Position Statement

On the Use of Unlicensed Assistive Personnel When Under the Direction of the Registered Nurse

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Summary: The Arizona Nurses Association has developed a position statement on the use of unlicensed assistive personnel (UAP) when under the direction of the Registered Nurse (RN) to address the following:

1. To identify the role of the RN regarding the professional and legal responsibilities in delegating tasks to the UAP.
2. To safeguard the consumer by defining the roles of licensed and unlicensed personnel in the provision of nursing care.
3. To uphold the accountability nursing has for the quality and quantity of nursing care given to patients.
4. To provide guidance for proper utilization of UAP in the provision of patient care activities.

The recommendations for utilization of unlicensed assistive personnel are:

1. Education – Each UAP working as an assistant to a licensed nurse shall successfully complete upon hire/contract, or supply verification of completion of a core curriculum (developed and supervised by a RN) to include, but not limited to: communication skills, customer service, safety, and clinical practice issues.
2. Competency – that a written means of assessing acquisition of knowledge, skill competence, and participation in continuing education events by developed and implemented for each UAP. Continuing education events and documentation thereof, are recommended.
3. Delegation – UAP should not be delegated tasks nor should they accept assignment of an activity for which they have not demonstrated competence. UAP may not re-delegate tasks to others.
4. Supervision – The ratio of licensed nurses to UAP should not exceed that which can be safely managed.

Background: The American Nurses Association (ANA) has defined nursing as the “diagnosis and treatment of human response to actual or potential health problems.” Deriving a nursing diagnosis and developing and implementing a nursing plan of care is considered a professional nursing responsibility. The Arizona Nurse Practice Act states that professional nursing practice “requires substantial specialized knowledge, judgment and nursing skill based upon the principles of the biological, physical, and social sciences.”

Some tasks required in implementing a nursing plan of care may be delegated by the registered professional nurse to both licensed and unlicensed personnel. Today, the provision of nursing care increasingly involves a number of providers with different knowledge levels and capabilities. The staff mix may consist of RN’s, Licensed Practical Nurses/Licensed Vocational Nurses (LPN/LVN) and unlicensed assistants (UAP). The primary focus of restructuring the staff mix is to preserve the time of the RN for direct and indirect patient and family related care activities by providing adequate staffing and resources for clinical and non-clinical support services.

The ANA defines the UAP as: “unlicensed individuals trained to function in an assistive role to the RN in the provision of patient/client care activities as delegated by the nurse.” Arizona Nurses Association (AzNA) recognized the current practice of delegating tasks to UAP carries with it the potential for creating perplexing
practical, ethical and legal situations for the RN. This position statement is intended to provide guidelines to assist the RN.

The act of delegation is the transfer of responsibility for the performance of a task from one person to another, with the originator retaining responsibility for the overall activity. This is because delegation presumes the delegator has greater knowledge and that the delegated task is only a subcomponent of a larger whole. In delegating, it is the RN who uses professional judgment to decide which nursing tasks may be delegated to whom and under what circumstances. Tasks that are delegated within one scope of practice cannot be re-delegated.

Inasmuch as the RN is accountable for the quality of nursing care rendered to clients, nurses are accountable for the delegation of nursing care activities to other health workers. Therefore, the nurses must assess individual competency in assigning selected components of nursing care to other personnel. The nurses should not delegate to any member of the care team a function for which that person is not trained or qualified. Employer policies or directives do not relieve the nurse of accountability for making judgments about the delegation of nursing care activities.

Healthcare agencies must clearly define the process of delegating patient care activities. A process for patient assessment, evaluation and coordination of care by a RN should be included within the definition. UAP who are involved in the provision of nursing care are active participants in the implementation of the nursing plan of care as delegated by the licensed nurse. The written job descriptions and work competencies of a UAP, developed at the institutional level, should have clear parameters that define and limit the responsibilities of the position.

The RN is the originator of delegation and retains responsibility for the outcome. It is recommended that RN’s and LPN’s who delegate tasks to UAP, must be familiar with individual knowledge levels and skill competence before delegations are made.

The act of supervision and delegation of tasks carries accountability with it. While the state law may vary in interpretation, it is a reasonable assumption that the RN remains legally responsible for the activities that are delegated to the UAP. The RN and the UAP are jointly responsible for performing the task correctly, but it is the RN who is responsible for the completion of the task and accountability for the performance of the person doing the activity. The employing organization has a responsibility to assure that the appropriate training, orientation and documented competencies are in place for the assistant, so that the RN can be reasonably assured that the UAP could function in a safe and effective manner. In the event that regulations are developed relative to the use of UAP, it is recommended that accountability reside with the Arizona State Board of Nursing.

References:
Arizona State Board of Nursing Statutes and Rules and Regulations