

59A-8.0216 RN Delegation of Tasks

(1) A registered nurse (RN) may delegate tasks to a home health aide or certified nursing assistant (CNA) in accordance with sections 400.489, 400.490, 464.0156 and 464.2035, F.S., provided the following criteria are met:

(a) The home health agency is licensed to provide skilled care.

(b) The home health aide or CNA has met the training and validation requirements as applicable.

(c) The registered nurse delegating the task determines that the home health aide or CNA is competent to perform the task, and

(d) The task meets criteria in paragraph (3) of this rule.

(2) A home health aide or CNA should only accept a delegation that the person knows is within his or her skill set or knowledge.

(3) A registered nurse shall follow the delegation process outlined in Rule 64B9-14.002, F.A.C. when delegating a task to a home health aide or CNA.

(4) A registered nurse delegating a task to a home health aide or CNA shall document the following:

(a) Name of the patient and task being performed;

(b) The expected or desired outcome;

(c) The limits of authority;

(d) The time frame for the delegation;

(e) The nature of the supervision required;

(f) Verification of the home health aide's or CNA's understanding of the task; and

(g) Periodic inspection of the home health aide or CNA's performance of the task in accordance with Rule 64B9-14, F.A.C.

(5) Total nursing care responsibility remains with the registered nurse delegating the task or assuming responsibility for supervision.

(6) The home health agency must obtain a written and dated consent of the patient, the patient's guardian or legal representative, or designated health care surrogate to accept performance of the delegated task(s) by a home health aide or CNA prior to the service(s) being provided. The consent must be maintained in the patient's clinical record and must contain the following:

(a) Name of the patient;

(b) The task(s) being performed and limits of authority;

(c) The time frame for the delegation of the task(s);

(d) The nature of the supervision required; and

(e) Signature of the patient, the patient's guardian or legal representative, or designated health care surrogate; and

(f) Signatures of the home health aide or CNA performing the task(s), and the RN delegating the task.

(7) The registered nurse delegating the task of medication administration must maintain documentation that the home health aide or CNA has completed a medication administration course that meets the requirements of Rule 59A-8.0097, F.A.C. and is currently validated in accordance with Rule 59A-8.0097, F.A.C. as competent to assist with the administration of medication.

(8) Before delegating the task of medication administration, the registered nurse must also obtain from the patient, the patient's guardian or legal representative, or designated health care surrogate, a signed Informed Consent for Medication Administration, AHCA Form 3110-XXXX, July 2022, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(a) The delegating RN must obtain an updated Informed Consent for Medication Administration form annually or at any point when there is any change in the patient's information.

(b) The Informed Consent for Medication Administration must be maintained in the patient's home or place of residence where the patient is receiving administration of medication and in the patient's clinical record at the home health agency.

(c) The registered nurse, home health aide or CNA may not act as the patient's health care surrogate or proxy or sign the Informed Consent for Medication Administration on behalf of the patient.

(9) A registered nurse shall not delegate tasks that:

(a) Are not within the delegating or supervising nurse's scope of practice.

(b) Require the use of the nursing process including assessment, diagnosis, planning, implementation and evaluation.

(c) Require the knowledge, judgment or skills of a licensed nurse.

Rulemaking Authority 400.488, 400.489, 400.497, 464.0156, 464.2035 FS. Law Implemented 400.488, 400.489, 400.490, 464.0156, 464.2035, 464.2035, FS. History–New _____.

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