

# Regulatory and Practice Considerations for RN Delegation and Assignment for LPN

Presentation to Wisconsin Board of Nursing  
December 14, 2023

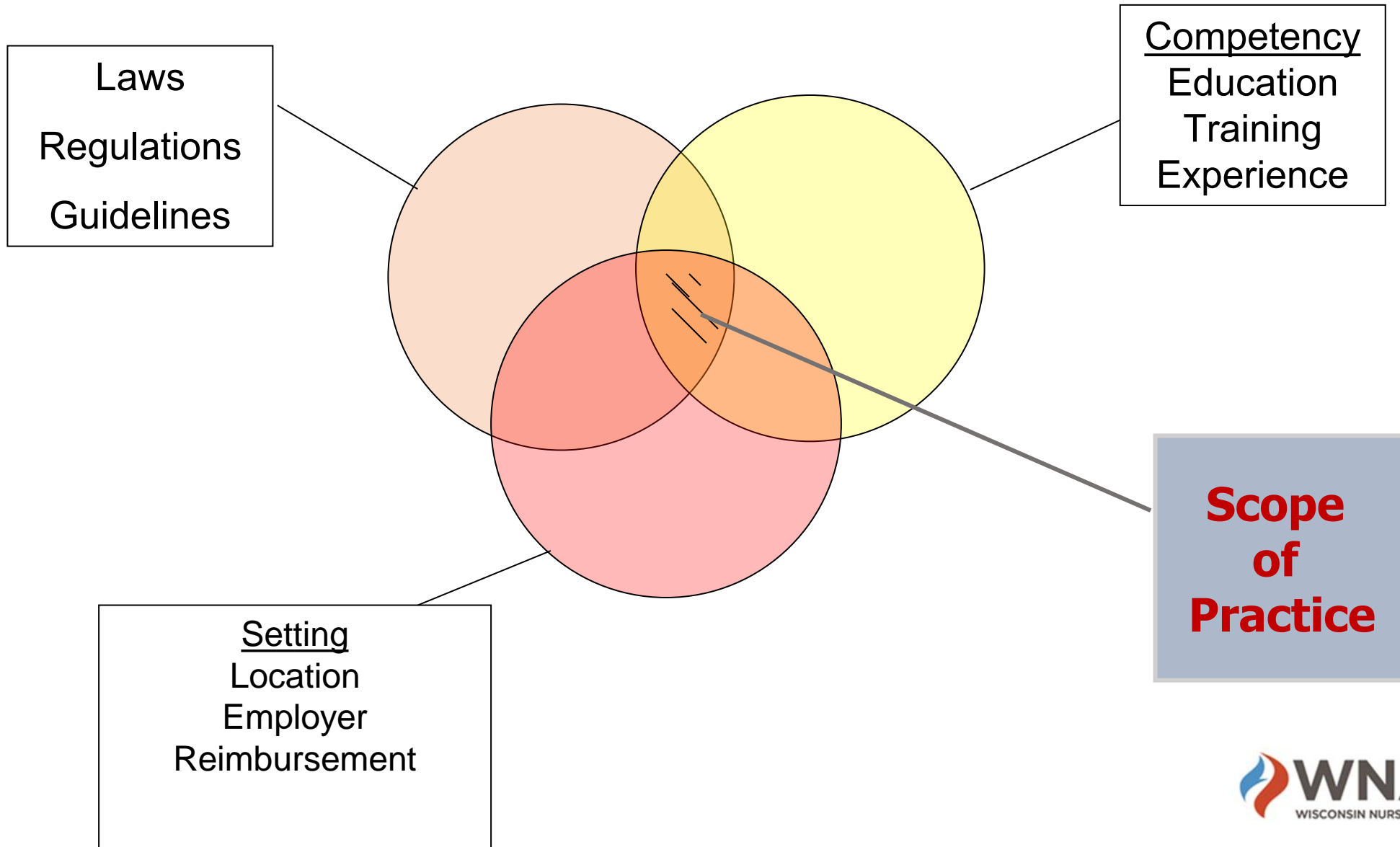
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# Nursing Scope of Practice

2



# RN and LPN Scope of Practice Delegation - Laws

3  
LAWS,  
REGULATIONS,  
GUIDELINES

## Laws - Licensure

§ 441.001(4) §

441.001(3)

§441.001(3)(b)

§441.001(3)(b)1

§441.001(3)(b)2.

