

Assignment to Unlicensed Assistive Personnel Policy Statement

There has been a substantial increase in the use of unlicensed assistive personnel (UAP) to provide direct patient care services in the changing health care industry. UAP's are found performing nursing activities in almost all health care settings. Because there is a potential that the improper utilization of unlicensed individuals may result in a risk to public safety, the Georgia Board of Nursing has promulgated rules regarding the criteria under which a registered nurse may assign certain tasks to unlicensed assistive personnel.

Other states have promulgated rules to define the parameters within which a licensed nurse may allow an unlicensed individual to provide direct care to patients. Some states chose to define task lists for UAP's, often because the state directly regulates these care providers. However, by creating task lists for UAP's, an unofficial scope of practice is created. Also, there is no guarantee that a licensed health care professional is involved in the assessment of the patient to determine if the task can be safely provided by a UAP. Therefore, the Georgia Board of Nursing has determined that development of lists of activities that may unequivocally be performed by unlicensed individuals does not result in the best protection for the public.

Many states have language in their Nurse Practice Act that specifically provides for "delegation" to unlicensed individuals. OCGA 43-26-1 Georgia Nurse Practice Act does not provide for delegation of licensed activities to unlicensed individuals. Based upon well-established administrative case law, RNs may not *delegate* activities which require professional nursing licensure to unlicensed individuals unless they have specific statutory authority to do so. If the care and activities under the specific circumstances *do* require the knowledge and skills of a registered nurse, *and* if a registered nurse permits an unlicensed individual to engage in these activities, it is inappropriate *delegation* of *licensed* activities. This inappropriate delegation has regulatory consequences. However, Registered professional nurses may delegate professional nursing activities to other *licensed* individuals where there is statutory authority within their practice act to perform such acts. (i.e. Licensed Practical Nurses who are under the "direction and supervision" of a Registered Professional Nurse).

The Georgia Board of Nursing has determined that certain tasks can be individually assigned to unlicensed individuals and has generated rules to this end. The Rules have their statutory basis in O.C.G.A. 43-26-12(a)(3) and O.C.A. 43-26-12(a)(5). The exemptions for the requirement of licensure as a registered nurse are that:

(a) No provision in this article shall be construed to require licensure in Georgia as a registered professional nurse in:

(5) The performance of auxiliary services in the care of patients when such care and activities do not require the knowledge and skill required of a person practicing nursing as a registered professional nurse and when such care and activities are performed under orders or direction of a licensed physician, licensed dentist, licensed podiatrist, or person licensed to practice nursing as a registered professional nurse;

Registered nurses have always utilized unlicensed individuals to assist in the provision of nursing care. OCGA 43-26-1 et seq. acknowledged that practice by incorporating certain exemptions from the requirement of professional nursing licensure within the Nurse Practice Act. OCGA 43-26-12 (5) provides an exemption to licensure for the performance of auxiliary services in the care of patients when such care and activities do not require the knowledge and skills required of a person practicing nursing as a registered professional nurse and when such care and activities are performed under orders or direction of a licensed physician, licensed dentist, licensed podiatrist, or person licensed to practice nursing as a registered professional nurse. Therefore if the care and activities meet *all* the above criteria for the exemption, it is an *unlicensed* activity and can be *assigned*.

The Georgia Board of Nursing has generated rules and a decision making tool to assist registered nurses and nurse employers to make appropriate decisions regarding whether to assign a task to an unlicensed person. The tool, "RN Assignment Decision Tree" will assist the registered nurse to evaluate patient care tasks on an individual patient basis. It guides the nurse to assign only those tasks that can be safely performed by trained unlicensed assistive personnel.