

Louisiana State Board of Nursing

Interpretive Statement Adopted by Board of Nursing on September 12, 1986

STATEMENT OF CLARIFICATION OF RULE ON DELEGATION

At its meeting on September 11, 1986, the Board of Nursing adopted an amendment to clarify the 1981 rule on the delegation of nursing functions to unlicensed personnel. This recent action was taken to alleviate confusion regarding the intent of the rule by defining the terms "complex task" and "non-complex task" and by stating that the administration of medications is a complex task.

Since the Nurse Practice Act first provided for the registered nurse to delegate nursing functions to other personnel (1976), the Board has held an official position that the administration of medications requires the knowledge, skills and judgment of licensed personnel. That position has been repeatedly reaffirmed during the past ten years.

When the Board adopted the rule on the delegation of nursing functions in 1981, a decision was made to provide criteria for delegation to licensed and unlicensed personnel, rather than listing the tasks which may be delegated to each type of personnel. At that time, the Board believed that the criteria would clearly identify certain functions, such as the administration of medications, as functions which could be delegated only to licensed personnel. Since that time, the Board has learned that the nursing function of administration of medications is not clearly understood as a complex task by all persons. In a consultation conference with a member of the Attorney General's staff, the Board was advised that its long-standing position on the delegation of the administra-

tion of medications would be more appropriate in the rule itself. It was further suggested that the terms "complex task" and "non-complex task" should be defined in the rule.

Some of the feedback on the Board's amendment to the rule on delegation indicates that there is a need to clarify the effect of the amended rule. This may be facilitated by explaining who and what are not affected.

Self-administration of medications and administration of medications by family members are not (and never have been) restricted by the rule on delegation because these activities do not constitute delegation of nursing functions to unlicensed persons as provided in the Nurse Practice Act. Additionally, the non-acute care settings under the DHHR Office of Mental Retardation have separate statutory provisions for medication administration.

In 1976, the Louisiana legislature enacted the Medication Attendants statute, L.R.S. 37:1021-1025. This Act authorizes nonlicensed personnel who meet certain requirements to administer certain medications in facilities operated by the Office of Mental Retardation. The Board of Nursing did not support this legislation. However, the Board cannot prohibit the administration of medications by the unlicensed person who are functioning under the Medication Attendants Act because the Board lacks jurisdiction over these persons and situations.

In summary, it can be said that the Board of Nursing believes that the administration of medications is a complex nursing function which is reserved to licensed nursing personnel. The 1981 rule on delegation of nursing functions was recently amended to clarify the intent of the 1981 rule. Any registered nurse who believes that the amendment will necessitate a change in personnel assignment may be operating in violation of the rules of the Board of Nursing, adopted under the authority of the Nurse Practice Act, to implement the provisions of the Act.