## Regulations for RN

N 6.03(1) N 6.03(2)

N 6.03(3)

## Regulations for LPN

N 6.04(1) N 6.04(2)

N 6.04(3)

## Guidelines

DHS Guidelines for Registered Nurses Delegating  
Medication Administration to Unlicensed Assistive  
Personnel

<https://www.dhs.wisconsin.gov/publications/p01908.pdf>

# Scope of Practice – Work Setting

4

## Work Setting

Location of where you practice as a RN or LPN

Inpatient

Outpatient

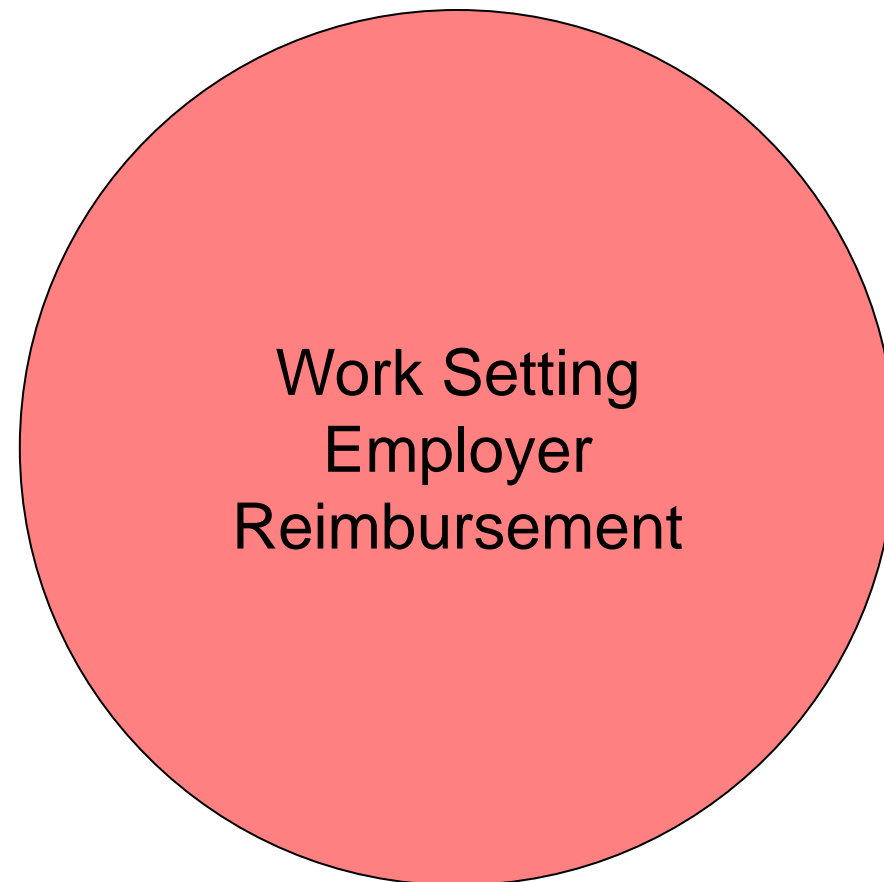
Community

## Employer

A person or business that employs one or more people, especially for wages or salary

## Reimbursement

The payment received by a healthcare provider, hospital, diagnostic facility, or another healthcare facility for providing a medical service. Includes allowing or not allowing a nurse to provide certain procedures.



# Scope of Practice RN or LPN Competency

## Competency

The ability<sup>5</sup> to practice nursing that meets the needs of clients cared for using logical thinking and accurate nursing skills.

- The nursing competency structure consists of four abilities:
  1. ability to understand needs,
  2. ability to provide care,
  3. ability to collaborate
  4. ability to support decision-making.

