

**The role of nurses in assigning, delegating, teaching and supervising patient care activities to unregulated care providers in home care: A jurisdictional scan of legislation, regulation and policy in Canada**

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### Overview

To meet the increasing needs of our population, delegation of patient care to unregulated care providers (UCPs) is an increasingly common practice in both institutional and community settings. However, the context of delegation in community settings varies significantly from delegation in institutions. Home and community care is provided in an unregulated environment often with little communication between providers or direct supervision. Complicating the process of delegation in the home care environment is the reality that tasks may be delegated by one registered professional and supervised by another. Further, those delegating the task and those supervising the task are often employed by different home care provider organizations.

Across all provinces and territories, UCPs are not licensed or governed by a regulatory body nor do they have mandatory education or practice standards. The roles and care activities provided by UCPs are determined by their employing organization. While UCPs most often provide personal care such as bathing and personal hygiene, it is becoming more common for UCPs to perform patient care outside of their basic education and training if it is considered an activity of daily living for that patient.

Differences that can be seen across jurisdictions include what tasks can be delegated, educational requirements and the terminology surrounding the delegation and assigning of patient care activities. Language such as “transfer of authority”, “special functions” and “teaching and assignment” are used interchangeably with “delegation”. This report refers to all tasks assigned to UCPs that fall outside the accepted definition of their scope of employment. This summary addresses educational requirements of UCPs and delegation in each provincial / territorial jurisdiction. For more detail of legislation, key policies, procedures and health care system structure please refer to the [full report](#).

### British Columbia

#### Education

There are no mandatory education or practice standards for UCPs in British Columbia. However, in order to provide care for a provincial health authority or for an agency under contract to a health authority, UCPs must have completed a recognized B.C. Health Care Assistant training program and be registered on the B.C. Care Aide and Community Health Worker Registry<sup>1</sup>.

#### Delegation

Delegated tasks are always client-specific and must be determined to be in the client’s best interest. Only tasks, not functions can be assigned or delegated to a UCP<sup>2</sup>. A task is one component of a client care function whereas a function is an intervention including assessment, planning, implementation, evaluation and management of the outcomes of care

Tasks can be assigned or delegated to UCPs by Registered Nurses (RNs), Registered Psychiatric Nurses (RPNs), Physical Therapists, or Occupational Therapists. Licensed Practical Nurses (LPN) can assign tasks to UCPs but they are not able to delegate<sup>3,4</sup>. However, LPNs can provide

consultation and training to UCPs for tasks delegated. Examples of delegated tasks include: vital signs, glucometer reading, oxygen therapy, hot and cold applications, wound care, ostomy care and enteral nutrition<sup>5</sup>.

## Alberta

### Education

To encourage consistent training of UCPs, Alberta Health has developed a provincial curriculum that can be used by public and private institutions and by employer organizations for use in health care aide (HCA) education programs. The curriculum provides an overview of all HCA practice competencies<sup>6</sup>.

### Delegation

The term delegation is not used in Alberta when referring to the transfer of authority for restricted activities. UCPs may provide restricted care under specific conditions as outlined in the Health Professions Act, 2000. This act allows UCPs to perform activities considered 'restricted activities' or controlled acts under certain conditions if assisting or working under a regulated health professional. Tasks can be assigned to UCPs by RNs, RPNs or LPNs<sup>7</sup>.

Two specific restricted activities can be assigned to UCPs: inserting or removing instruments, devices, fingers or hands 1) beyond the labia majora and 2) beyond the anal verge for the purposes of fecal evacuation, managing menstruation or inserting vaginal medications. Other restricted activities may be assigned in specific situations if they are considered an activity of daily living<sup>8</sup>.

## Saskatchewan

### Education

Various UCP training courses are offered in Saskatchewan. Home care aides / continuing care assistants must have completed or are in the process of completing a training program approved by the Ministry of Health. Employers are responsible for ensuring that UCPs who have not completed approved training programs have the skills to perform the tasks as part of their job description.

