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NP delegation in South Carolina

State law permits nurse practitioner delegation to medical assistants

Conflicting information has been circulating about whether South Carolina nursing law permits licensed nurses—including advanced practice registered nurses (APRNs), such as nurse practitioners (NPs)—to delegate tasks to medical assistants.

The purpose of this article is to demonstrate that South Carolina law specifically authorizes licensed nurses, including NPs, to delegate certain nursing tasks to knowledgeable and competent unlicensed assistive personnel (UAP), such as medical assistants, who are working under appropriate nurse supervision. Such delegable nursing tasks to UAP exclude the administration of medication.

In contrast, South Carolina authorizes physicians to delegate certain types of medication administration to knowledgeable and competent unlicensed personnel, such as medical assistants, as long as the delegating physician is on the premises and readily available, according to the South Carolina Medical Practice Act.¹ Additionally, the South Carolina Board of Medical Examiners 2017 advisory opinion *The Supervision of Unlicensed Personnel and the Corporate Practice of Medicine*² reinforces

my position. I addressed physician delegation under South Carolina law in a 2018 *CMA Today* Public Affairs article.³

South Carolina Nurse Practice Act

Ascertaining medical assistants' scope of practice while working under NP authority requires careful attention to two key sections of the South Carolina Nurse Practice Act, beginning with the definition of UAP:

SECTION 40-33-20. Definitions.

...

(63) "Unlicensed assistive personnel" or "UAP" are persons not currently licensed by the board as nurses who perform routine nursing tasks that do not require a specialized knowledge base or the judgment and skill of a licensed nurse [emphasis added]. Nursing tasks performed by a UAP must be performed under the supervision of an advanced practice registered nurse, registered nurse, or selected licensed practical nurse.⁴

Nurse delegation of certain nursing tasks is allowed in SC

Medical assistants fall within the definition of unlicensed assistive personnel because

medical assistants are not licensed by the South Carolina Board of Nursing. Consequently, the following delegation language from section 40-33-42 of the South Carolina Nurse Practice Act permits NPs to delegate certain tasks to medical assistants:

SECTION 40-33-42. Delegation of tasks to unlicensed assistive personnel.

(A) *An advanced practice registered nurse, registered nurse, or licensed practical nurse is responsible for the delegation and supervision of nursing tasks to unlicensed assistive personnel* [emphasis added]. Tasks that may be assigned to unlicensed assistive personnel must be stated in the employers' policies, and the employer shall verify the training of this personnel and their competencies to perform the tasks.

(B) Tasks which may be delegated and performed under supervision may include, but are not limited to:

- (1) meeting patients' needs for personal hygiene;
- (2) meeting patients' needs relating to nutrition;

- (3) meeting patients' needs relating to ambulation;
- (4) meeting patients' needs relating to elimination;
- (5) taking vital signs;
- (6) maintaining asepsis;
- (7) observing, recording, and reporting any of the tasks enumerated in the subsection.⁴

Nurse delegation of medication administration is forbidden in SC

Section 40-33-42 of the South Carolina Nurse Practice Act unquestionably allows NPs to delegate certain nursing tasks to medical assistants. However, delegable tasks do not include the administration of medication:

(C) Subject to the rights of licensed physicians and dentists under state law, the administration of medications is the responsibility of a licensed nurse as prescribed by the licensed physician, dentist, other authorized licensed provider or as authorized in an approved written protocol or guidelines. *Unlicensed assistive personnel must not administer medications, except as otherwise provided by law* [emphasis added].⁴

SC Board of Nursing position statement on delegation

The South Carolina Board of Nursing *Position Statement on Delegation of Nursing Care Tasks to Unlicensed Assistive Personnel (UAP)*⁵ contains definitions and statements that reinforce my legal conclusion that licensed nurses (including NPs) are permitted to delegate certain nursing tasks to UAP (including medical assistants), although licensed nurses are not allowed to delegate the administration of medication. Note the following excerpts:

While some nursing tasks may be delegated to unlicensed assistive personnel (UAP), the practice-pervasive functions of assessment, evaluation, and nursing judgment **must not** be delegated [emphasis in original]. All decisions related to [the] delegation of nursing tasks must be based on the fundamental principle of protection of the health, safety,

and welfare of the public. It is the responsibility of the licensed nurse to determine which tasks can be appropriately delegated and accept accountability for the outcomes. ...

Definitions

...

Nursing Judgment: Nursing judgment is the logical and systematic cognitive process of identifying pertinent information and evaluating data in the clinical context in order to produce informed decisions, which guide nursing actions and the delegation of nursing tasks.

Nursing Task: A well-defined act or action that does not require nursing judgment and can be outlined step-by-step by the licensed nurse for completion by an individual not currently licensed by the [South Carolina] Board of Nursing.

...

Unlicensed Assistive Personnel (UAP): Persons not currently licensed by the Board as nurses who perform routine nursing tasks that do not require a specialized knowledge base or the judgment and skill of a licensed nurse. Nursing tasks performed by a UAP must be performed under the supervision of an advanced practice registered nurse, registered nurse, or selected licensed practical nurse.⁵

Legal delegation to UAP

A plain reading of the South Carolina Nurse Practice Act and *Position Statement on Delegation of Nursing Care Tasks to Unlicensed Assistive Personnel (UAP)* by the South Carolina Board of Nursing supports the position that South Carolina licensed nurses—including APRNs (e.g., NPs), licensed practical nurses (LPNs), and registered nurses (RNs)—are authorized by South Carolina nursing law to delegate certain nursing tasks to UAP, such as medical assistants, who are working under legally required nurse supervision. Administration of medication, however, is a task licensed nurses *cannot* legally delegate to UAP (such as medical assistants) under South Carolina nursing law. ♦

What is an APRN?

An advanced practice registered nurse (APRN) is a nurse who has earned a master's degree or higher, provides direct clinical care, and is educated in one of four roles⁶:

- Certified registered nurse anesthetist (CRNA)
- Certified nurse-midwife (CNM)
- Clinical nurse specialist (CNS)
- Certified nurse practitioner (CNP)

In addition, APRNs are educated in at least one of six population foci⁶:

- Family and individual health across the life-span
- Adult gerontology
- Pediatrics
- Neonatal
- Women's and gender-related health
- Psychological and mental health

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References

1. SC Code of Laws ch 47, §40.
2. South Carolina Board of Medical Examiners. The supervision of unlicensed personnel and the corporate practice of medicine. https://llr.sc.gov/med/pdf/Laws/AO_Supervision%20of%20Unlicensed%20Personnel%20and%20the%20Corporate%20Practice%20of%20Medicine.pdf. Approved October 4, 2017. Accessed August 29, 2019.
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5. South Carolina Board of Nursing. Position statement on delegation of nursing care tasks to unlicensed assistive personnel (UAP). <https://llr.sc.gov/nurse/PStatements/DelegationPositionStatementApproved072910.pdf>. Published July 29, 2010. Revised January 2018. Accessed August 30, 2019.
6. APRN Consensus Work Group, National Council of State Boards of Nursing APRN Advisory Committee. *Consensus Model for APRN Regulation: Licensure, Accreditation, Certification and Education*. https://www.ncsbn.org/Consensus_Model_for_APRN_Regulation_July_2008.pdf. Published July 7, 2008. Accessed November 15, 2019.