Competency is based on  
Education  
Training  
Experience

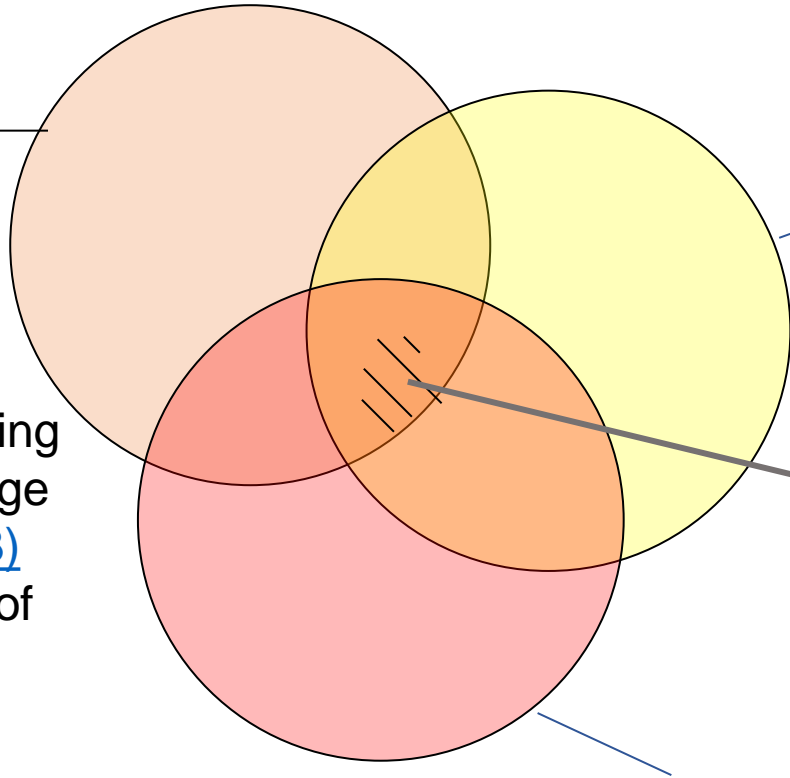


# Nursing Scope of Practice Delegation and Assignment

Laws  
Licensure  
Regulations  
Guidelines

Competency  
Education  
Training  
Experience  
  
Knowledge of performing as  
charge nurse and  
assignment

**Scope  
of  
Practice**



RN's Delegation to LPN etc.  
LPN can assign medication  
administration to unlicensed nursing  
personnel when acting as a Charge  
Nurse in Nursing Home. [N 6.04\(3\)](#)  
RN remains responsible for plan of  
care

Setting  
Location  
Employer  
Reimbursement  
  
Nursing Home policies allow for LPN to serve as charge nurse and can assure  
appropriate assignment of medication administration to unlicensed personnel

**Areas for RN Practice and those that can be delegated if supervised.**

	<b>RN</b>	<b>LPN</b>	<b>UAP</b>
<b>ASSESSMENT</b>	<ul style="list-style-type: none"> <li>Conducts and documents total nursing assessments of the health status of clients by collecting and recording subjective and objective data.</li> <li>Reassess and collect pertinent data as the client's status changes.</li> <li>Determines frequency of nursing assessment.</li> </ul>	<ul style="list-style-type: none"> <li>Assists in the nursing assessment by collecting, reporting, and recording objective and subjective data about the client's condition at the direction of the registered nurse.</li> </ul>	<ul style="list-style-type: none"> <li>Measures and records objective data such as height, weight, vital signs, food and fluid intake and output under the direction of the licensed nurse.</li> <li>Reports to RN/LPN any observed changes in client conditions.</li> </ul>
<b>ANALYSIS</b>	<ul style="list-style-type: none"> <li>Analyzes assessment data and establishes, accepts and/or modifies the nursing diagnosis to be used as a basis for nursing interventions.</li> </ul>		
<b>PLANNING</b>	<ul style="list-style-type: none"> <li>Develops, maintains, modifies, and communicates the nursing components of the plan of care derived from the nursing diagnosis(es).</li> </ul>	<ul style="list-style-type: none"> <li>Assists in the development of the nursing component of the client's plan of care at the direction of the RN.</li> </ul>	
<b>IMPLEMENTATION</b>	<ol style="list-style-type: none"> <li>Implements nursing plan of care, including nursing interventions. Executes regimen prescribed by a physician, APN, dentist, optometrist, or podiatrist.</li> <li>Gives direct nursing care commensurate with education, training, or experiences.</li> <li>May also perform delegated medical acts under general supervision of physician, podiatrist, dentist, or optometrist.</li> <li>Provides client teaching.</li> <li>Collaborates with other members of the health care team.</li> <li>Delegates in accordance with Wisconsin Board of Nursing rules on delegation.</li> </ol>	<ul style="list-style-type: none"> <li>Implements nursing components of the client's plan of care at the direction of the registered nurse, licensed physician, dentist, optometrist, or podiatrist.</li> <li>Gives direct basic nursing care at the direction of the registered nurse, physician, dentist, optometrist, or podiatrist.</li> <li>The LPN may perform specific procedures that are beyond basic nursing care under general or direct supervision of the RN, physician, podiatrist, dentist, or optometrist.</li> <li>Can assign medication administration to UAP in the role as Charge Nurse in Nursing Homes</li> <li>Collaborates with members of the health care team.</li> </ul>	<ul style="list-style-type: none"> <li>Provides basic nursing tasks under the direction of a licensed nurse.</li> <li>May accept assignment to administer medications from an LPN in nursing home.</li> <li>Accepts delegated tasks from the registered nurse.</li> <li>When implementing any delegated tasks, the UAP must be: <ul style="list-style-type: none"> <li>Trained to safely perform the task.</li> <li>Clinically competent.</li> <li>Supervised by a licensed nurse.</li> <li>UAP must demonstrate the knowledge, skills, and abilities prior to implementation.</li> </ul> </li> <li>Collaborates with members of the health care team.</li> </ul>
<b>EVALUATION</b>	<ol style="list-style-type: none"> <li>Evaluates responses to a nursing intervention with contributions from client, family, significant others, and/or members of the health care team.</li> <li>Documents and communicates evaluation of plan of care.</li> <li>Modify the nursing diagnosis and revise the nursing component of the client's plan of care as necessary.</li> </ol>	<ul style="list-style-type: none"> <li>Contributes to the modification of the nursing components of the client's plan of care.</li> </ul>	<ul style="list-style-type: none"> <li>Reports any observed changes to the registered nurse or licensed practical nurse.</li> </ul>

