

## SECTION .0400 - UNLICENSED PERSONNEL: NURSE AIDES

### 21 NCAC 36 .0401 ROLES OF UNLICENSED PERSONNEL

(a) Definitions. As used in Section .0400:

- (1) "Nursing care activities" means activities performed by unlicensed personnel that are delegated by licensed nurses in accordance with paragraphs (b) and (c) of this Rule.
- (2) "Patient care activities" means activities performed by unlicensed personnel if health care needs are incidental to the personal care required.

(b) The Board, as authorized by G.S. 90-171.23(b)(1)(2)(3), shall determine those nursing care activities that may be delegated to unlicensed personnel. The registered and licensed practical nurse, in accordance with 21 NCAC 36 .0224 and .0225 and G.S. 90-171.20(7)(8), may delegate nursing care activities to unlicensed personnel, regardless of title, that are appropriate to the level of knowledge, skill, and validated competence of the unlicensed personnel.

(c) Those nursing care activities that may be delegated to unlicensed personnel shall be determined by the following variables:

- (1) knowledge and skills of the unlicensed personnel;
- (2) verification of clinical competence of the unlicensed personnel by a registered nurse employed by the agency.
- (3) stability of the client's condition, which involves predictability, absence of risk of complication, and rate of change, and which excludes delegation of nursing care activities that do not meet the requirements defined in 21 NCAC 36 .0221(b);
- (4) the variables in each service setting, which include:
  - (A) the complexity and frequency of nursing care needed by a given client population in the practice setting in which the nurse practices;
  - (B) the proximity of clients to staff in the practice setting in which the nurse practices;
  - (C) the number and qualifications of staff in the practice setting in which the nurse practices;
  - (D) the accessible resources; and
  - (E) established policies, procedures, practices, and channels of communication that lend support to the types of nursing activities being delegated, or not delegated, to unlicensed personnel in the practice setting in which the nurse practices.

*History Note: Authority G.S. 90-171.20(2)(4)(7)d., e., g.; 90-171.43(4); 90-171.55; 42 U.S.C.S. 1395i-3 (1987); Eff. March 1, 1989;  
Amended Eff. December 1, 1995; October 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;  
Amended Eff. January 1, 2019.*