

Title: The Impact of Nurse Delegation Regulations on the Provision of Home Care Services: A Four-State Case Study

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Issue: The objective of this study was to explore how home care workers and the agencies that employ them interact with their state's nurse practice act in the provision of care.

Methods: We studied how varying state regulations impact the practice of home care workers by interviewing state leaders of LTSS programs, home care and home health agency leaders, and home health aides and personal care aides in four states. The states were selected to represent a range of delegation authority from most restrictive to least restrictive in their nurse practice acts and range of geographic location. 1.) Massachusetts was selected as a state with a relatively high, degree of restriction 2.) Montana was selected as an intermediate state, and 3 & 4.) Oregon and Texas were selected as states with few restrictions on nurse delegation to home care workers.

Findings: We found that increased training and input from registered nurses is needed to identify appropriate health maintenance tasks to delegate to home care workers and support development of training strategies. The federal government could support the development of evidence-based guidelines for training and competency testing as well as for appropriate delegation of health maintenance tasks.

Discussion: Home care workers—home health aides and personal care aides—are the fastest growing health care occupation in the nation and provide the essential services and supports that adults with serious illness and disability need to remain in their own homes. Yet they are among the lowest paid workers in the health care system and are governed by minimal regulations and training standards. We found that states had wide variability in regulations regarding the health care maintenance tasks that could be legally delegated to home care workers, trepidation among agency directors in expanding the tasks delegated to home care workers, and concerns about a lack of training to perform such tasks.

Key Words: nurse delegation, home care and community-based workforce, seriously ill and disabled

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