

NURSING DELEGATION

Frequently Asked Questions

Skilled Nursing Task Delegation

Skilled nursing tasks may be delegated by a licensed nurse as established by the [Utah Code 58-31b, Nurse Practice Act](#) and corresponding [Administrative Rule R156-31b](#). A licensed nurse retains accountability for delegated tasks. A nurse may delegate appropriate tasks in accordance with R156-31b-701. For an HCBS setting, the standards in Section R156-31b-701 apply.

Which tasks can and cannot be delegated?

Currently there is no definitive list of tasks that defines which tasks cannot be delegated. Licensed nurses must use professional judgement when delegating in compliance with [Subsection R156-31b-701\(2\)\(a\),\(b\) & \(c\)](#).

Nursing Care Delegation by a Responsible Caregiver (parent/guardian)

[House Bill 274](#) from the 2020 General Legislative Session amends the Nurse Practice Act to include a new section, 58-31b-308.1. This section allows a responsible caregiver, as defined in the Section, to delegate routine nursing care to a direct care worker in the individual's residence. Section 58-31b-308.1 describes the standards for a responsible caregiver to delegate nursing care.

Which tasks cannot be delegated?

A responsible caregiver cannot delegate nursing care beyond the scope of Section 58-31b-308.1.

Which tasks can be delegated?

According to Section 58-31b-308.1, a responsible caregiver may delegate nursing care if that care meets the following criteria:

- provided at the patient's residence;
- the patient's condition is stable;
- the responsible caregiver routinely provides the nursing care for the patient;
- considered routine care for the patient;
- poses little potential hazard for the patient; and
- produces a predictable outcome for the patient.

Exemptions from Professional Licensure

1. Separate from the new provisions in compliance with Section 58-31b-308.1, the Nurse Practice Act contains an exception to the licensure requirement, Section 58-31b-308, that allows friends, family members, foster parents, and legal guardians to provide skilled nursing care as long as that care is provided without compensation.
2. House Bill 274 requires the Division of Occupational and Professional Licensing, in consultation with the Department of Health, to identify by administrative rule health care services that a health care provider is not required to delegate before an unlicensed individual may perform the services. As needed, DSPD will update this document when the administrative rule is published.

Can tasks related to care and use of feeding tubes be delegated?

The Nurse Practice Act and associated Administrative Rule do not identify specific tasks that can or cannot be delegated by a licensed nurse. Licensed nurses must use professional judgement when delegating. A nurse may delegate appropriate tasks in accordance with R156-31b-701. If a licensed nurse identifies tasks related to care and use of feeding tubes that comply with the law and rule, the nurse may delegate the task.

A responsible caregiver may delegate routine nursing care in compliance with Section 58-31b-308.1 to a direct care worker in the individual's residence. If tasks related to the care and use of a feeding tube comply with the statute then the responsible caregiver may delegate the task.

Can a Medicaid Home Health nurse delegate nursing tasks to a DSPD-funded direct support staff?

No. The Medicaid State Plan home health benefit cannot be used to pay for a nurse's time to delegate tasks provided through a paid HCBS provider.

Can a parent who is a licensed nurse delegate nursing tasks to support staff?

Yes. The licensed nurse parent may delegate nursing tasks in compliance with R156-31b-701 or the newly added statutory Section 58-31b-308.1.

Can a DSPD provider staff/owner who is a licensed nurse delegate nursing tasks to other provider staff?

Yes. The licensed nurse will retain accountability for delegated tasks in compliance with R156-31b-701.

Is a provider allowed to bill for routine services like Residential or Day Supports if skilled nursing tasks are provided as part of the service?

Yes, as long as the skilled nursing tasks are provided either directly by the appropriately licensed professional, or are delegated by the appropriately licensed professional in compliance with Section R156-31b-701 requirements.

Self-administered personal care service codes can include health related tasks within the scope of the service. Delegation of nursing care by a responsible caregiver must conform to Section 58-31b-308.1 requirements.

Can a host home parent perform skilled tasks?

In some situations a host home parent may perform skilled tasks. If the host home parent is a licensed nurse they may perform skilled nursing tasks in compliance with the Nurse Practice Act and associated rule. If the host home agency employs a licensed nurse, the licensed nurse may delegate nursing tasks in compliance with R156-31b-701.

Can host home parents delegate?

In some situations a host home parent may delegate. If the host home parent is a licensed nurse, they may delegate in compliance with R156-31b-701. A host home parent receiving payment as a DSPD services provider does not qualify as a responsible caregiver under Section 58-31b-308.1, and therefore cannot delegate if they are not a licensed nurse.

Can professional parents perform skilled tasks or delegate?

If the professional parent is a licensed nurse or the patient's foster parent, they may perform skilled tasks and delegate. Delegation must conform to either Section R156-31b-701 or Section 58-31b-308.1 requirements.