### Delegation

The assignment of a nursing task or procedure to a UCP must be appropriate and must consider the client, the competence of the UCP, and the practice environment. Regional Health Authorities in Saskatchewan are required to institute formal processes to support those who are delegating care and their delegates<sup>9</sup>.

Tasks may be delegated by RNs, LPNs or RPNs to UCPs and include<sup>10</sup>: activities of daily living for persons who cannot be safely left on their own, specific assistance to a client when the informal care provider is present and activities of daily living during respite for family members or other caregivers.

## Manitoba

### Education

In Manitoba, UCPs may be formally educated through various certification programs, may receive on the job training or some combination of both. Their role description and training are solely defined by their employer.

### Delegation

Nursing acts may be delegated to UCPs by a nurse if criteria outlined by nursing regulatory bodies are met. Both RNs and LPNs can delegate components of nursing care to UCPs in client-specific situations in accordance with agency policy. In order for a task to be delegated to a UCP, the following conditions must be met: The client's health status is stable and well defined, the UCP possesses the necessary knowledge and skill to perform the tasks and support / supervision is available from the delegating nurse<sup>11</sup>. Specific tasks that may be delegated are unclear.

### Ontario

#### Education

Since 2010, to provide personal support services in long-term care homes, UCPs must have completed a personal support worker program (PSW) meeting the vocational training standards endorsed by the Ministry of Health and Long-Term Care (MOHLTC)<sup>12</sup>. There is currently no such legislation in home care. The PSW program is offered through the public college system, the private college system and through Catholic or public school boards offering continuing education for adults.

#### Delegation

The work of UCPs in home care ranges from homemaking tasks to performing delegated controlled acts. These patient care activities may be delegated, taught and / or assigned.

- **Teaching:** Involves providing instruction and determining that a UCP is competent to perform a procedure. A nurse may teach a controlled act procedure to a UCP when they have the knowledge, skill and judgement to perform and teach that procedure.
- **Delegation:** The transfer of authority to perform a controlled act from a person who is authorized to perform the procedure to a person who is otherwise not authorized to perform the procedure.
- **Assigning:** The act of determining or allocating responsibility for a particular aspect of care to another individual.
- **Supervising:** Involves monitoring and directing of specific activities of UCPs.

RNs and RPNs are authorized to perform the following four controlled acts<sup>13</sup>:

1. Performing a prescribed procedure below the dermis or a mucous membrane.
2. Administering a substance by injection or inhalation.
3. Putting an instrument, hand or finger: i. beyond the external ear canal, ii. beyond the point in the nasal passages where they normally narrow, iii. beyond the larynx, iv. beyond the opening of the urethra, v. beyond the labia majora, vi. beyond the anal verge, or vii. into an artificial opening
4. Dispensing a drug.

A UCP has may perform a controlled act (excluding dispensing a drug) through an exception or when the act has been delegated by someone who has the authority to perform it. Exceptions that allow individuals who are not members of a regulated health profession to perform some controlled acts include:

- Treating a member of his/her household
- Assisting a person with routine activities of living

A procedure is considered to be a routine activity of living when its needs, response and outcome have been established over time and are predictable.

## New Brunswick

### Education

The New Brunswick Home Support Association (NBHSA), in collaboration with the Department of Social Development have developed standardized training and certification processes for home support workers employed by agencies<sup>14</sup>. Home care agencies and training organizations can choose to purchase curriculum licenses in order to train caregivers who work with vulnerable citizens at home.

### Delegation

Delegation is always client-specific, where the activity is primarily provided or performed by a nurse, and is outside the scope and description of the UCP's role<sup>15</sup>. The delegating nurse is responsible for the decision to delegate and the process of delegation including monitoring the UCP's ability to perform the task and documenting the delegation process<sup>16</sup>. Only specific care activities, not overall functions of patient care can be assigned or delegated.

