

Physician Delegation to a Licensed Practical Nurse – Legislative Interpretation

The legislated mandate of the Saskatchewan Association of Licensed Practice Nurses is to protect the public through the regulation of Licensed Practical Nurses.

Legislative Interpretation documents explain legislation that affects licensed practical nurses and how to practice in compliance with the law. These explanatory documents are meant to clarify an LPN's understanding of obligations and issues arising from various pieces of legislation. (CLPNA, 2020)

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All SALPN documents are available from the SALPN website at www.salpn.com.

Introduction

The Medical Profession Act, 1981 was amended in September 2014, giving the College of Physicians and Surgeons of Saskatchewan (CPSS) the authority to create bylaws *to authorize duly qualified medical practitioners to delegate the performance of acts in the practice of medicine specified in the bylaws to other health professionals specified in the bylaws*¹

Registered Nurses have been performing activities that are outside the scope of registered nursing and within the scope of the practice of medicine under physician delegation for many years (SRNA, 2016). The College of Physicians and Surgeons of Saskatchewan amended its bylaws in 2019 to allow a Licensed Practical Nurse to receive similar delegations.² The treatment or procedure that a physician can delegate to an LPN is outside the professional scope of practice for LPNs but within the scope of the practice of medicine and is authorized by the SALPN.

What is Physician Delegation?

Physician delegation is a process that allows a physician to determine that an LPN can safely perform certain procedures.

A physician may not delegate any treatment or procedure for which they do not have authorization from the College of Physicians and Surgeons of Saskatchewan (CPSS). The CPSS Regulatory Bylaws outline the parameters under which a physician may delegate a treatment or procedure to an LPN.³

Delegation will be from one specific physician to one specific LPN.

¹ The Medical Profession Act, 1981, 6 (2) (j) (j.1)

² The Saskatchewan Gazette, September 27, 2019, page 2398

³ College of Physicians and Surgeons of Saskatchewan, Regulatory Bylaws, Section 23.3 (b) – (j) and Section 23.4

Can an LPN accept a delegation?

Yes, an LPN may carry out a physician delegation only where the LPN practises under the supervision of a duly qualified medical practitioner who has assessed the patient and established a treatment plan and is on site and/or has direct contact by other means and available to assist as necessary.⁴

A physician may only delegate to an LPN the act to inject bioactive agents or administer laser and light-based therapy for a medical purpose, as noted in the following excerpt from the CPSS Bylaws:

A duly qualified medical practitioner may delegate to a Licensed Practical Nurse the authority to inject agents which have an effect on or elicit a response from living tissue (bioactive agents), but only when the physician has first assessed the patient and established a treatment plan for the injection and is also subject to the limitations set out in Section 23.3(b) to (h) of the CPSS bylaws.⁵

A duly qualified medical practitioner may delegate to a duly qualified laser technician the administration of laser and light-based technologies for a medical purpose, but only when the physician has assessed the indications and potential contraindications for each patient. The physician must personally assess each patient undergoing invasive laser or light-based procedures including ablative laser skin resurfacing or vascular procedures. The physician must be available to attend at the same location as the laser or light-based therapy is provided should circumstances arise where they are required to assist non-physician providers or to manage misadventure or complications arising from the procedure. "Available to attend" in this context means that:

- a. A policy must be in place for emergent complications, including but not limited to anaphylaxis, allergic reaction or acute embolic event, and the authorized non-physician providers present must be appropriately trained to recognize emergent complications;*
- b. In the event of an urgent or semi-urgent complication, the physician most responsible for care must be available to attend within a reasonable time consistent with the nature of the complication.⁶*

An LPN may not accept any other delegation from any other healthcare provider for any other reason.

An LPN may accept a delegation from a physician for only the following two treatments or procedures:

- to inject bioactive agents for a medical purpose or
- to administer laser and light-based therapy for a medical purpose

⁴ SALPN Regulatory Bylaws, Section 21.5(1)

⁵ College of Physicians and Surgeons of Saskatchewan, Regulatory Bylaws, Section 23.3

⁶ College of Physicians and Surgeons of Saskatchewan, Regulatory Bylaws, Section 23.4

Please refer to **Medical Aesthetics – Practice Guideline for information related to educational and competency requirements for the injection of bioactive agents and administration laser and light-based therapy for a medical purpose.** **Note: this document is currently being drafted.**

Requirements to accept a delegation

Considerations for having a treatment or procedure delegated to you must include the following:

- You have the knowledge, skill, and judgment to perform the treatment or procedure safely and ethically
 - While it is the physician's responsibility to ensure that the LPN has the appropriate skill and knowledge specific to the delegated activity, the LPN is responsible to comply with the Standards of Practice and the Code of Ethics.
- You have a nurse-client relationship with the person.
- You make sure performing the delegated treatment or procedure is appropriate, keeping in mind the client's best interests and needs.
- You are satisfied that there are sufficient safeguards and resources available so that delegated treatment or procedure can be performed safely and ethically.
- You know the physician is permitted to delegate the treatment or procedure
 - Is the treatment or procedure allowed to be delegated per the CPSS Bylaws
- You make sure any conditions have been met:
 - ✓ Has the physician first assessed the patient and established a treatment plan for the injection?
 - ✓ Has the physician assessed the indications and potential contraindications for each client?
 - ✓ Is the physician available to attend (as defined by the CPSS Bylaws above) at the same location as the treatment or procedure is provided should circumstances arise where the physician is required to assist non-physician providers or to manage misadventure or complications arising from the treatment or procedure?
 - ✓ A policy must be in place for emergent complications, including but not limited to anaphylaxis, an allergic reaction or acute embolic event, and the authorized non-physician providers present must be appropriately trained to recognize emergent complications.
 - ✓ In the event of an urgent or semi-urgent complication, the physician most responsible for care must be available to attend within a reasonable time consistent with the nature of the complication.
- You make sure that the particulars of the delegation have been documented.
 - the authority to delegate must be provided in writing to the LPN and must contain:
 - a specific description of the treatment or procedure that has been delegated;
 - any conditions or restrictions associated with the delegation (only to be exercised after prior consultation with a physician, only to be exercised if a patient has a specific medical condition, any time limitation on the delegated authority, etc.)

- the date the delegation occurred
- the name of the physician delegating the procedure to the LPN
- any conditions that apply to the delegation.

How long is a delegation valid?

A delegation is valid only if the LPN accepts the delegation.

A delegation is valid only while the delegating physician is generally available to provide oversight and advice to the LPN. If the physician who has delegated the activity no longer has oversight responsibility for the delegated activity, the delegation is no longer valid.

The delegating physician may revoke a delegation at any time.

References

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