



# DELEGATION OF NURSING FUNCTIONS TO UNLICENSED DIRECT CARE PROVIDERS IN A SCHOOL SETTING

## MARYLAND STATE SCHOOL HEALTH SERVICES GUIDELINE

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### Foreword

There is a strong relationship between academic achievement and a child's physical, emotional and mental health. This link is the foundation for providing school health services as an important component of a school program. School health services provide primary prevention aimed at keeping students in schools through appropriate screenings, early identification of children at risk for physical, emotional and mental health concerns, and case management of students with chronic health concerns.

The Annotated Code of Maryland, Education Article, § 7-401 requires the Maryland State Department of Education (MSDE) and the Maryland Department of Health and Mental Hygiene (DHMH) to jointly develop public standards and guidelines for school health programs. The following guideline is developed in accordance with that requirement and is based on the expressed needs of the local school health services programs. These guidelines contain recommendations for minimum standards of care and current best practices for the health service topics addressed. It is intended that these guidelines will be used by the local school systems in developing local school health services policies and procedures as a means to assist local school health services programs in providing consistent and safe care to the students of Maryland. Specific laws and regulations that direct school nursing practice or other health services are identified in the guidelines.

This guideline, *Delegation of Nursing Functions to Unlicensed Direct Care Providers in a School Setting*, has been reviewed and approved by Maryland Board of Nursing.

The Maryland State School Health Council serves as an advisory council to both departments and as such, the council's School Health Services Subcommittee serves as the committee that develops and reviews these guidelines along with the specialists from MSDE and DHMH. School Health Services Program supervisors/coordinators also review and participate in the guideline development process. To those dedicated school health services professionals and administrators, our thanks.

## **DELEGATION OF NURSING FUNCTIONS TO UNLICENSED DIRECT CARE PROVIDERS IN A SCHOOL SETTING**

### **Introduction**

The school nurse (registered nurse currently licensed by the Maryland Board of Nursing) is the coordinator/facilitator of health care for all children in the school setting. The determination of nursing services required in school is made on a case-by-case basis with information obtained by the registered nurse, parents, physicians, and the school team. The registered nurse may delegate certain nursing tasks to unlicensed individuals. The Maryland State Board of Nursing delineates safe delegation of nursing tasks to unlicensed persons in the Nurse Practice Act (COMAR 10.27.11.01--06 and COMAR 10.27.09.03I). The Nurse Practice Act provides the legal parameters for nurses to follow when delegating tasks to unlicensed individuals. It charges the delegating registered nurse with the responsibilities of choosing, training, and supervising unlicensed persons to whom they delegate nursing tasks. "Nursing judgment shall be exercised within the context of the employing facility's model of nursing practice"(COMAR 10.27.11.03E).

The Individuals with Disabilities Education Act (IDEA) (20 U.S.C.§§1400 et seq, and 34 C.F.R. pt. 300) requires that eligible students with disabilities receive special education and related services that provide a free appropriate public education. "Related services" are determined by the Individualized Education Program (IEP) team to be necessary for the student to benefit from special education. "Medical services" are defined as services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

In Cedar Rapids Community School District v. Garret F. 526 U.S. 66 (1999), the Supreme Court held that the continuous nursing services required by the quadriplegic, ventilator-dependent student in that case were "related services" that had to be provided by the school district during school hours under IDEA because the services were supportive services but did not constitute "medical services." Thus, related services must be provided to disabled students regardless of their nature or cost provided that they are (1) supportive services (i.e., necessary for the student to remain in school); and (2) non-medical (i.e., capable of being performed by someone other than a licensed physician) or are diagnostic and evaluative in nature.

### **Purpose**

The purpose of this guideline is to provide protocol for delegation of nursing procedures, which assures safe practice for students, nurses, certified nursing assistants, and other unlicensed school staff.

