Health Occupations - Nurses - Delegation of Nursing Tasks. This bill provides that a registered nurse, a licensed practical nurse and an advanced practice registered nurse is not precluded from delegating a nursing task to an unlicensed individual under certain circumstances. HB 936 also allows a registered nurse, a licensed practical nurse and an advanced practice registered nurse to delegate a nursing task to an assistant with medical training if the assistant performs only tasks that the assistant is trained and able to perform.

The Board supports the delegation of nursing tasks by the registered nurse (RN), licensed practical nurse (LPN) and advanced practice registered nurse (APRN) as a necessary means of providing effective and efficient care to patients. Although APRNs work with medical assistants daily, our Nurse Practice Act precludes them from delegating to medical assistants. This bill recognizes current practice.

The Board believes that allowing the APRN to delegate nursing tasks to an “unlicensed individual” would create a loss of jobs for certified nursing assistants and pose a risk to public safety, particularly in the hospital setting. Under the current language in HB 936, any unlicensed, untrained person could be hired to perform nursing tasks that certified nursing assistants are trained to perform. Certified nursing assistants undergo specific training to provide bedside care and to perform other technical tasks. However, the current language in the bill will allow for the unregulated practice by individuals without certification, specialized training and without an identified scope of practice.

The Board supports the APRN having the ability to delegate nursing or other technical tasks to an assistant provided that the assistant is only performing tasks that the assistant is trained to perform and the APRN instructs the assistant on the task as well as provides on-site supervision

of the assistant performing the delegated task. The Board believes that regulations are necessary to provide guidance and safety in the practice of delegation by APRNs to assistants. In order to uphold its mission of protecting the public through safe practice, the Board is proposing the following amendments to HB 936:

On page 1, lines 5, 6 and 7, strike “providing that a registered nurse, a licensed practical nurse, or an advanced practice registered nurse is not precluded from delegating a nursing task to an assistant with medical training under certain circumstances”; in line 7, before “and” insert “requiring the Board of Nursing to adopt certain regulations”.

On page 2, in line 17, strike “[], A”; in line 18, strike “OR AN ADVANCED PRACTICE REGISTERED NURSE”; in line 19, strike “[]:”

On page 2, in line 20, strike “(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, AN”; in line 22, strike “;”, and insert “;” and strike “OR”

On page 2, in lines 23 through 30, strike “(2) AN ASSISTANT WITH MEDICAL TRAINING IF:”

- (I) THE ASSISTANT PERFORMS ONLY TASKS THAT THE ASSISTANT IS TRAINED AND ABLE TO PERFORM; AND
- (II) THE DELEGATING NURSE PROVIDES:
 - 1. INSTRUCTION TO THE ASSISTANT ON THE DELEGATED TASK; AND
 - 2. ON-SITE SUPERVISION OF THE ASSISTANT PERFORMING THE DELEGATED TASK.”

On page 2, after 22, insert:

“(D) EXCEPT AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD UNDER SUBSECTION (E) OF THIS SECTION, NOTHING IN THIS SECTION SHALL PRECLUDE AN ADVANCED PRACTICE REGISTERED NURSE FROM DELEGATING NURSING OR OTHER TECHNICAL TASKS TO AN ASSISTANT, PROVIDED THAT:

- (1) THE ASSISTANT PERFORMS ONLY TASKS THAT THE ASSISTANT IS TRAINED TO PERFORM; AND
- (2) THE DELEGATING ADVANCED PRACTICE REGISTERED NURSE PROVIDES:
 - (I) INSTRUCTION TO THE ASSISTANT ON THE DELEGATED TASK; AND
 - (II) ON-SITE SUPERVISION OF THE ASSISTANT PERFORMING THE DELEGATED TASK.

(E) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT SUBSECTION (D) OF THIS SECTION, INCLUDING REGULATIONS THAT:

- (1) DELINEATE THE SCOPE OF SUBSECTION (D) OF THIS SECTION;**
- (2) PROVIDE FOR THE MANNER OF DELEGATING NURSING OR OTHER TECHNICAL TASKS TO AN ASSISTANT BY AN ADVANCED PRACTICE REGISTERED NURSE;**
- AND**
- (3) ESTABLISH LIMITATIONS ON THE AUTHORITY OF AN ADVANCED PRACTICE REGISTERED NURSE TO DELEGATE NURSING OR OTHER TECHNICAL TASKS TO AN ASSISTANT.”**

For the reasons discussed above, the Board of Nursing submits this letter of support with amendments for HB 936.

For more information, please contact Rhonda Scott, Deputy Director, at (410) – 585 – 1953 (rhonda.scott2@maryland.gov) or Karen E. B. Evans, Executive Director, at (410) – 585 – 1914 (karene.evans@maryland.gov).

Sincerely,



Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.