

## **Report on Nurse Delegation in the Public School Setting**

### **Summary of Request:**

The purpose of this agenda item is informational only to update the Board on resource development for registered nurse delegation in the public school setting.

### **Historical Perspective:**

During the open forum at the October 2017 quarterly Board meeting, Ms. Laurie Combe, MN, RN, NCSBN, President Elect of the National Association of School Nurses, presented a request for the Board to offer additional guidance and clarity for nurses practicing in school settings. Specifically, Ms. Combe requested guidance with interpreting the Board's rule chapters 224 and 225 related to delegation.

In response to this request, Board staff collaborated with Ms. Anita Wheeler, MSN, RN, School Health Coordinator/School Nurse Consultant for the Texas Department of State Health Services School Health Program. Over the next several months, meetings took place to better understand the practice setting complexities and to plan to develop a resource for registered nurse delegation decision making in the school setting. This resource is intended to offer guidance on four common scenarios that school nurses encounter that may involve delegation.

Board Staff and Ms. Wheeler hosted a focus group meeting with school nurses representing the Texas School Nurses Organization in May 2018 to seek stakeholder input and review of the draft delegation decision making resource. This was a productive meeting and the focus group's input and suggestions were incorporated into the draft. Following review by the Board's legal team, a final version was created that is presented in Attachment A.

### **Current Perspective:**

Board Staff plan to disseminate the new resource for school nurses on the Board's website, social media, newsletter and communications with school nurse stakeholders. Board Staff wish to acknowledge Ms. Anita Wheeler and the Texas Department of State Health Services for their partnership, Ms. Laurie Combe, Ms. Martha Anderson, Ms. Frances Luna, and the Board's legal team for their valuable review and input.

### **Board Recommendation:**

This report is informational only and no Board action is required.



Texas Board  
of Nursing



TEXAS  
Health and Human  
Services

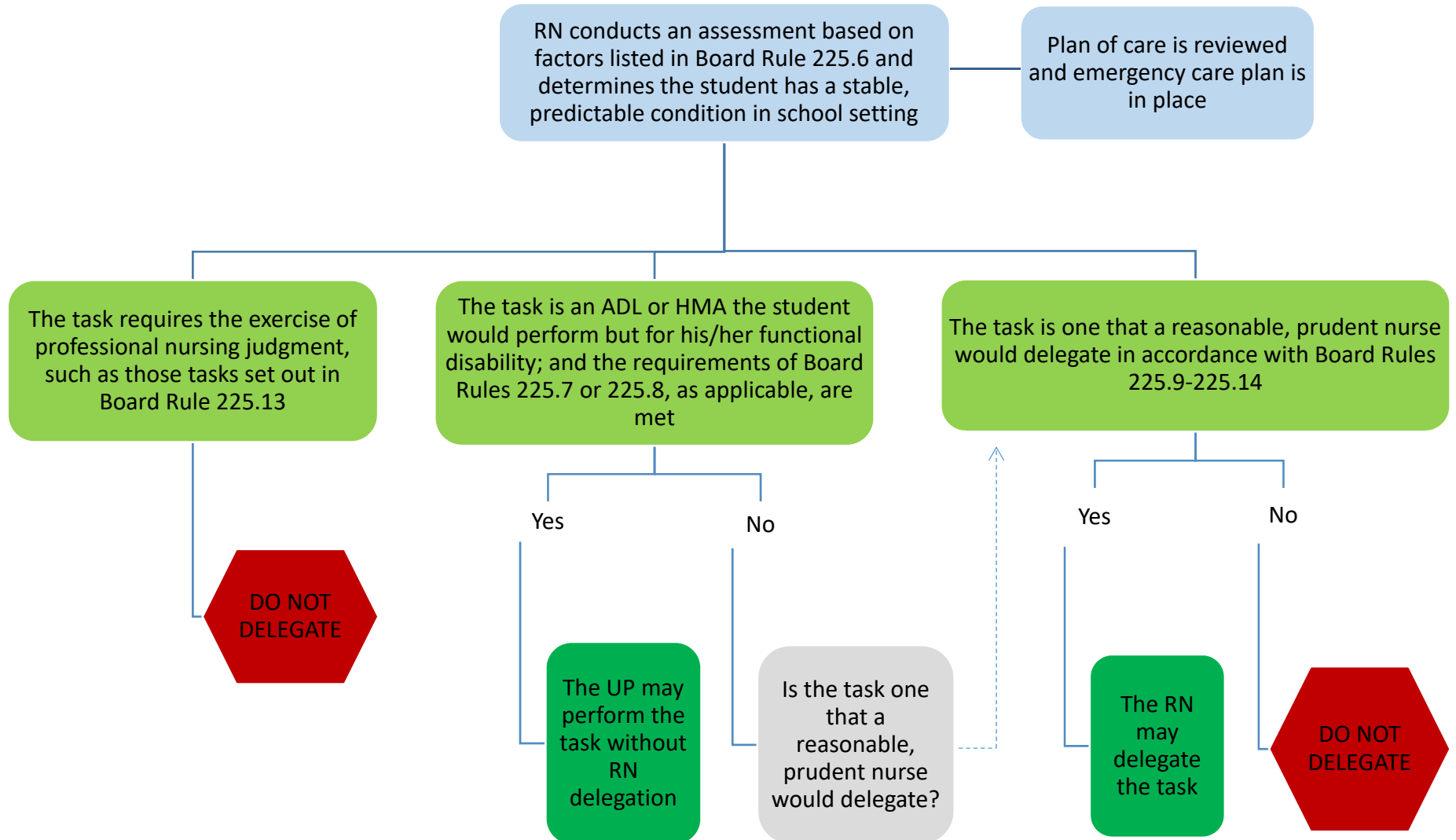
Texas Department of State  
Health Services