## Nova Scotia

### Education

In Nova Scotia, UCPs are not regulated by legislation and are accountable to their employer. The Department of Health and Wellness has supported the development of a standardized continuing care assistant (CCA) educational program and certification process. In order to work for government funded programs, UCPs must complete and graduate from a recognized program and can provide care in the following three capacities<sup>17</sup>:

- Independent practice
- Client specific assignment
- Delegation

### Delegation

Delegation is required for tasks that are outside the scope of practice of the UCP and must be defined and approved by the employer. Responsibility for delegation is shared between the UCP, the regulated health professional and the employer. Tasks can be delegated by RNs and LPNs. Delegation does not involve transferring accountability for the outcome of the function<sup>18</sup>.

## Prince Edward Island

### Education

Education requirements for UCPs are not well defined and curriculums vary across the province. Employers determine the level of education and competencies required, and develop scope of employment responsibilities.

### Delegation

RNs are responsible for the delivery of nursing care and must be familiar with the competencies of the UCP before delegating care. The RN is responsible for the assessment of the patient, identifying the task to be delegated and determining whether it is appropriate to delegate<sup>19</sup>. Reserved activities

from the Regulated Health Professions Act may be delegated to UCPs as an exception for those assisting a person with routine acts of daily living<sup>20</sup>. According to the competency profile for licensed practical nurses, LPNs demonstrate the knowledge and ability to assign, educate, and supervise UCPs<sup>21</sup>.

## Newfoundland and Labrador

### Education

UCPs are accountable to their employer and the employer is responsible to set a scope of employment and outline necessary qualifications and job description. The scope of employment is provincially proposed, however, various agencies may have different requirements for the UCP given the type of clients and/or settings. UCPs may complete certification programs however it is up to employers to check credentials and fill necessary knowledge gaps.

### Delegation

Delegation is defined as the formal transference of authority to perform a special function in selected situations and can only be authorized by a person competent in the skill and authorized to transfer the authority<sup>22</sup>. Special functions can be delegated by both RNs and LPNs.

## Yukon

### Education

UCPs are not regulated in the Yukon and there are limited resources and guidelines to outline their interactions with registered health professionals. UCPs may complete formal education programs but this is not required.

### Delegation

According to the Yukon Registered Nurses Association (YRNA), the RN assigns and delegates nursing activities in accordance with client needs, the roles and competence of other providers and the requirements of the practice setting<sup>23</sup>. While the scope of practice for RNs is regulated by the YRNA, LPN regulation states that LPNs follow the Standards of Practice, Code of Ethics, Practice Statements and Competency Profile of the College of Licensed Practical Nurses of Alberta.

## Northwest Territories and Nunavut

### Education

In the Northwest Territories, each Health and Social Service Authority is responsible for developing and implementing policy on UCPs that defines roles and responsibilities of UCPs and ensures their competency.

### Delegation

According to the Registered Nursing Association of Northwest Territories and Nunavut (RNANT/NU) RNs may delegate functions within their scope of practice, ensuring adequate resources and education are provided initially and ongoing to support the competent provision of health care. The decision to delegate must be based on<sup>24</sup>:

- Assessment of the clients health status;
- The practice environment;
- The healthcare providers competence and scope of practice; and
- The amount of supervision required.

## Conclusion

The terminology and process of delegation varies across organizations and jurisdictions. In many provinces, delegation is not required for procedures that are considered to be routine activities of daily living. Instead, UCPs are taught and assigned activities that may be outside the scope of employment and or basic education. Legislation surrounding which care activities can be delegated and by whom is often lacking or vague. Further, the structures and processes to support the delegation or teaching and assignment of tasks are unclear across jurisdictions.

As the care needs of clients receiving home care increase in acuity and complexity, UCPs will continue to provide client care activities that are beyond their scope of employment and training. It is important for policy to clearly outline the processes of delegation, teaching, assignment, and supervision of these care activities in home-based care.

