

## DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF NURSING

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**SUBJECT:** Delegation, 17 CAR pt. 124

**DESCRIPTION:**

**Purpose**

Act 959 of 2025 now allows APRNs to delegate certain tasks to Unlicensed Healthcare Workers. This amendment excludes APRN delegation to Unlicensed Healthcare Workers pursuant to 17 CAR § 123-402(h) from the list of nursing tasks that shall not be delegated. 17 CAR § 123-402(h) outlines the parameters for delegation to unlicensed healthcare workers.

**Background**

17 CAR § 124-105 lists nursing tasks that shall not be delegated. Paragraph (5) states that administration of medications or intravenous therapy shall not be delegated. However, there were two previous exceptions listed in subparagraphs (A) and (B). Because Act 959 now allows delegation of some medications to unlicensed healthcare workers, subparagraph (C) is added as another exception to paragraph (5).

**Key Points**

Delegation of certain medication administrations to unlicensed healthcare workers is now allowed by Act 959 of 2025, therefore that exception to the list of nursing tasks that shall not be delegated should be added to this rule to comply with the Act.

**Discussion**

This amendment complies with Act 959 of 2025.

**PUBLIC COMMENT:** A public hearing was not held on this matter. The public comment period expired March 13, 2026. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency has indicated that the rule has no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas State Board of Nursing shall have the power and responsibility to promulgate whatever rules it deems necessary for the implementation of Arkansas Code Title 17, Chapter 87, concerning nurses. *See* Arkansas Code § 17-87-203(1)(A).

The proposed rule implements Act 959 of 2025, sponsored by Representative Aaron Pilkington, which authorized an advanced practice registered nurse to delegate certain tasks to medical assistants and other unlicensed staff.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT \_\_\_\_\_  
 BOARD/COMMISSION \_\_\_\_\_  
 BOARD/COMMISSION DIRECTOR \_\_\_\_\_  
 CONTACT PERSON \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 PHONE NO. \_\_\_\_\_ EMAIL \_\_\_\_\_  
 NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING \_\_\_\_\_  
 PRESENTER EMAIL(S) \_\_\_\_\_

**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

\*\*\*\*\*

1. What is the official title of this rule?  
\_\_\_\_\_
2. What is the subject of the proposed rule? \_\_\_\_\_
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes      No

*If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).*

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes      No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? \_\_\_\_\_

On what date does the emergency rule expire? \_\_\_\_\_

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?  
Yes      No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

*Please be sure to advise Bureau Staff if this information changes for any reason.*

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. \_\_\_\_\_

15. What is the proposed effective date for this rule? \_\_\_\_\_

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** \_\_\_\_\_  
**BOARD/COMMISSION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **EMAIL** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS RULE** \_\_\_\_\_

1. Does this proposed, amended, or repealed rule have a financial impact?  
 Yes                      No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
 Yes                      No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes                      No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency’s statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes      No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



### **Rule Revision 17 CAR Part 124. Delegation.**

#### **Subpart 105(5)(C)**

#### **PURPOSE**

Act 959 of 2025 now allows APRN's to delegate certain tasks to Unlicensed Healthcare Workers. This amendment excludes APRN delegation to Unlicensed Healthcare Workers pursuant to 17 CAR § 123-402(h) from the list of nursing tasks that shall not be delegated. [17 CAR § 123-402(h) outlines the parameters for delegation to unlicensed healthcare workers.]

#### **BACKGROUND**

17 CAR 124-105 lists nursing tasks that shall not be delegated. Paragraph (5) states that administration of medications or intravenous therapy shall not be delegated. However, there were two previous exceptions listed in subparagraphs (A) and (B). Because Act 959 now allows delegation of some medications to unlicensed healthcare workers, subparagraph (C) is added as another exception to paragraph (5).

#### **KEY POINTS**

Delegation of certain medication administrations to unlicensed healthcare workers is now allowed by Act 959 or 2025, therefore that exception to the list of nursing tasks that shall not be delegated should be added to this rule to comply with the Act.

#### **DISCUSSION**

This amendment complies with Act 959 of 2025.



