



**Montana Secretary of State
Corey Stapleton**

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Rule: 24.159.1611

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Rule Title: CRITERIA FOR DELEGATION OF NURSING TASKS

Department: [LABOR AND INDUSTRY](#)
 Chapter: [BOARD OF NURSING](#)
 Subchapter: [Delegation](#)



Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

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24.159.1611 CRITERIA FOR DELEGATION OF NURSING TASKS

- (1) Delegation is a nursing act distinct from teaching, supervising, consulting, and advising.
- (2) Before delegating, the LPN or RN should consider the five rights of delegation: the right task, the right person to whom the delegation is made, the right circumstances, the right direction and communication by the LPN or RN, and the right supervision and evaluation.
- (3) Delegation of a nursing task to a UAP shall be based solely on the determination of the patient's nurse, who has personally assessed the patient's condition, so that delegation can be performed without jeopardizing the patient's welfare.
- (4) The nursing task to be delegated must be within the area of responsibility, scope of practice, and competency of the nurse delegating the task.
- (5) The LPN or RN shall delegate to another only those nursing tasks for which that person has the necessary skills and competence to accomplish safely. In maintaining accountability for the delegation, the LPN or RN shall ensure:
 - (a) that the UAP has the education and demonstrated competency to perform the delegated task;
 - (b) the task delegated is consistent with the UAP's job description;
 - (c) patient needs match the UAP's qualifications, available resources, and appropriate supervision;
 - (d) results of the task are reasonably predictable;
 - (e) the task does not require clinical reasoning, nursing judgment, or critical decision making;
 - (f) patient needs and circumstances of the delegation are such that the delegation of the task poses minimal risk to the patient and can be safely performed according to clear and exact directions;
 - (g) directions and guidelines are clearly communicated regarding the delegated task;
 - (h) for delegation of a routine task on stable patients, there is verification that the UAP follows each written facility policy or procedure when performing the delegated task;
 - (i) those to whom nursing tasks are delegated are properly supervised by monitoring performance, progress, and outcomes;
 - (j) evaluation of the effectiveness of the delegation;
 - (k) follow-up on problems and intervention and revision of the plan of care as needed;
 - (l) the observation and communication of the outcomes of the delegated task; and
 - (m) documentation of the task.
- (6) The delegating nurse retains professional accountability for the delegated nursing task.

History: [37-1-131](#), [37-8-202](#), MCA; [IMP](#), [37-1-131](#), [37-8-202](#), MCA; [NEW](#), 2005 MAR p. 1022, Eff. 7/1/05; [TRANS](#), from Commerce, 2006 MAR p. 2035; [AMD](#), 2016 MAR p. 1010, Eff. 6/4/16.

MAR Notices	Effective From	Effective To	History Notes
24-159-82	6/4/2016	Current	History: 37-1-131 , 37-8-202 , MCA; IMP , 37-1-131 , 37-8-202 , MCA; NEW , 2005 MAR p. 1022, Eff. 7/1/05; TRANS , from Commerce, 2006 MAR p. 2035; AMD , 2016 MAR p. 1010, Eff. 6/4/16.
	7/1/2005	6/4/2016	



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Rule: 24.159.1625

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Rule Title: GENERAL NURSING FUNCTIONS AND TASKS THAT MAY NOT BE DELEGATED

Department: [LABOR AND INDUSTRY](#)
Chapter: [BOARD OF NURSING](#)
Subchapter: [Delegation](#)



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Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

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24.159.1625 GENERAL NURSING FUNCTIONS AND TASKS THAT MAY NOT BE DELEGATED

(1) The following nursing tasks require nursing knowledge, judgment, and skill and may not be delegated:

- (a) the nursing assessment;
- (b) development of the nursing diagnosis;
- (c) establishment of the nursing care goal;
- (d) development of the nursing care plan; and
- (e) evaluation of the patient's progress, or lack of progress, toward goal achievement.

(2) A nurse may not delegate to a UAP the authority to receive verbal orders from providers.

(3) A nurse may not delegate to a UAP the task of teaching or counseling patients or a patient's family relating to nursing and nursing services.

History: [37-1-131](#), [37-8-202](#), MCA; [IMP](#), [37-1-131](#), [37-8-202](#), MCA; [NEW](#), 2005 MAR p. 1291, Eff. 7/1/05; [TRANS](#), from Commerce, 2006 MAR p. 2035; [AMD](#), 2016 MAR p. 1010, Eff. 6/4/16.

MAR Notices	Effective From	Effective To	History Notes
24-159-82	6/4/2016	Current	History: 37-1-131 , 37-8-202 , MCA; IMP , 37-1-131 , 37-8-202 , MCA; NEW , 2005 MAR p. 1291, Eff. 7/1/05; TRANS , from Commerce, 2006 MAR p. 2035; AMD , 2016 MAR p. 1010, Eff. 6/4/16.
	7/1/2005	6/4/2016	History: 37-1-131 , 37-8-202 , MCA; IMP , 37-1-131 , 37-8-202 , MCA; NEW , 2005 MAR p. 1291, Eff. 7/1/05; TRANS , from Commerce, 2006 MAR p. 2035.

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