Algorithms for determining the School RN’s role in delegating tasks to unlicensed persons (UP) and supervising tasks delegated or assigned by others

The algorithms that follow are intended as resources to be used in conjunction with Chapters 224 and 225 of the Texas Administrative Code. The algorithms are not intended to replace, modify, expand, or limit the scope of Chapters 224 and 225 of the Texas Administrative Code. While utilizing these algorithms, bear in mind that a nurse remains responsible for adhering to the standards of nursing practice set out in Section 217.11 of the Texas Administrative Code, which includes such duties as implementing measures to promote a safe environment for clients and others. Case scenarios are provided as examples of how to apply the algorithms to everyday scenarios. Select definitions from Chapters 224 and 225 of the Texas Administrative Code are provided for ease of reference. For a comprehensive list of definitions, please refer to 22 Texas Administrative Code §§224.4 and 225.4.
School Nurse (RN) Delegation to UP for Students with a Stable and Predictable Condition

Chapter 225

RN conducts an assessment based on factors listed in Board Rule 225.6 and determines the student has a stable, predictable condition in school setting

Plan of care is reviewed and emergency care plan is in place

The task requires the exercise of professional nursing judgment, such as those tasks set out in Board Rule 225.13

DO NOT DELEGATE

The task is an ADL or HMA the student would perform but for his/her functional disability; and the requirements of Board Rules 225.7 or 225.8, as applicable, are met

Yes

The UP may perform the task without RN delegation

No

Is the task one that a reasonable, prudent nurse would delegate?

The task is one that a reasonable, prudent nurse would delegate in accordance with Board Rules 225.9-225.14

Yes

The RN may delegate the task

No

DO NOT DELEGATE
**Case Scenario:** The following case scenario is provided to illustrate use of the algorithm:

Johnny is an 8-year-old student with asthma, which is well managed on inhaled corticosteroids. Johnny has an order to take 2 puffs of a bronchodilator via a metered-dose inhaler (MDI) prior to physical education. Using the algorithm, the RN determines that:

- Johnny’s condition is stable and predictable as evidenced by a nursing assessment, evaluating the factors identified in Board Rule 225.6;
- the task is not prohibited from being delegated under Board Rule 225.13; and
- a reasonable, prudent nurse would delegate administration of the 2 puffs from the MDI based on Board Rule 225.10(10)(F) and the ability to meet the criteria for delegation outlined in Board Rule 225.9. Specifically:
  - administration of 2 puffs from the MDI prior to physical education does not require the exercise of professional nursing judgment;
  - the unlicensed person possesses the experience and competency to safely perform the task;
  - the RN is available to the unlicensed person either in person or by telecommunications when the unlicensed person is performing the task;
  - verification of the unlicensed person’s competency to perform the task is documented; and
  - an emergency plan is in place in the event the student’s condition becomes acute, unstable or unpredictable.

The task may be delegated.
**School Nurse (RN) Delegation to UP for a Student who Develops an Acute, Unstable or Unpredictable Condition and Requires Emergency Measures**

*Board Rule 225.10(13) refers back to Board Rule 224.6(4) for emergency measures*

RN conducts an assessment based on factors listed in Board Rule 225.6 and determines the student has a stable, predictable condition in school setting

Student develops an acute, unstable or unpredictable condition that requires emergency measures

The task requires the exercise of professional nursing judgment, such as those set out in Board Rule 224.8(c)

The task is one that a reasonable, prudent, non-health care professional would perform in an emergency situation [Board Rule 224.6(4)]

The RN has instructed the UP in the performance of the task or verified competency

Plan of care reviewed and emergency care plan in place

The RN may delegate in accordance with Board Rules 224.6 - 224.9

DO NOT DELEGATE

Yes

No

DO NOT DELEGATE
Case Scenario: The following case scenario is provided to illustrate use of the algorithm:

Devon is an 8-year-old student with an allergy to bee sting. Today, Devon is going on a fieldtrip. Prior to the fieldtrip, the unlicensed person and the RN review Devon’s emergency care plan, discuss emergency interventions in the event of a bee sting, and administration of an Epi Pen. Using the algorithm, the RN determines that:

- in the event of a bee sting, Devon may develop an unstable and unpredictable condition;
- Devon’s anaphylactic reaction to a bee sting would be an emergency situation;
- administration of medications is a nursing task not within the scope of sound professional nursing judgment to delegate [Board Rule 224.8(c)]; however, the unlicensed person may take any action that a reasonable, prudent non-healthcare professional would take in an emergency situation [Board Rule 224.6(4)];
- an Epi Pen is a common intervention provided by lay persons in an anaphylactic emergency;
- the RN has appropriately instructed the unlicensed person in the use of the Epi Pen or verified competency; and
- the RN is available to the unlicensed person either in person or by telecommunications, as required by Board Rule 224.7.