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<sup>1</sup><http://www.cachwr.bc.ca/Registrants.aspx>

<sup>2</sup>College of Registered Nurses of British Columbia. (2005). *Practice Standard: Delegating Tasks to Unregulated Care Providers*. Vancouver: Author.

<sup>3</sup>College of Licensed Practical Nurses of British Columbia. (2014). *Practice Standard: Working with Health Care Assistants*. Burnaby: Author

<sup>4</sup>British Columbia Ministry of Health. (2008). *Personal Assistance Guidelines*. Vancouver: Home and Community Care Branch.

<sup>5</sup>St. Elizabeth Health Career College. (2014). Role of the Health Care Assistant (HCA) and Employment Opportunities.

<sup>6</sup>Alberta Health. (2001). Health Care Aides Competency Profile. Alberta: Author

<sup>7</sup>*Government Organization Act*. R.S.A. 2000, Ch. G-10. Edmonton: Alberta Queen's Printer.

<sup>8</sup>College and Association of Registered Nurses of Alberta, College of Licensed Practical Nurses of Alberta & College of Registered Psychiatric Nurses of Alberta. (2003). *Decision making standards for nurses in the supervision of health care aides: restricted activities and activities of daily living*. Edmonton, AB: Author.

<sup>9</sup>Government of Saskatchewan (2013). *Home Care Policy Manual*. Regina, SK: Author.

<sup>10</sup>Government of Saskatchewan (2013). *Home Care Policy Manual*. Regina, SK: Author. Retrieved from

<sup>11</sup>College of Licensed Practical Nurses of Manitoba (2010). *Regulatory Bulletin Delegation to Unregulated Health Care Providers*. Winnipeg: Author

<sup>12</sup>Statutes of Ontario. (2007). Long Term Care Homes Act. Ch. 8

<sup>13</sup>Statutes of Ontario (1991). The Nursing Act. Ch.32 Toronto: Queen's Printer for Ontario, Accessed at: <http://www.ontario.ca/laws/statute/91n32>

<sup>14</sup> <http://nbhsa.ca/english/>

<sup>15</sup>Nurses Association of New Brunswick (2011). Practice Guideline: Assigning, Delegating, & Teaching Nursing Activities to Unregulated Care Providers. Fredericton: Author.

<sup>16</sup>Nurses Association of New Brunswick (2011). Practice Guideline: Assigning, Delegating, & Teaching Nursing Activities to Unregulated Care Providers. Fredericton, NB: Author.

<sup>17</sup>Health Association Nova Scotia. (2009). Scope of Practice for the Continuing Care Assistant in Nova Scotia

<sup>18</sup>College of Registered Nurses of Nova Scotia and College of Licensed Practical Nurses of Nova Scotia. (2012). Assignment and Delegation Guidelines for Registered Nurses and Registered Practical Nurses. Halifax, NS: Authors.

<sup>19</sup>The Association of Registered Nurses of Prince Edward Island. (2009). *Regulatory Framework for Delegation and Supervision of the Unregulated Health Worker*. Prince Edward Island: Author

<sup>20</sup>Regulated Health Professions Act, Revised Statutes of PEI. (2013,R10.1) Charlottetown, PEI: Queen's Printer

<sup>21</sup>Prince Edward Island Licensed Practical Nurses. (2009). *Licensed Practical Nurses of Prince Edward Island Practice Standards*. Edmonton, AB: Author

<sup>22</sup>Association of Registered Nurses of Newfoundland and Labrador (2006). *Scope of Nursing Practice: Definition, Decision-Making & Delegation*. St. John's: Author.

<sup>23</sup>Yukon Registered Nurses Association (2013). *Standards of Practice for Registered Nurses*. Whitehorse: Author.

<sup>24</sup>Registered Nurses Association of the Northwest Territories and Nunavut (2010). Scope of Practice for Registered Nurses. Yellowknife, NT: Author