

# Action Request Transmittal Developmental Disabilities Services



Anna Lansky

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**Number: DD-AR-21-097**

**Issue date: 11/18/2021**

**Topic:** Developmental Disabilities

**Due date:** 1/1/2022

**Subject:** RN Nursing Delegation Changes from the Oregon State Board of Nursing

**Applies to (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> All DHS employees                               | <input type="checkbox"/> County Mental Health Directors  |
| <input type="checkbox"/> Area Agencies on Aging: {Select type}           | <input type="checkbox"/> Health Services   |
| <input type="checkbox"/> Aging and People with Disabilities              | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS)   |
| <input type="checkbox"/> Self Sufficiency Programs                       | <input checked="" type="checkbox"/> ODDS Children's Intensive In Home Services   |
| <input checked="" type="checkbox"/> County DD Program Managers           | <input checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU)   |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors  | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): 24 Hour Residential, Foster Homes, Supported Living, or In-Home Providers |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services |  |
| <input type="checkbox"/> Child Welfare Programs                          |  |

**Action required:**

**Adult Foster Care, Child Foster Care and Medicaid Certified Agencies (24-Hour Group Home and Supported Living) who employ or contract with Registered Nurses (RNs):**

Medicaid Agencies with Registered Nurses (RNs) in all DD licensed and certified settings (24 Hour group homes, Children and Adult Foster Homes, Supported Living, and In-Home settings) who provide delegation services must read and familiarize themselves with Oregon State Board of Nursing division 47 administrative rule changes. This may require adjustment to RN practices and procedures.

The Oregon Administrative Rule (OAR) changes can be found here <https://www.oregon.gov/osbn/Pages/scope-practice.aspx>

RNs are required to take specific steps to evaluate their current and previous caseloads to determine if further action is required.

These changes go into effect January 1, 2022.

While there are many changes to Division 47 rules this transmittal focuses on the actions RN's must take prior to the January 1, 2022 implementation date.

**851-047-0030(7)(e) is repealed effective January 1, 2022.**

This rule allowed the RN to rescind a delegation based on the skill of the unlicensed person, the longevity of the relationship between the caregiver and the individuals condition when the RN determined that the delegation was no longer needed. A common term used is convert from a delegation to a taught task. This means:

- RN's must **immediately stop** rescinding delegations using this OAR; and,
- If RN's have rescinded a delegation under this OAR and the nursing procedure is still needed by the individual, they must **immediately begin** evaluating the situation to determine if the nursing procedure remains needed and whether it can be delegated as defined by Division 47. If so, the RN would need to assess the individual and caregivers and delegate the nursing procedure if the RN determines it is safe to do so by January 1, 2022.
- This applies to each individual for whom a delegation was rescinded based on OAR 851-047-0030(7)(e) regardless of how long ago the nursing procedure was rescinded.

**Effective immediately**, RN's must review their records and identify any individual that has had a rescinded delegation in accordance with OAR 851-047-0030(7)(e).

If the RN no longer works with the individual(s) identified and are unable to complete an evaluation for the individual **before January 1, 2022**, they are responsible for notifying the individuals home setting or the Case Management Entity (CME) service coordinator/personal agent with the individuals' information ([DD-IM-21-098](#)). RN's must document efforts in notifying the CME service coordinators or personal agents or individuals as appropriate. Documentation, at a minimum includes the name of the individual, whom they attempted to reach, with whom they spoke and the outcome. Failure on their part to provide notification and documentation of their actions may be considered a violation of the Nurse Practice Act (NPA).

Long Term Care Community Nurses have been sent communication directly with the same information.

It is the responsibility of the RN to read and follow the new rule changes. If the RN has questions refer them back to the Oregon State Board of Nursing via their practice question mailbox: <https://www.oregon.gov/osbn/Pages/scope-practice.aspx>.

This transmittal does not apply to Direct Nursing and Private Duty Nurses as they are prohibited from providing delegation services.

**Reason for action:**

The Oregon State Board of Nursing (OSBN) made changes to Division 47 administrative rules which are rules that govern the delegation of nursing procedures. ODDS is notifying nurses in all settings of the changes. The changes may require a change in practice and procedures for Nurses. OAR 851-047-0030(7)(e) is repealed effective January 1, 2022. This rule allowed the RN to rescind the delegation and change it to a taught task based on the skill of the unlicensed person, the longevity of the relationship with the caregiver and the individual 's condition. To be compliant with the new rule, the RN must review their records to see if they rescinded a delegation using the specific rule cited. If so, they must follow the evaluation and notification procedures outlined above.

**Communication/training:**

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us).

The Monthly Transmittal Reviews are held the second Wednesday of every month at 2 pm using the Zoom platform. Please register in advance for these meetings:

<https://www.zoomgov.com/meeting/register/vJlsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4>

After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us) at least three business days prior to the meeting.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Engagement and Innovation review

*If you have any questions about this action request, contact:*

Contact(s): Ken Ralph	
Phone: 503 580-0321	Fax: 503 373-7274
Email: <a href="mailto:ken.j.ralph@dhsosha.state.or.us">ken.j.ralph@dhsosha.state.or.us</a>	