## 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



**Case Scenario:** The following case scenario is provided to illustrate use of the algorithm:

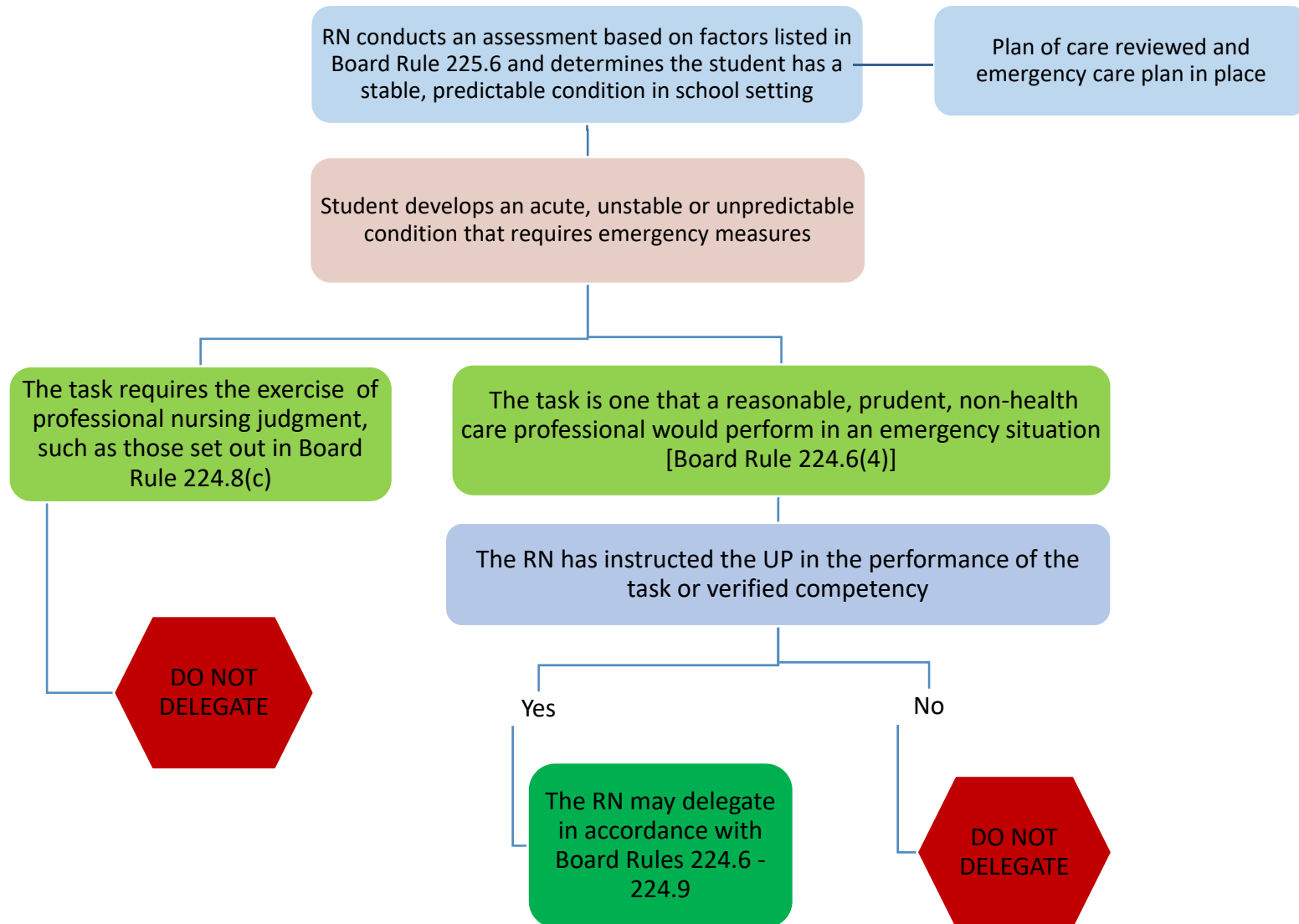
Johnny is an 8-year-old student with asthma, which is well managed on inhaled corticosteroids. Johnny has an order to take 2 puffs of a bronchodilator via a metered-dose inhaler (MDI) prior to physical education. Using the algorithm, the RN determines that:

- 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*



**Case Scenario:** The following case scenario is provided to illustrate use of the algorithm:

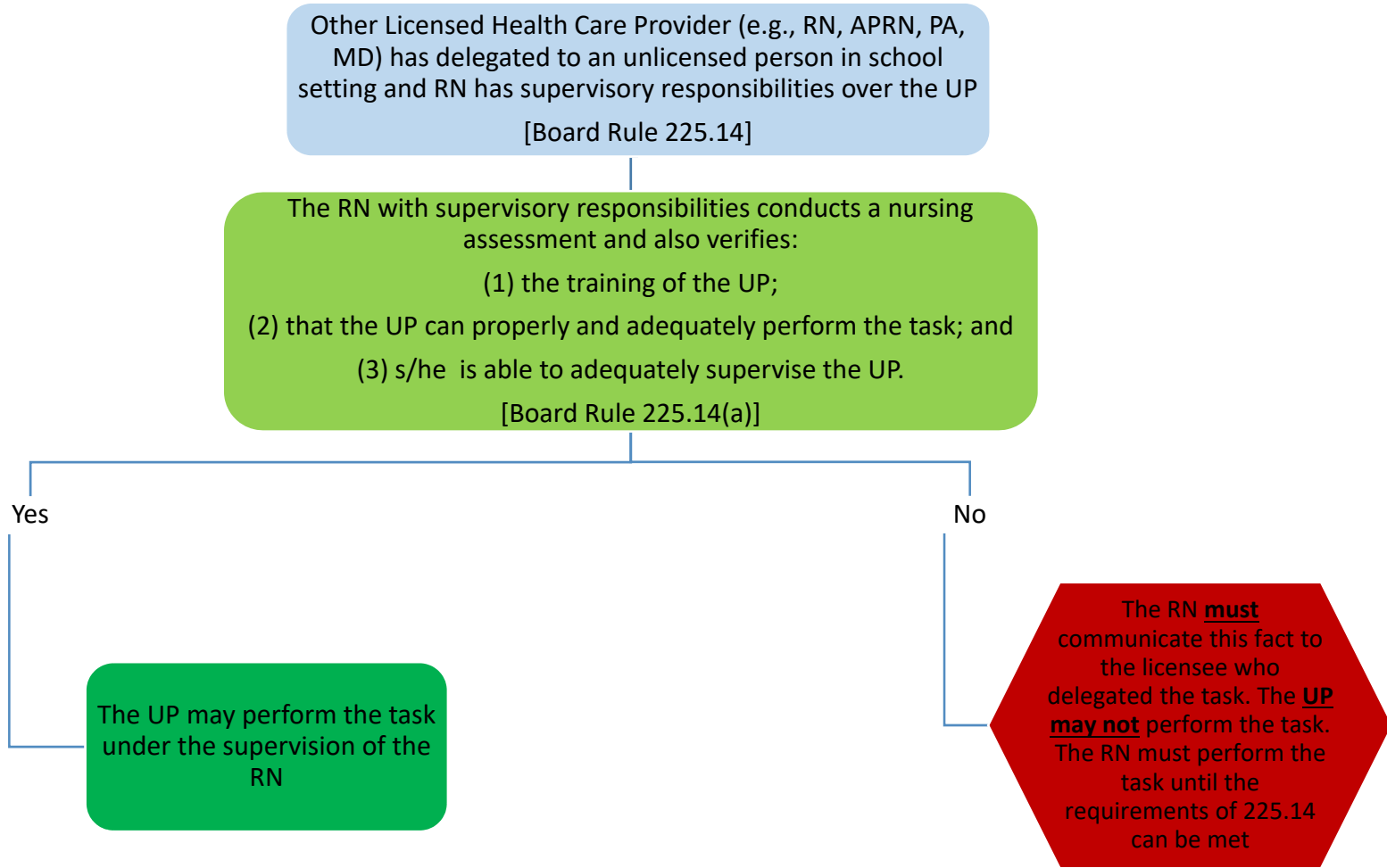
Devon is an 8-year-old student with an allergy to bee sting. Today, Devon is going on a fieldtrip. Prior to the fieldtrip, the unlicensed person and the RN review Devon's emergency care plan, discuss emergency interventions in the event of a bee sting, and administration of an Epi Pen. Using the algorithm,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

