



THE LEGAL EDGE

The Legal Edge is a regular feature column authored by the Assisted Living and Long Term Care Group at the [Reinhart Boerner Van Deuren law firm](#) featuring Bob Lightfoot, RN. Bob Lightfoot can be reached at 608-229-2257 or rlightfoot@reinhartlaw.com.

NURSE DELEGATION

As a nurse myself, Nurse Delegation is a topic near and dear to me. I give a lot of presentations on the subject and it seems to always be important and relevant to assisted living operations. The regulations at DHS 83, DHS 88 and DHS 89 are not always clear as to the need for nurse delegation or how it is to be implemented, but all the assisted living regulations reference delegation in some way. The key for your operation is to ensure that if Nurse Delegation is occurring at your facility, that it is being performed according to the nursing and assisted living regulations and that you are documenting it.

Nurse Delegation consists of:

1. Delegating tasks appropriate to the education and demonstrated abilities of the caregiver
2. Providing direction and assistance to the caregiver
3. Observing and monitoring the tasks of the caregiver
4. Evaluating the effectiveness of the delegated task as performed by the caregiver.

Crucial for assisted living nurses who are delegating is that they understand they are delegating, that they are following what Wisconsin Administrative Code Nurse 6 (N6) says about Nurse Delegation, and that the caregiver being delegated to understands their important role in the delegation process.

The nurse should also have an understanding of general supervision (not needing to be on-site) versus direct supervision (being onsite) of delegated nursing tasks. The nurse should use their professional judgment as to what type of supervision to implement. For instance, an experienced

reliable caregiver might only need general supervision just as a new inexperienced caregiver might need more direct hands-on supervision.

Finally, document the Nurse Delegation. Document the task, the supervision, any on-site "spot-checks", and any follow up caregiver training by the nurse or facility relative to the task delegated.

Nurse Delegation has become increasingly important as more nurses work in assisted living communities. Understanding Nurse Delegation is paramount to its proper implementation and will help to protect the nurse from liability if an adverse event occurs during the performance of a delegated task.

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