**STATE OF ARKANSAS**  
**SARAH HUCKABEE SANDERS**  
**GOVERNOR**

**Request for Governor's Approval of Proposed Rule or Regulation**

**Department /Agency:** \_\_\_\_\_

**Short Title of Rule:** \_\_\_\_\_

**New Rule:**  Yes  No

**Amendment to Existing Rule:**  Yes  No

**State Mandate:**  Yes  No

**Federal Mandate:**  Yes  No

If yes, please provide the legal citation of the mandate: \_\_\_\_\_

**Legal Authority for Rule:** \_\_\_\_\_

**Proposed Effective Date:** \_\_\_\_\_

**Emergency Rule:**  Yes  No

**Expedited Rule Requested:**  Yes  No

**Summary of Proposed New Rule or Proposed Amendment to Existing Rule:**

**Financial Impact:**  Yes  No  Unknown; If yes or unknown, please explain:

**Public Hearing Occurred on Rule:**  Yes  No

**Controversial:**  Yes  No

If yes, please explain and provide detail of expected opposition.

**Two Rules Repealed:**

**Exception from the Governor:**

**First Rule Repealed:**

Brief explanation of why repeal is appropriate:

**Second Rule Repealed:**

Brief explanation of why repeal is appropriate:

### **Documents Required for Approval Process**

Please note that the Governor's office will not begin the approval process if any of the following applicable documents are not enclosed with the approval request.

- BLR Questionnaire
- BLR Financial Impact Statement
- Proposed Rule - clean version
- Mark-Up of Rule, if amended from previous version
- Copy of Act or Regulation, if Rule is pursuant to State or Federal mandate

### **Contact Information**

Department POC for Rules Process:

Department POC for this Rule:

**NOTE: All documents must be returned to the Governor's Counsel as a single PDF file.**

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
Cole Jester  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
www.sos.arkansas.gov



Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_



### **Rule Revision 17 CAR Part 124. Delegation.**

#### **Subpart 105(5)(C)**

#### **PURPOSE**

Act 959 of 2025 now allows APRN's to delegate certain tasks to Unlicensed Healthcare Workers. This amendment excludes APRN delegation to Unlicensed Healthcare Workers pursuant to 17 CAR § 123-402(h) from the list of nursing tasks that shall not be delegated. [17 CAR § 123-402(h) outlines the parameters for delegation to unlicensed healthcare workers.]

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#### **KEY POINTS**

Delegation of certain medication administrations to unlicensed healthcare workers is now allowed by Act 959 of 2025, therefore that exception to the list of nursing tasks that shall not be delegated should be added to this rule to comply with the Act.

#### **DISCUSSION**

This amendment complies with Act 959 of 2025.

**NO FINANCIAL IMPACT ANTICIPATED**

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## For Publication: Notice of Public Comment Period for Amended Rules

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**From** Christine Lewis <Christine.Lewis@arkansas.gov>

**Date** Mon 2/9/2026 9:55 AM

**To** legalads@arkansasonline.com <legalads@arkansasonline.com>

**Cc** Ashley Davis, PhD., RN <Ashley.Davis@arkansas.gov>; Matt Gilmore <Matt.Gilmore@arkansas.gov>; David Dawson, JD <David.Dawson@arkansas.gov>

 1 attachment (236 KB)

Notice Via Dem Gaz.17CARpt120,121,122,123,124,126,127,130,131.pdf;

Please run the attached Notice of Amended Rules as shown in Memorandum for three (3) consecutive days beginning Wednesday, February 11, 2026, and confirm receipt and scheduled publication by emailing [Christine.Lewis@arkansas.gov](mailto:Christine.Lewis@arkansas.gov).

Thank you for your assistance.



**Christine Lewis**

Executive Assistant

Nursing Board | ADH

e: [Christine.Lewis@arkansas.gov](mailto:Christine.Lewis@arkansas.gov)

t: 501-686-2704

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# Arkansas Department of Health

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## Arkansas State Board of Nursing

1123 S. University Ave., #800 • Little Rock, AR 72204  
(501) 686-2700 • Fax (501) 686-2714

## MEMORANDUM

TO: Legal Notices  
Arkansas Democrat-Gazette

VIA EMAIL: [legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)

FROM: Christine Lewis, Executive Assistant to the Director

DATE: February 9, 2026

RE: Legal Notice

Please run the following ad for three (3) consecutive days, beginning Wednesday, February 11, 2026.