The task may be delegated.
Other Licensed Health Care Provider (e.g., RN, APRN, PA, MD) has delegated to an unlicensed person in school setting and RN has supervisory responsibilities over the UP
[Board Rule 225.14]

The RN with supervisory responsibilities conducts a nursing assessment and also verifies:
(1) the training of the UP;
(2) that the UP can properly and adequately perform the task; and
(3) s/he is able to adequately supervise the UP.
[Board Rule 225.14(a)]

Yes
The UP may perform the task under the supervision of the RN

No
The RN must communicate this fact to the licensee who delegated the task. The UP may not perform the task. The RN must perform the task until the requirements of 225.14 can be met.
**Case Scenario:** The following case scenario is provided to illustrate use of the algorithm:

Maria is a 6-year-old student with spina bifida. She attends school with an unlicensed aide that is on contract with the school district via an agency, the school RN has delegated the task of in-and-out catheterizations to the unlicensed aide. A substitute RN is assigned to the school during the school RN’s absence. The substitute RN conducts a nursing assessment. Using the algorithm, the substitute RN determines that:

- the school RN has delegated in-and-out catheterizations to the unlicensed person;
- the unlicensed person has the appropriate training to perform the task;
- the unlicensed person is able to properly and adequately perform the task without jeopardizing Maria’s welfare; and
- s/he is able to adequately supervise performance of the task either in person or by telecommunications.

The task may be completed by the unlicensed person.
School Administrator Assigns Task in accordance with TEC § 11.201(d)(2), TEC § 11.202, TEC § 21.003(b), and TEC § 22.052

The RN is responsible for supervising performance of the task

The School Administrator is responsible for supervising performance of the task

RN in supportive role: provides teaching, education, and support, in accordance with other laws and rules, and job description.

Note that the RN still has a duty to the student to promote a safe environment and to intervene if safety is or should be a concern

The RN clarifies his/her role utilizing the following points:

1) district policy and procedures related to health services;
2) the RN's job description;
3) the RN's professional responsibility to promote an environment of safety, advocate for the patient, and collaborate with other members of the healthcare team;
4) whether the ARD committee or 504 committee was involved in decision making; and
5) the need for clarification by the school district legal counsel, as applicable.

Based on clarification obtained, the RN determines:

The RN conducts a nursing assessment and also verifies:
1) the training of the UP;
2) that the UP can properly and adequately perform the task;
3) s/he is able to adequately supervise the UP
[Board Rule 224.10(a)]

Yes

The RN must communicate this fact to the administrator who assigned the task. The UP may not perform the task. The RN must perform the task.
[Board Rule 224.10(b) & (c)]

No

The UP may perform the task under the supervision of the RN

The School Administrator is responsible for supervising performance of the task

It is unclear who is responsible for supervising performance of the task

The RN clarifies his/her role utilizing the following points:

1) district policy and procedures related to health services;
2) the RN's job description;
3) the RN's professional responsibility to promote an environment of safety, advocate for the patient, and collaborate with other members of the healthcare team;
4) whether the ARD committee or 504 committee was involved in decision making; and
5) the need for clarification by the school district legal counsel, as applicable.

Based on clarification obtained, the RN determines:

The RN is responsible for supervising performance of the task

The RN conducts a nursing assessment and also verifies:
1) the training of the UP;
2) that the UP can properly and adequately perform the task;
3) s/he is able to adequately supervise the UP
[Board Rule 224.10(a)]

Yes

The UP may perform the task under the supervision of the RN

The RN must communicate this fact to the administrator who assigned the task. The UP may not perform the task. The RN must perform the task.
[Board Rule 224.10(b) & (c)]

No

The RN is responsible for supervising performance of the task

The RN must perform the task.

