

2020 -- S 2837

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO HEALTH AND SAFETY -- REGISTRATION OF NURSING ASSISTANTS

Introduced By: Senator Louis P. DiPalma

Date Introduced: March 12, 2020

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 chapter.**

4 (a) As used in this chapter:

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

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

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

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

16 (c) Notwithstanding any provision of this chapter, nothing in this section shall apply to  
17 those persons designated solely as personal-care attendants, or programs established and  
18 administered for the purpose of providing personal-care-attendant service, established by chapter  
19 8.1 of title 40.

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

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

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

16 **23-17.9-15. Delegation.**

17 (a) Allowing for a nurse to delegate tasks to certified nursing assistants qualifying under §  
18 23-17.9-5 if the patient is stable and predictable, could increase independence, feasibility, and  
19 quality of health care services in home care settings with the maximum number of safeguards.

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

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

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

27 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 define the term "certified nursing assistant" and would authorize nurses to
- 2   delegate tasks to certified nursing assistants, and would require the department of health promulgate
- 3   regulations that delineate those delegable tasks.
- 4           This act would take effect upon passage.

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