---

### NOTICE OF AMENDED RULES ARKANSAS STATE BOARD OF NURSING

On Wednesday, February 11, 2026, the Arkansas State Board of Nursing (ASBN) will begin the thirty-day public comment period regarding the proposed revisions to the following:

**ASBN Rules:**

- 17 CAR pt. 120 General Provisions
- 17 CAR pt. 121 Licensure: Registered Nurse, Licensed Practical Nurse, and Licensed Psychiatric Technician Nurse
- 17 CAR pt. 122 Registered Nurse Practitioner
- 17 CAR pt. 123 Advanced Practice Registered Nurse
- 17 CAR pt. 124 Delegation
- 17 CAR pt. 126 Rules of Procedure
- 17 CAR pt. 127 Certified Medication Assistant or Medication Assistant-Certified
- 17 CAR pt. 130 Full Independent Practice Credentialing Committee
- 17 CAR pt. 131 Dialysis Patient Care Technicians

Copies of the proposed *Rules* are available at the ASBN office or you may view them at <https://healthy.arkansas.gov/boards-commissions/boards/nursing-arkansas-state-board/laws-rules/>. Written comments should be submitted to the Director, Arkansas State Board of Nursing, 1123 South University Ave.; Suite 800, Little Rock, AR 72204; no later than **Friday, March 13, 2026**.

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Please email me at [Christine.Lewis@arkansas.gov](mailto:Christine.Lewis@arkansas.gov) to confirm that you received this notice and that it will begin running on Wednesday, February 11, 2026, for three (3) consecutive days. Thanks for your kind assistance.



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---

**Re: For Publication: Notice of Public Comment Period for Amended Rules**

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**From** Legal Ads <legalads@arkansasonline.com>  
**Date** Tue 2/10/2026 9:26 AM  
**To** Christine Lewis <Christine.Lewis@arkansas.gov>

Scheduled for Wed 2/11, Thurs 2/12, and Fri 2/13.

Thank you.

Gregg Sterne, Legal Advertising  
Arkansas Democrat-Gazette  
legalads@arkansasonline.com

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**From:** "Christine Lewis" <Christine.Lewis@arkansas.gov>  
**To:** "legalads" <legalads@arkansasonline.com>  
**Cc:** "Ashley Davis, PhD., RN" <Ashley.Davis@arkansas.gov>, "Matt Gilmore" <Matt.Gilmore@arkansas.gov>, "David Dawson, JD" <David.Dawson@arkansas.gov>  
**Sent:** Monday, February 9, 2026 9:55:29 AM  
**Subject:** For Publication: Notice of Public Comment Period for Amended Rules

Please run the attached Notice of Amended Rules as shown in Memorandum for three (3) consecutive days beginning Wednesday, February 11, 2026, and confirm receipt and scheduled publication by emailing Christine.Lewis@arkansas.gov.

Thank you for your assistance.



**Christine Lewis**  
Executive Assistant  
Nursing Board | ADH  
e: Christine.Lewis@arkansas.gov  
t: 501-686-2704

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# Proposed Rulemaking

## Title

Promulgated by:  
Arkansas State Board of Nursing

### **Title 17. Professions, Occupations, and Businesses**

### **Chapter XXII. Arkansas State Board of Nursing, Department of Health**

### **Subchapter A. Generally**

### **Part 124. Delegation**

### **Subpart 1. Generally**

#### **17 CAR § 124-101. Purpose.**

(a)(1) Licensed nurses, within the parameters of their education and experience, are responsible for all nursing care that a client receives under their direction.

(2) Assessment of the nursing needs of a client, the plan of nursing actions, implementation of the plan, and evaluation of the plan under the direction of a registered professional nurse are essential components of nursing practice.

(3) Unlicensed personnel may be used to complement the licensed nurse in the performance of nursing functions, but such personnel cannot be used as a substitute for the licensed nurse.

(b)(1) Delegation by a licensed nurse shall fall within the definitions of Arkansas Code § 17-87-102.

(2) Delegation must:

(A) Occur within the framework of the job description of the delegatee and organizational policies and procedures; and

(B) Be in compliance with the Arkansas Nurse Practice Act.

**DRAFT**

06/12/2025 10:02:47 AM

(3) The following sections govern the licensed nurse in delegating and supervising nursing tasks to unlicensed personnel in all settings.

**17 CAR § 124-102. Criteria for delegation.**

(a) Delegation of nursing tasks to unlicensed persons shall comply with the following requirements:

(1) A licensed nurse delegating the task is responsible for the:

(A) Nursing care given to the client; and

(B) Final decision regarding which nursing tasks can be safely delegated;

(2)(A) A licensed nurse must make an assessment of the client's nursing care needs prior to delegating the nursing task.

(B) Reference 17 CAR § 124-103 for exceptions;

(3) The nursing task must be one that:

(A) A reasonable and prudent licensed nurse would assess to be appropriately delegated;

(B) Would not require the unlicensed person to exercise nursing assessment, judgment, evaluation, or teaching skill; and

(C) Can be properly and safely performed by the unlicensed person involved without jeopardizing the client's welfare;

(4) A licensed nurse shall have:

(A) Written procedures available for the proper performance of each task;

and

(B) Documentation of the competency of the unlicensed person to whom the task is to be delegated;

(5) The delegating licensed nurse shall be readily available either in person or by telecommunication except as prohibited by other statute or rule;

(6) The licensed nurse shall be responsible for documentation of delegated tasks;

(7)(A) Unlicensed nursing students may work only as unlicensed nursing personnel.

