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INFORMATIONAL LETTER #2008-01

(REPLACES INFORMATIONAL LETTER 2007-07 DATED SEPTEMBER 14, 2007)

DATE: March 19, 2008

TO: ALL ICF/MR PROVIDERS IN IDAHO

FROM: DEBBY RANSOM, R.N., R.H.I.T., Chief
Bureau of Facility Standards

SUBJECT: **Delivery of Nursing Services in Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR)**
(REPLACES INFORMATIONAL LETTER 2007-07 DATED SEPTEMBER 14, 2007)

Informational Letter #2007-7 has been revised in response to concerns expressed by providers and the Idaho Health Care Association (IHCA). The revision was discussed and approved by the Executive Director of IHCA. Informational Letter #2008-01 replaces Informational Letter #2007-07.

The purpose of this informational letter is to clarify roles, responsibilities, and expectations for the provision of nursing services in Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR).

Regulatory Authority

An ICF/MR is required to provide health care services based on individual need as stated at 42 CFR 483.460, (W318) Condition of Participation for Health Care Services and related standard level requirements 42 CFR 483.460(a)—42 CFR 483.460(n)(N2) (W319—W394). Nursing service requirements are addressed at 42 CFR 483.460 (c)—42 CFR 483.460(c)(5)(iii) (W331—W342) and nursing staff requirements are addressed at 42 CFR 483.460(d)(1)—42 CFR 483.460(d)(5) (W343—W347).

The standard level requirement at 42 CFR 483.460(d)(4) (W346) states, “If the facility utilizes only licensed practical or vocational nurses to provide health services, it must have a formal arrangement with a registered nurse to be available for verbal or on-site consultation to the licensed practical or vocational nurse.” Additionally, the requirement at 42 CFR 483.460(d)(3) (W345) states, “The facility must utilize registered nurses as appropriate and required by State law to perform the health services...”

The Idaho Board of Nursing Administrative Rules (IDAPA 23.01.01) are the administrative rules governing nursing practice in Idaho.

Respective Roles and Responsibilities

The Idaho Board of Nursing Rules, Section 401, state the following related to the **Licensed Professional Nurse (RN or Registered Nurse)**: “In addition to providing hands-on nursing care, licensed professional nurses work and serve in a broad range of capacities including, but not limited to, regulation, delegation, management, administration, teaching, and case management. Licensed professional nurses, also referred to as registered nurses or as ‘RNs,’ are expected to exercise competency in judgment, decision making, implementation of nursing interventions, delegation of functions or responsibilities, and administration of medications and treatments prescribed by legally authorized persons.”

As stated in the Idaho Board of Nursing Rules, Section 460, the “**Licensed practical nurses** function in dependent roles. Licensed practical nurses, also referred to as LPNs, provide nursing care at the delegation of a licensed professional nurse, licensed physician, or licensed dentist pursuant to rules established by the Idaho Board of Nursing. The stability of the patient’s environment, the patient’s clinical state, and the predictability of the outcome determine the degree of direction and supervision that must be provided to the licensed practical nurse.”

Nursing staff may delegate tasks to others (i.e., RN delegations to the LPN and/or unlicensed assistive personnel, LPN delegations to unlicensed assistive personnel, etc.), but must ensure delegations are made as allowed by and in accordance with the “Decision-Making Model” as stated in Section 400 of the Idaho Board of Nursing Rules.

Expectations

To ensure compliance with the federal ICF/MR requirement at W345, nursing practices will be evaluated to ensure consistent application of the Idaho Board of Nursing

Administrative Rules. The level of nursing personnel involvement shall be evaluated on a case-by-case basis given the stability of the individual's environment, clinical state, and the predictability of the outcome. Delegation of tasks shall be evaluated for appropriateness in accordance with the Decision Making Model.

The LPN is required to consult with appropriate licensed providers authorized to delegate functions to the LPN (e.g., registered nurse, physician, dentist) as situations occur which may be inconsistent with the defined LPN scope of practice. At times, it may be necessary for the RN to provide on-site services to ensure appropriate health measures are being provided and appropriate delegation decisions are being made for which the judgment and specialized skills of a registered nurse are required. Documentation by the RN, LPN, and unlicensed assistive personnel must clearly demonstrate that complete comprehensive information was gathered and exchanged as necessary to ensure the appropriateness of the delegation and the safe administration of health care services to the individuals. This information was reviewed by the Idaho Board of Nursing and CMS Region X to ensure the accuracy of the contents of this letter.

If you have questions regarding this letter, please contact Nicole Wisenor or Sylvia Creswell, Co-Supervisors, Non-Long Term Care, at (208) 334-6626.



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