School Nurse (RN) Supervision of UP Performing Task Delegated by Other Licensed Health Care Providers

**Board Rule 225.14**



**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:

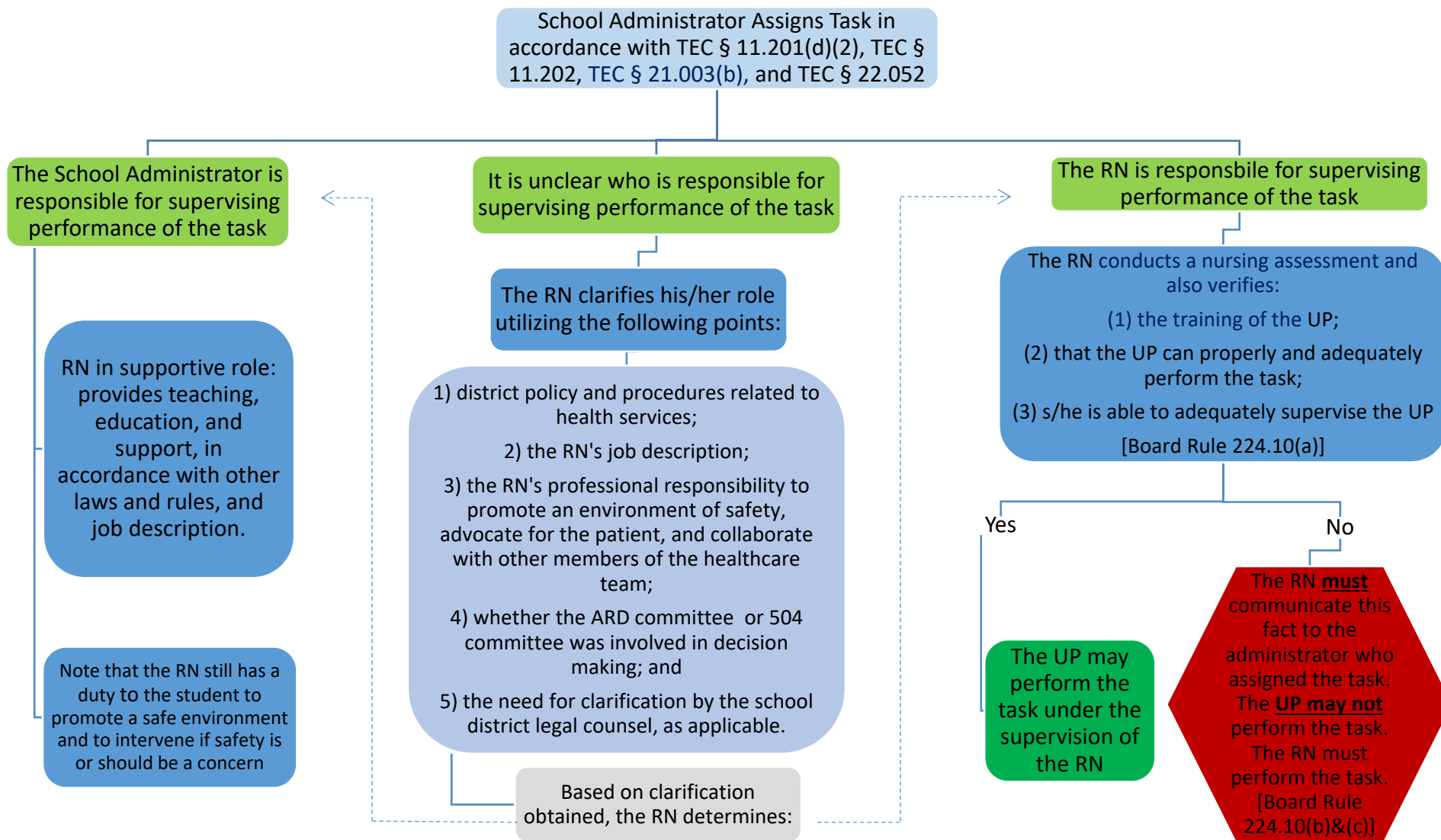
- the school RN has delegated in-and-out catheterizations to the unlicensed person;
- the unlicensed person has the appropriate training to perform the task;
- the unlicensed person is able to properly and adequately perform the task without jeopardizing Maria's welfare; and
- s/he is able to adequately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

The task may be completed by the unlicensed person.

**School Nurse (RN) Role when Tasks are Assigned to UP by School Administrator**

**Board Rule 224.10**





## 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:
  - 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;
  - 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;
  - 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
  - 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).