(B) They may not represent themselves or practice as nursing students except as part of a scheduled clinical learning activity in the curriculum of an Arkansas State Board of Nursing-approved nursing program; and

(8) The licensed nurse shall adequately supervise the performance of delegated nursing tasks in accordance with the requirements of supervision that follow.

(b) **Supervision.** The degree of supervision required shall be determined by the licensed nurse after an evaluation of appropriate factors involved, including, but not limited to, the following:

- (1) The stability of the condition of the client;
- (2) The training and capability of the unlicensed person to whom the nursing task is delegated;
- (3) The nature of the nursing task being delegated; and
- (4) The proximity and availability of a licensed nurse to the unlicensed person when performing the nursing task.

**17 CAR § 124-103. Specific nursing tasks that may be delegated without prior nursing assessment.**

By way of example, and not in limitation, the following nursing tasks are ones that are within the scope of sound nursing practice to be delegated, provided the delegation is in compliance with Arkansas Code § 17-87-102 and the level of supervision required is determined by the nurse:

(1) Noninvasive and nonsterile treatments unless otherwise prohibited by 17 CAR § 124-104 (relating to nursing tasks that may not be routinely delegated);

(2) The collecting, reporting, and documentation of data including, but not limited to:

- (A) Vital signs, height, weight, intake and output, urine test, and hematest results;
- (B) Changes from baseline data established by the nurse;
- (C) Environmental and safety situations;
- (D) Client or family comments relating to the client's care; and

- (E) Behaviors related to the plan of care;
- (3) Ambulation, positioning, and turning;
- (4) Transportation of the client within a facility;
- (5) Personal hygiene;
- (6) Feeding, cutting up of food, or placing of meal trays;
- (7) Socialization activities;
- (8) Activities of daily living; and
- (9) Reinforcement of health teaching planned and/or provided by the registered nurse.

**17 CAR § 124-104. Nursing tasks that may not be routinely delegated.**

(a) Nursing tasks not included in 17 CAR § 124-103:

(1) Are not usually within the scope of sound nursing judgment to delegate;  
and

(2) May be delegated only in accordance with subsection (b) of this section.

(b) The nursing tasks of this section may be delegated to an unlicensed person only:

(1) Under circumstances where a reasonable and prudent licensed nurse would find that the delegation does not jeopardize the client's safety and/or welfare;

(2) If, in the judgment of the licensed nurse, the unlicensed person has the appropriate knowledge and skills to perform the nursing task or tasks in a safe and effective manner;

(3) If the licensed nurse delegating the task is directly responsible for the nursing care given to the client;

(4) If the agency, facility, or institution employing unlicensed personnel follows a current protocol for the instruction and training of unlicensed personnel performing nursing tasks under this subsection and that said protocol:

(A) Is developed by and taught under the supervision of registered nurses currently employed in the facility; and

(B) Includes:

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(i) The manner in which the instruction addresses the complexity of the delegated task;

(ii) The manner in which the unlicensed person demonstrates competency of the delegated task;

(iii) The mechanism for reevaluation of the competency; and

(iv) An established mechanism for identifying those individuals to whom nursing tasks under this subsection may be delegated; and

(5) If the protocol recognizes that the final decision as to what nursing tasks can be safely delegated in any specific situation is within the specific scope of the nurse's professional judgment.

### **17 CAR § 124-105. Nursing tasks that shall not be delegated.**

By way of example and not in limitation, the following are nursing tasks that are not within the scope of sound nursing judgment to delegate:

(1) Physical, psychological, and social assessment that requires nursing:

(A) Judgment;

(B) Intervention;

(C) Referral; or

(D) Follow-up;

(2) Formulation of the plan of nursing care and evaluation of the client's response to the care rendered;

(3) Specific tasks involved in the implementation of the plan of care that require nursing judgment or intervention;

(4) The responsibility and accountability for client health teaching and health counseling that:

(A) Promotes client education; and

(B) Involves the client's significant others in accomplishing health goals;

(5) Administration of any medications or intravenous therapy, including blood or blood products except as allowed by:

(A) Medication Assistant-Certified, 17 CAR pt. 127; ~~and~~

(B) Arkansas State Board of Nursing School Nurse Roles and Responsibilities Practice Guidelines; and

(C) APRN Delegation to Unlicensed Healthcare Workers, 17 CAR § 123-402(h);

(6) Receiving or transmitting verbal or telephone orders; and

(7) Registered nurse practitioners and advanced practice nurses shall not delegate to unlicensed ancillary staff the calling in of prescriptions to the pharmacy.

