

LTCCN Program Notification of Chapter 851 Division 047 Changes and Required Actions by the LTCCN RN

This memo notifies you of important changes coming to Oregon's Nurse Practice Act Division 047 and Division 006 rules and identifies actions the individual LTCCN RN must **immediately** take based on those rule changes.

Background

The OSBN Board Members approved changes to Division 006 and Division 047 which go into effect on January 1, 2022. This necessitates action to be taken by the LTCCN RN prior to January 1, 2022.

Where to Find the Rules

A preview copy of the upcoming rule changes can be accessed on the Oregon State Board of Nursing's *Community Based RN Delegation Process* webpage www.oregon.gov/osbn/pages/delegation.aspx.

There are many changes to Division 047. Some of these changes will require adjustment to your nursing practice and procedures in order to be in adherence with the revised rules on January 1, 2022.

Actions the LTCCN RN Must Take Before January 1, 2022

1. Read the new Division 047 OARs in their entirety.
2. Review Division 006 for definition of terms used in Division 047.
3. Immediately stop rescinding delegations based on OAR 851-047-0030(7)(e):
This rule is repealed on January 1, 2022!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, and the client's condition. A common phrase used to describe this action is "*convert a delegation to a taught task*".

What does this mean for the LTCCN RN?

- ODHS is directing all LTCCN Program RNs to **immediately stop** rescinding delegations using this OAR.

- If you have rescinded a delegation under this OAR and the nursing procedure is still needed by your client, you must immediately evaluate the situation to determine if the nursing procedure remains needed by the client *and* whether it can be delegated (per Division 47).
- This requirement applies for each client for whom you have rescinded a delegation based on OAR 851-047-0030(7)(e) **regardless of how long-ago delegation the nursing procedure was rescinded.**

Important: If you are unable to complete the evaluation as directed above and properly delegate caregiving staff, regardless of the reason why, you are responsible to notify the following entities to provide information on the client and the situation:

Adult Foster Homes (AFH) APD

- When client still lives at the AFH - contact the APD Case Manager and the AFH.
- If client no longer is living in the AFH - contact the APD Case Manager.
- If AFH no longer open - contact the APD Case Manager.

APD In-Home Clients – contact the APD Case Manager.

Your private pay APD Clients

- When client lives in a licensed AFH - contact the AFH.
- When client lives in an unlicensed home - contact the client.

I/DD Clients (living in an AFH, 24-Group Home, In-Home clients or private pay) - contact the CDDP Service Coordinator.

You must document notification of the AFH, APD Case Manager, CDDP Service Coordinator or client as appropriate. Documentation, at minimum, must include the name of the client, who you attempted to reach, with whom you spoke and the content of the conversation. Failure to provide and document this notification may be considered conduct derogatory to the practice of nursing.

Other Changes that may Require Adjustment to your Practice and Procedures

Transfer of Delegation

Transfer of delegation (now termed *Hand-off of Nursing Services*) has been completely rewritten and identifies specific processes and required documentation. Carefully review 851-047-0065 and 851-047-0070 and adjust your practice accordingly.

Step-by-step Instructions

OAR 851-047-0045 (3)(c)(C) requires the RN to inform the caregiver that they must use the step-by-step instructions every time they perform the nursing procedure. The LTCCN Program RN is responsible for reading 851-047-0045 in its entirety and adjust their practice accordingly.

LTCCN Billing Information

Follow the LTCCN Procedure Codes and Payment Authorization Guidelines found at www.oregon.gov/dhs/SENIORS-DISABILITIES/PROVIDERS-PARTNERS/LTCCN/Pages/billing-info.aspx when billing for delegation services, including obtaining any necessary prior authorizations as outlined in the guidelines.

Keep in mind that clients may have changed eligibility: For example, the client may have been private pay when the delegation was rescinded but is now Medicaid eligible etc. It is the responsibility of the RN to arrange payment with the AFH for any private pay clients.

Questions

LTCCN Questions: Contact LTC.NSG@dhsosha.state.or.us

Nurse Practice Act Questions: Submit your question at www.oregon.gov/osbn/Pages/scope-practice.aspx

It is the responsibility of the RN to understand rules that govern their RN practice and seek clarification when needed.

cc: OSBN Policy Analyst for RN and LPN Practice