# Possible changes to N6 Delegation

- Define Assignment
- Define Charge Nurse
- Define settings where LPN assignment to unlicensed personnel can administer medications to “stable” individuals beyond the nursing home.



# Overview of State Statutes 441 and Administrative Code – N6



# Wisconsin's Nurse Practice Act

10

- Provides authority through statute and regulations to provide for a formal and legal mechanism of promoting the safety of the public with respect to the provision of nursing care and services.
- State Statute - Chapter 441
- Administrative Code N6 – Standards of for Registered Nurses And Licensed Practical Nurses

## Definitions Nursing Practice Act State Statutes

11

- § 441.001(4) “Professional Nursing” ... means... the supervision and direction of licensed practical nurses and less skilled assistants
- § 441.001(3) Practical nursing" means the performance for compensation of any simple acts in the care of convalescent, subacutely, or chronically ill, injured or infirm persons, or of any act or procedure in the care of the more acutely ill, injured or infirm under the specific direction of a nurse, physician, podiatrist, optometrist, chiropractor, dentist.

## Definitions Nursing Practice Act State Statutes

- § [441.001\(3\)\(b\)](#) “simple act” means an act to which all of the following apply:
  - §[441.001\(3\)\(b\)1.](#) The act does not require any substantial nursing skill, knowledge, or training, or the application of nursing principles based on biological, physical, or social sciences, or the understanding of cause and effect in the act.
  - [§441.001\(3\)\(b\)2.](#) The act is one that is of a nature of those approved by the board for the curriculum of schools for licensed practical nurses

(Source: <https://docs.legis.wisconsin.gov/statutes/statutes/441/title> )

## Definitions WI Administrative Code N6 – Standards of Practice for RNs and LPNs

- N 6.02(3) “Complex patient situation” as determined by an R.N., physician, podiatrist, dentist or optometrist means any one or more of the following conditions exist in a given situation:
  - (a) The patient's clinical condition is not predictable;
  - (b) Medical or nursing orders are likely to involve frequent changes or complex modifications; or,
  - (c) The patient's clinical condition indicates care that is likely to require modification of nursing procedures in which the responses of the patient to the nursing care are not predictable.

# Definitions WI Administrative Code N6 – Standards of Practice for RNs and LPNs

- N 6.02 Definitions
- N 6.02(1m) “Basic nursing care” means care that can be performed following a defined nursing procedure with minimal modification in which the responses of the patient to the nursing care are predictable.
- N 6.02(2) “Basic patient situation” as determined by an R.N., physician, podiatrist, dentist or optometrist means the following conditions prevail at the same time in a given situation:
  - (a) The patient's clinical condition is predictable;
  - (b) Medical or nursing orders are not changing frequently and do not contain complex modifications; and,
  - (c) The patient's clinical condition requires only basic nursing care.