[Board Rule 224.10(b) & (c)]
Key Terms and Definitions

Texas Administrative Code §224.4

- **Activities of daily living (ADL)**—Limited to the following activities: bathing, dressing, grooming, routine hair and skin care, meal preparation, feeding, exercising, toileting, transfer/ambulation, positioning, and range of motion.

- **Delegation**—Authorizing an unlicensed person to provide nursing services while retaining accountability for how the unlicensed person performs the task. It does not include situations in which an unlicensed person is directly assisting a RN by carrying out nursing tasks in the presence of a RN.

- **Unlicensed Person (UP)**—An individual, not licensed as a health care provider:
  - who is monetarily compensated to provide certain health related tasks and functions in a complementary or assistive role to the RN in providing direct client care or carrying out common nursing functions;
  - including, but is not limited to, nurse aides, orderlies, assistants, attendants, technicians, home health aides, medication aides permitted by a state agency, and other individuals providing personal care/assistance of health related services; or
  - who is a professional nursing student, not licensed as a RN or LVN, providing care for monetary compensation and not as part of their formal educational program shall be considered to be unlicensed persons and must provide that care in conformity with Chapter 224 of the Texas Administrative Code.

Texas Administrative Code §225.4

- **Activities of daily living (ADLs)**—Limited to the following activities: bathing, dressing, grooming, routine hair and skin care, meal preparation, feeding, exercising, toileting, transfer/ambulation, positioning, range of motion, and assistance with self-administered medications. The term does not include more specific tasks defined as health maintenance activities below.

- **Administration of Medications**—removal of an individual/unit dose from a previously dispensed, properly labeled container; verifying it with the medication order; giving the correct medication and the correct dose to the proper client at the proper time by the proper route; and accurately recording the time and dose given.

- **Delegation**—means that a registered nurse authorizes an unlicensed person to perform tasks of nursing care in selected situations and indicates that authorization in writing. The delegation process includes nursing assessment of a client in a specific situation, evaluation of the ability of the unlicensed persons, teaching the task, ensuring supervision of the unlicensed persons and re-evaluating the task at regular intervals. It does not include situations in which an unlicensed person is directly assisting a RN by carrying out nursing tasks in the presence of a RN.

- **Health Maintenance Activities (HMA)**—tasks that may be exempt from delegation based on RN assessment that enable the client to remain in an independent living environment and go beyond ADLs because of the higher skill level required to perform. See 225.4(8) for a list of HMAs.
• **Stable and predictable**—a situation where the client's clinical and behavioral status is determined to be non-fluctuating and consistent. A stable/predictable condition involves long term health care needs which are not recuperative in nature and do not require the regularly scheduled presence of a registered nurse or licensed vocational nurse. Excluded by this definition are situations where the client's clinical and behavioral status is expected to change rapidly or in need of the continuous/continual assessment and evaluation of a registered nurse or licensed vocational nurse.

• **Unlicensed Person (UP)**—an individual, not licensed as a health care provider:
  o who is monetarily compensated to provide certain health related tasks and functions in a complementary or assistive role to the RN in providing direct client care or carrying out common nursing functions;
  o who provides those tasks and functions as a volunteer but does not qualify as a friend providing gratuitous care for the sick under §301.004(1) of the Nursing Practice Act;
  o including, but not limited to, nurse aides, orderlies, assistants, attendants, technicians, home health aides, medication aides permitted by a state agency, and other individuals providing personal care/assistance of health related services; or
  o who is a professional nursing student, not licensed as a RN or LVN, providing care for monetary compensation and not as part of their formal educational program shall be considered to be unlicensed persons and must provide that care in conformity with this chapter.
**Additional Resources and References**

**TEXAS BOARD OF NURSING REFERENCES AND RESOURCES**
- Texas Administrative Code § 217.11
- Texas Administrative Code § 224
- Texas Administrative Code § 225
- Texas Board of Nursing Position Statement 15.13, *Role of LVNs and RNs in School Health*
- Texas Board of Nursing Delegation Resource Packet

**RELEVANT EDUCATION STATUTES:**

**STATE LAWS**
- Texas Education Code § 11.201(d)(2)
- Texas Education Code § 11.202
- Texas Education Code § 21.003(b)
- Texas Education Code § 22.052
- Texas Education Code § 22.0511

**FEDERAL LAW**
- Individuals with Disabilities Education Act
  “School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child’s IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.” 34 C.F.R. § 300.34(c)(13).