## School Nurse Responsibilities

- ❑ The school nurse is responsible for being familiar with the most recent requirements for delegation set forth in the Nurse Practice Act and adopted on May 10, 2004.
- ❑ In compliance with the Nurse Practice Act, the registered nurse shall determine the nursing tasks which will be delegated to the unlicensed person.
- ❑ In determining whether aspects of a student's health care may be delegated to an unlicensed person, the nurse must assess and document that:
  - The student's health care needs are **chronic, stable, uncomplicated, routine, and predictable**;
  - The student is unable to perform his/her own care;
  - The environment is conducive to delegation of nursing tasks; and
  - The unlicensed person is able to perform the delegated nursing in a safe and competent manner.
- ❑ The school nurse shall have input and agree with the selection of the unlicensed direct care provider to whom he/she will delegate nursing tasks.
- ❑ The school nurse is responsible for verifying the competency, orienting, instructing, supervising and evaluating the unlicensed person in the performance of delegated tasks.
- ❑ Any nursing function that requires nursing knowledge, judgment, and skill may not be delegated. These include, but are not limited to:
  - The initial nursing assessment or intervention;
  - Development of a nursing diagnosis;
  - Establishment of the nursing care goal;
  - Development of a nursing care plan; and
  - Evaluation of a student's progress or lack of progress toward goal achievement.
- ❑ Delegation depends on the complexity of the task and condition of the student. Therefore, continuation of delegation is entirely at the discretion of the delegating nurse, who may decide at any time that the student's medical safety requires a licensed professional to perform the task.

## Delegatable Nursing Services

These are services, which may be delegated to and performed by an unlicensed direct care provider under the supervision of a registered nurse (RN). It is important to note that this list is not all inclusive and a specific task is only delegated for a **specific student**; therefore, a procedure that is delegatable for one student **may not necessarily** be delegatable for any other student. *It is imperative that the school nurse be knowledgeable of the current delegation regulations in the Nurse Practice Act.*

- ❑ Oral medication administration which does not require calculation of the dose
- ❑ Pharmacy or prescriber prepared hand held inhalant medication administration.
- ❑ Routine/non-complex/predictable gastrostomy-device feedings
- ❑ Clean, intermittent/non-complex bladder catheterization
- ❑ Monitoring of vital signs for reporting to the physician or RN
- ❑ Positioning
- ❑ Student specific emergency medications

- Oro-pharyngeal suctioning
- Assembly of supplies and supervision of student finger stick for blood sugar
- Tracheostomy suctioning for a student with a tracheostomy of long standing duration whose clinical status is stable and who does not have co-existing respiratory conditions or other conditions that have potential to cause unpredictable responses (Maryland Board of Nursing, Dec 2003-2)
- Medication by metered dose inhalant, nebulizer, and oxygen by nasal cannula or mask
- Medication by subcutaneous injection if the nurse has calculated the dose

### **Non-Delegatable Nursing Services as determined by the Nurse Practice Act**

According to the Nurse Practice Act only an RN or Licensed Practical Nurse (LPN) may perform the following nursing functions:

- Complex tracheostomy suctioning (Maryland Board of Nursing, Dec 2003-2)
- Tracheostomy tube or inner cannula change or replacement
- Oxygen administration with titration
- Complex gastrostomy device feedings/replacements/venting
- Any medication that requires calculation of the dose or assessment before or after administration
- Certain medications given by injection
- Administration of medication by nebulization, unless medication is pre-packaged by pharmacy/prescriber and the decision to administer does not require a nursing assessment prior to or after administration
- Medication given in a gastrostomy device, which requires assessment or calculation of the dose
- Nasogastric tube feedings/placement
- Complex bladder catheterization
- Bladder irrigation (with assessment)
- Reinsertion of gastrostomy device
- Any other service needing nursing assessment and/or performed on an as needed basis.

## Documentation

Accurate and complete recording of the delegated procedure is the responsibility of the unlicensed direct care provider, under the leadership and supervision of the registered nurse.

## Supervision

COMAR 10.27.11.04B states the school nurse will be “readily available” (see COMAR 10.27.11.02B(14b) for definition) when delegating a nursing task to an unlicensed individual or certified nursing assistant.

## GLOSSARY

**Delegatable Nursing Services:** Nursing functions, which may be delegated to and performed by an unlicensed direct care provider under the supervision of a registered nurse.

**Delegation:** “means the act of authorizing an unlicensed individual or certified nursing assistant (CNA) to perform acts of registered nursing or licensed practical nursing.” COMAR 10.27.11.02B(6)

**Non-Delegatable Nursing Services:** Nursing functions that require nursing knowledge, judgment, and skill and may not be delegated.

**School Nurse:** A registered nurse currently licensed by the Maryland Board of Nursing.

**Unlicensed Individual:** “means an individual who is not licensed or certified to provide nursing care under Health Occupations Article, Title 8, Annotated Code of Maryland.” COMAR 10.27.11.02B(21)