## Definitions WI Administrative Code N6 – Standards of Practice for RNs and LPNs

- N 6.02(5) “Delegated act” means acts delegated to a registered nurse or licensed practical nurse.
- N 6.02(6) “Direct supervision” means immediate availability to continually coordinate, direct and inspect at first hand the practice of another.
- N 6.02(7) “General supervision” means regularly to coordinate, direct and inspect the practice of another.
- N 6.02(8) “Nursing diagnosis” means a judgment made by an R.N. following a nursing assessment of a patient's actual or potential health needs for the purpose of establishing a nursing care plan.

# RN Authority to Perform Delegated Acts

- N 6.03<sup>16</sup>(2) Performance of delegated acts. In the performance of delegated acts an R.N. shall do all of the following:
  - (a) Accept only those delegated acts for which there are protocols or written or verbal orders.
  - (b) Accept only those delegated acts for which the R.N. is competent to perform based on his or her nursing education, training or experience.
  - (c) Consult with a provider in cases where the R.N. knows or should know a delegated act may harm a patient.
  - (d) Perform delegated acts under the general supervision or direction of provider.



## RN Authority to Supervise and Direction of Delegated Acts

N 6.03(3) Supervision and direction of delegated acts. In the supervision and direction of delegated acts an R.N. shall do all of the following:

- (a) Delegate tasks commensurate with educational preparation and demonstrated abilities of the person supervised.
- (b) Provide direction and assistance to those supervised.
- (c) Observe and monitor the activities of those supervised.
- (d) Evaluate the effectiveness of acts performed under supervision.

## Standards of practice for licensed practical nurses.

- N 6.04(1) Performance of acts in basic patient situations. In the performance of acts in basic patient situations, the L.P.N. shall, under the general supervision of an R.N. or the direction of a provider:
  - (a) Accept only patient care assignments which the L.P.N. is competent to perform.
  - (b) Provide basic nursing care.
  - (c) Record nursing care given and report to the appropriate person changes in the condition of a patient.
  - (d) Consult with a provider in cases where an L.P.N. knows or should know a delegated act may harm a patient.
  - (e) Perform the following other acts when applicable:
    1. Assist with the collection of data.
    2. Assist with the development and revision of a nursing care plan.
    3. Reinforce the teaching provided by an R.N. provider and provide basic health care instruction.
    4. Participate with other health team members in meeting basic patient needs.

## Standards of practice for licensed practical nurses

- N 6.04(2) Performance of acts in complex patient situations. In the performance of acts in complex patient situations the L.P.N. shall do all of the following:
  - (a) Meet standards under sub. (1) under the general supervision of an R.N., physician, podiatrist, dentist or optometrist.
  - (b) Perform delegated acts beyond basic nursing care under the direct supervision of an R.N. or provider. An L.P.N. shall, upon request of the board, provide documentation of his or her nursing education, training or experience which prepares the L.P.N. to competently perform these assignments.

## Assumption of charge nurse position in nursing homes

- N 6.04(3) In assuming the position of charge nurse in a nursing home as defined in s. 50.04 (2) (b), Stats., an L.P.N. shall do all of the following:
  - (a) Follow written protocols and procedures developed and approved by an R.N.
  - (b) Manage and direct the nursing care and other activities of L.P.N.s and nursing support personnel under the general supervision of an R.N.
  - (c) Accept the charge nurse position only if prepared for the responsibilities of charge nurse based upon education, training and experience beyond the practical nurse curriculum. The L.P.N. shall, upon request of the board, provide documentation of the nursing education, training or experience which prepared the L.P.N. to competently assume the position of charge nurse.

# Authority to Delegate Nursing Practice Act

- Nursing Administrative Code N 7 – Rules of Conduct

N 7.03(7) -Improper supervision or allowing unlicensed practice, including any of the following:

- (a) Delegating a nursing function or a prescribed health function when the delegation could reasonably be expected to result in unsafe or ineffective patient care.
- (b) Knowingly aiding, assisting, advising, or allowing a person to engage in the unlawful practice of nursing.
- (c) Inappropriate or inadequate supervision or delegation.
- (d) Failing to supervise assigned student experiences

## Authority to Delegate Regulatory Provisions

- DHS Codes define certain delegated acts
- DHS Codes define certain settings for delegation acts
- Medicare, Medicaid and insurance reimburses providers for only certain delegated acts
- The Principles of Nursing delegation apply to all these situations

## RN delegation requirements

23

The delegated task to be performed must be a part of the RN domain/scope of practice “own”.

# Other Guidelines for Delegation

