



# **Assigning and Supervising Unregulated Healthcare Staff**

**Ruby R. Jason, MSN, RN**

**Executive Director**

**Oregon State Board of Nursing**





Oregon Center for  
**NURSI****NG**

*The Oregon Center for Nursing facilitates research and collaboration for Oregon's nursing workforce to support informed, well-prepared, diverse and exceptional nursing professionals.*

Research

Collaboration

Promotion

| [oregoncenterfornursing.org](http://oregoncenterfornursing.org) |

# Assigning and Supervising Unregulated Healthcare Staff

**Ruby R. Jason, MSN, RN**

**Executive Director**

**Oregon State Board of Nursing**



# What does it mean to be “regulated” or “unregulated”

- If you are regulated: The standards for your education, licensure or certification requirements, and your adherence to practice standards are under the legislative authority of a Board.
- If you are not regulated: The employer takes accountability for the your competency and assigns tasks based upon position descriptions.

# What does this mean?

- Unregulated individuals have no scope. They only have “assigned” duties as allowed and competency validated by their employer.
- Are “CNAs” licensed? They are certified by the Board as meeting minimum education requirements and have “authorized duties” as prescribed in the Nurse Practice Act. They are “regulated” but have a certification rather than a license, therefore they do not have a “scope”. They are limited to what they can do by the rules of the practice act.
- There is no public recourse for unregulated staff. There is no Board to report them to nor can a Board take them out of practice.

# What is the difference between “delegation” and “assigning”

- **Assign:** Directing and distributing, within a given work period, the work that each staff member is already authorized by license or certification and organizational position description to perform.
- **Delegation:** The process an RN may utilize in a community practice setting to authorize an unlicensed assistive person’s ongoing performance of a nursing procedure for a specific client while retaining accountability for the outcome.

# The significant differences between “Delegation” and “Assigning”

	<b>Assign</b>	<b>Delegation</b>
Occurs in acute care settings	Yes	No
The RN must teach and validate competency of each task for a specific patient	No-the organization takes the accountability. Provides nursing staff the competency validation list and approved duties	Yes
The task remains under the license of the RN for successful completion.	No – it is the organizational risk as long as the RN knows the task is an appropriate assignment for the patient’s acuity and skills of the staff member.	Yes

# What happens if I assign something that I know was not competency validated or part of the job description?

If a nurse assigns a task to an unregulated individual and authorization has not been given by the employer, competency has not been validated, or the patient's condition required the task to be completed by an individual who can assess the outcome, then the task does remain under the license of the nurse who takes accountability for the outcome including any negative outcomes.

Also violates Oar 851-045-0070 (3)(d). Delegation in community care settings is covered under OAR 851-047 of the practice act.