**17 CAR § 124-106. Transference of delegated nursing tasks.**

(a) It is the responsibility of the licensed nurse to:

(1) Assess each client prior to delegation of a nursing task; and

(2) Determine that the unlicensed person has the competence to perform the nursing task in that client's situation.

(b) The licensed nurse shall not transfer delegated tasks to other clients under the care of the unlicensed person.

(c) In delegating personal care, a licensed nurse is not required to assess each client but must periodically assess the competence of the caregiver in those activities.

**17 CAR § 124-107. Exclusions.**

This part shall not be construed to apply to:

(1) The gratuitous nursing care of the sick by family or friends;

(2) The furnishing of nursing care where treatment is by prayer or spiritual means alone;

(3) Acts done by persons licensed by any board or agency of the State of Arkansas if such acts are authorized by such licensing statutes;

(4) Nursing tasks performed by nursing students enrolled in Arkansas State Board of Nursing-approved nursing programs while practicing under the direct supervision of qualified faculty or preceptors;

(5) The instruction and/or supervision of licensed nurses by registered professional nurses in the proper performance of tasks as a part of a state-approved training/education course designed to prepare persons to obtain certification;

(6) Nursing tasks performed by paramedic/emergency medical technician students enrolled in state-approved programs while practicing under the direct supervision of qualified faculty or preceptors;

(7) The performance in the school setting of nursing procedures necessary for students to achieve activities of daily living as cited in the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 – 1485, and which are routinely performed by the student or the student's family in the home setting;

(8)(A) The acts of unlicensed persons responding to an emergency.

(B) This exclusion shall not be construed as permitting licensed nurses to delegate routinely to unlicensed persons;

(9) Health maintenance activities performed by a designated care aide in the home, as defined in the Consumer Directed Care Act, Arkansas Code § 17-87-103(12);

(10) The drawing and measuring of glucagon or insulin by a trained employee of a city or county detention center as defined in Arkansas Code § 17-87-103(14);

(11) The administration of an emergency dose of medication to a public school student who is diagnosed with an adrenal insufficiency by trained volunteer public school personnel; or

(12) The administration of:

(A) A seizure rescue medication;

(B) Medication prescribed to treat seizure disorder symptoms; or

(C) A manual dose of a prescribed electrical stimulation using a vagus nerve stimulator magnet.

**17 CAR § 124-108. Consumer directed care.**

(a) Health maintenance activities that are routinely performed by the family in the home setting may be provided by a designated care aide for a:

(1) Competent adult at the direction of the adult; or

(2) Minor child or incompetent adult at the direction of a caretaker.

(b)(1) "Caretaker" means:

(A) A person who is directly and personally involved in providing care for a minor child or incompetent adult; and

(B) The parent, foster parent, family member, friend, or legal guardian of the minor child or incompetent adult receiving care.

(2) "Designated care aide" means the person hired to provide care for the:

(A) Competent adult;

(B) Minor child; or

(C) Incompetent adult.

(3) "Health maintenance activities" mean activities that the minor child or adult is unable to perform for himself or herself, including oral medications.

(c)(1) The attending physician, advanced practice registered nurse, or registered nurse must determine a designated care aide under the direction of a competent adult or caretaker can safely perform the activity in the minor child's or adult's home.

(2) "Home" shall not include:

(A) A nursing home;

(B) An assisted living facility;

(C) A residential care facility;

(D) An intermediate care facility; or

(E) A hospice care facility.

(d) Health maintenance activities that are not exempted by the Consumer Directed Care Act, Arkansas Code § 17-87-103(12), include:

(1) Physical, psychological, and social assessment that requires nursing:

(A) Judgment;

(B) Intervention;

(C) Referral; or

(D) Follow-up;

(2) Formulation of the plan of nursing care and evaluation of the client's response to the care rendered;

- (3) Tasks that require nursing judgment or intervention;
  - (4) Teaching and health counseling;
  - (5) Administration of any injectable medications (intradermal, subcutaneous, intramuscular, intravenous, intraosseous, or any other form of injection) or intravenous therapy; and
  - (6) Receiving or transmitting verbal or telephone orders.
- (e) The designated care aide must demonstrate the ability to safely perform the health maintenance activity.