

**2018 -- S 2538 SUBSTITUTE A**

LC003200/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2018**

A N A C T

RELATING TO HEALTH AND SAFETY - REGISTRATION OF NURSING ASSISTANTS

Introduced By: Senator Louis P. DiPalma

Date Introduced: March 01, 2018

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-17.9-2 of the General Laws in Chapter 23-17.9 entitled  
2 "Registration of Nursing Assistants" is hereby amended to read as follows:

3 **23-17.9-2. Definitions -- Supervision of nursing assistants -- Inapplicability of**  
4 **chapter.**

5 (a) As used in this chapter:

6 (1) "Certifying agency" means the state department of health.

7 (2) "Director" means the director of the state department of health, or his or her designee.

8 (3) "Nursing assistant" or "certified nursing assistant" is defined as a nurses' aide, orderly,  
9 or home health aide who is a paraprofessional trained to give personal care and related health care  
10 and assistance based on his or her level of preparation to individuals who are sick, disabled,  
11 dependent, or infirmed and who are residents of or who receive services from health care  
12 facilities licensed pursuant to chapter 17 of this title or receiving services from agencies licensed  
13 pursuant to chapter 17.7 of this title. The director of the department of health may, by regulation,  
14 establish different levels of nursing assistants.

15 (b) Nursing assistants shall be supervised by professional (registered nurses) and other  
16 appropriate professional members of a health care facility or physician.

17 (c) Notwithstanding any provision of this chapter, nothing in this section shall apply to  
18 those persons designated solely as personal-care attendants, or programs established and  
19 administered for the purpose of providing personal-care-attendant service, established by chapter

1 8.1 of title 40.

2 (d) No provision of this chapter shall apply to those persons who are actively  
3 matriculated in a bachelor of science in nursing, associate degree program in nursing, an  
4 accredited licensed practical nursing program, or registered nurse course of study in a national  
5 league for nursing accredited nursing program, provided those persons have completed a  
6 minimum of two (2) clinical courses and provided those individuals are supervised by a R.N.

7 (e) No provision of this chapter or of the rules and regulations pertaining to Rhode Island  
8 certificates of registration for nursing assistants, medication aides, and the approval of nursing  
9 assistant and medication aide training programs, including the provisions related to medication  
10 aides, shall apply to those persons who are actively matriculated in a bachelor of science in  
11 nursing, associate degree program in nursing, an accredited licensed practical nursing program, or  
12 registered nurse course of study in a national league for nursing accredited nursing program;  
13 provided, those persons have completed a minimum of two (2) clinical courses and appropriate  
14 training in medication administration and provided those individuals are supervised by a  
15 registered nurse.

16 SECTION 2. Chapter 23-17.9 of the General Laws entitled "Registration of Nursing  
17 Assistants" is hereby amended by adding thereto the following section:

18 **23-17.9-15. Delegation.**

19 (a) Allowing for a nurse to delegate tasks to certified nursing assistants qualifying under  
20 § 23-17.9-5 if the patient is stable and predictable, could increase independence, feasibility, and  
21 quality of health care services in home care settings with the maximum number of safeguards.

22 (b) Delegation allows a certified nursing assistant to perform a specific nursing activity,  
23 skill, or procedure that is outside of the certified nursing assistant's traditional role.

24 (c) A certified nursing assistant, as defined in § 23-17.9-2, who provides care to  
25 individuals in home care settings may accept delegation of nursing care tasks by a Rhode Island  
26 registered nurse licensed under chapter 34 of title 5.

27 (d) The department of health will promulgate regulations that delineate delegable tasks,  
28 and the training and proficiency requirements that must be met before a task may be delegated.

29 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY - REGISTRATION OF NURSING ASSISTANTS

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- 1           This act would allow for a nurse to delegate tasks to certified nursing assistants and
- 2 authorizes the department of health to promulgate regulations that delineate delegable tasks.
- 3           This act would take effect upon passage.

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