



# Oregon

Kate Brown, Governor

## Department of Human Services

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**TO:** Community Based Care:  
Assisted Living, Residential Care,  
Memory Care Facilities

**FROM:** Safety, Oversight, and Quality

**RE:** RN Delegation, Use of Real time communication  
CBC Provider Alert:

The attached document outlines the intent of the RN Delegation process, the use of electronic communication devices, not limited to computers, tablets and cell phones and requirements under the Health Insurance Portability and Accountability Act (HIPAA).

For questions please contact: [CBC.team@state.or.us](mailto:CBC.team@state.or.us)

# APD RN Delegation Process

## Use of Real-time Communication Technology

This document outlines the intent of the RN Delegation process, the use of electronic communication devices, not limited to computers, tablets and cell phones and requirements under the Health Insurance Portability and Accountability Act (HIPAA).

The use of real-time communications technology, which includes *Skype* or *FaceTime* must meet the strict Federal guidelines outlined under the Health Insurance Portability and Accountability Act (HIPAA). The use of this technology, is never to be used for the RN's ***initial delegation*** of a nursing procedure to a caregiver or the ***transfer of delegation*** to another RN. It is not a substitute for the RN conducting a face-to-face assessment of the resident. Additionally, RN Delegation is not intended to replace the requirements of having adequate nursing staff to meet the needs of the residents.

There may be unique circumstances when the use of real-time communication technology is appropriate for a delegated nursing procedure by the RN specifically for follow up evaluations when determining if the delegation remains safe and appropriate. The expectation is the use of this technology is limited to rare occasions occurring in rural or frontier areas. If this technology is utilized the expectation is all HIPAA requirements are met.

Delegations that warrant physical assessment, such as stomas, lung or bowel etc. to determine a resident's stability, ***cannot*** be done using real-time electronic communication equipment as this requires specialized equipment and software designed specifically to provide distant physical assessments.

The use of any electronic technology requires a number of safeguards to ensure HIPAA compliance, security, privacy and resident rights. For additional privacy and security requirements contact your staff responsible for HIPAA and Privacy laws. The following information outlines some of the requirements that must be met when using real-time communication technology:

### Resident Rights:

- Each resident must have a signed consent to being recorded;
- Resident's dignity must be maintained throughout the encounter;
- The consent and recorded encounter must be stored with the resident's records.

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## Electronic Equipment:

- Personal phones, tablets etc. cannot be used;
- Devices must meet HIPAA level security i.e. passwords, encryption etc.;
- The resolution of the device must be high enough to ensure clear visualization of the resident **and** caregiver performing the delegated nursing procedure. Images must be in focus without shadows or glare.

## When Recording:

- The caregiver and resident should be fully visible during the encounter;
- The electronic equipment cannot be managed by the individual performing the nursing procedure;
- The person managing the equipment must be properly trained on its use.

## Documentation:

- In addition to the documentation requirements outlined in Division 47 the RN must also clearly identify:
  - The rationale for the decision to use real-time communication technology;
  - The specific components of re-evaluation which were completed using real-time communication technology;
  - The location where the recording is being securely stored.

## Prior to Using Face-Time Technology

- The RN must review the resident's records (narrative, MARs etc.) to ensure the delegated caregiver has been following the instructions for the performance of the procedure and generating all required documentation;
- The RN must evaluate the resident to determine if they have had any change of condition that might indicate the delegation is no longer safe;
- The RN must review the written step-by-step instructions to ensure they are appropriate, safe, evidence-based, and meet the caregiver's reading level;
- The RN must review any other components as directed by Division 47.