



Legislative
Interpretation

Physician Delegation to a Licensed Practical Nurse -



Mission: Protect the public through regulation of the Licensed Practical Nurse profession in Saskatchewan.

Vision: Excellence in the regulation of Licensed Practical Nurses

Values: Integrity, Quality, Professionalism, Respect.

This document was approved by the
Council of the Saskatchewan Association
of Licensed Practical Nurses
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The legislated mandate of the Saskatchewan Association of Licensed Practice Nurses is to protect the public through the regulation of Licensed Practical Nurses.

Practice Guidelines are documents that help LPNs understand their responsibilities and legal obligations to enable them to make safe and ethical decisions when practicing. They provide an outline of professional accountabilities and relevant legislation (CNO, 2020).

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Using this document

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)

This document describes the Saskatchewan Association of Licensed Practical Nurses (SALPN) practice expectations for Licensed Practical Nurses when accepting a delegation from a physician.

Bolded terms are defined in the glossary on page 8.

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

The College of Physicians and Surgeons of Saskatchewan amended its bylaws in 2019 to allow a Licensed Practical Nurse (LPN) to receive delegations to perform specific medical procedures.² The treatment or procedure that a physician can delegate to an LPN is within the scope of the practice of medicine and is authorized by the SALPN as being within the Professional Scope of Practice for an LPN under specific conditions.

The conditions to be met are outlined in this document.

What is a Physician Delegation?

A **physician delegation** is a process that allows a physician to determine that an LPN can **safely perform** specific procedures that fall within the practice of medicine.

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

The physician retains overall responsibility and accountability for the task. However, the LPN accepting the delegation is responsible for performing it competently.

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

The delegation will be from one specific physician to one specific LPN.

Can an LPN accept a delegation?

Yes, however, 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 is available to assist as necessary.*⁴

How does a physician delegate an activity to an LPN?

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 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**⁶ 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.*⁷

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

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

⁴ SALPN Regulatory Bylaws, Section 21.5(1)

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

⁶ College of Physician and Surgeons of Saskatchewan (CPSS) considers an LPN to be a duly qualified laser technician for the purposes of a physician delegation within the Bylaws of the CPSS

⁷ College of Physicians and Surgeons of Saskatchewan, Regulatory Bylaws, Section 23.4

Requirements to accept a delegation

Before an LPN can accept a delegation from a physician, all of the following conditions must be met:

- The LPN must have:
 - The knowledge, skill, and judgement 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 for complying with the SALPN's [Standards of Practice](#) and the [Code of Ethics](#).
 - A **therapeutic nurse-client relationship** with the client.
- The LPN is expected to ensure that:
 - The physician is licensed to practice medicine in Saskatchewan and is permitted to delegate the treatment or procedure
 - Performing the delegated treatment or procedure is appropriate, keeping the client's best interests and needs in mind
 - The **Context of Practice** supports the LPN providing the treatment, including:
 - having sufficient safeguards and resources available to perform the delegated treatment or procedure safely and ethically
 - The physician has first assessed the patient and established a treatment plan for the injection or the administration of laser and light-based treatment(s)
 - The physician is available to attend (as written in the CPSS Bylaws) at the same location as the treatment or procedure is provided should circumstances arise where the physician is required to assist the LPN or to manage misadventure or complications arising from the treatment or procedure
 - A policy is in place for emergent complications, including, but not limited to, anaphylaxis, allergic reaction, or acute embolic event, and the authorized LPN 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
 - 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 (e.g. only to be exercised after prior consultation with a physician, 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 may apply to the delegation.

How long is a delegation valid?

A delegation is only valid:

- if the LPN accepts the delegation, AND
- 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.

The delegation will end when any of the following apply:

- The physician is no longer licensed to provide the delegation
- The LPN rescinds their acceptance of the delegation
- The LPN is no longer working with the physician that provided the delegation
- The LPN is no longer competent to provide the treatment that was delegated
- The LPN is no longer authorized by the SALPN to accept the delegation.

Glossary

College of Physician and Surgeons of Saskatchewan	The medical regulatory body responsible for the licensing of medical practitioners.
Context of Practice	Determines the appropriate application of LPN practice with the collective consideration of conditions or factors affecting the status and needs of the patient, the abilities and attributes of the individual LPN, and the characteristics and resources of the environment. The context of practice guides individual decision-making in specific practice settings or situations.
Duly qualified laser technician	The CPSS considers an LPN to be a duly qualified laser technician for the purposes of a physician delegation within the CPSS Bylaws.
Duly qualified medical practitioner	A physician or surgeon licensed by the College of Physician and Surgeons of Saskatchewan to practice medicine in Saskatchewan.
Therapeutic nurse-client relationship	A therapeutic relationship allows nurses to apply their professional knowledge, skills, abilities, and experiences towards meeting the client's health needs. This relationship is dynamic, goal-oriented, and client- and family-centered because it is designed to meet the client and family's needs. Regardless of the context or length of interaction, the therapeutic nurse-client relationship protects the client's dignity, autonomy, and privacy and allows for the development of trust and respect.
Physician delegation	A process that allows a physician to determine that an LPN can safely perform specific procedures that fall within the practice of medicine.
Safely perform	The LPN is competent, and the Context of Practice supports the procedure to be provided.

References

- College of Licensed Practical Nurses of Alberta. (2020). *Interpretive Documents*. Retrieved from <https://www.clpna.com/governance/practice-policy/>
- College of Nurses of Ontario. (May 2016). Retrieved from <https://www.cno.org/globalassets/4-learnaboutstandardsandguidelines/prac/learn/webcasts/delegationwebcast.pdf>
- College of Nurses of Ontario. (2020). *Authorizing Mechanisms Practice Guideline*, pages 6-8. Retrieved from https://www.cno.org/globalassets/docs/prac/41075_authorizingmech.pdf
- College of Physicians and Surgeons of Manitoba. *Delegation by Physicians Under the Regulated Health Professions Act*. Retrieved from <http://www.cpsm.mb.ca/assets/RHPA/DELEGATION.pdf>
- College of Physicians and Surgeons of Saskatchewan. *The Medical Profession Act, 1981, Section 6(2)(j.1)*. Retrieved from <https://pubsaskdev.blob.core.windows.net/pubsask-prod/882/M10-1.pdf>
- College of Physicians and Surgeons of Saskatchewan. (2020). *Regulatory Bylaws*. Retrieved from <https://www.cps.sk.ca/iMIS/Documents/Legislation/Legislation/Regulatory%20Bylaws.pdf>
- Mayo Clinic. (2020). *Laser resurfacing*. Retrieved from <https://www.mayoclinic.org/tests-procedures/laser-resurfacing/about/pac-20385114>
- National Council of State Boards of Nursing. (2018). *A Nurse's Guide to Professional Boundaries*. <https://www.ncsbn.org/3757.htm>
- Saskatchewan Association of Licensed Practical Nurses. (2019). *LPN Practice in Saskatchewan, a legislative interpretation*. Retrieved from <https://salpn.com/wp-content/uploads/LPN-Practice-in-Saskatchewan-March-2019.pdf>
- Saskatchewan Association of Licensed Practical Nurses. (2020, November). *SALPN Regulatory Bylaws*. Retrieved from <https://salpn.com/wp-content/uploads/SALPN-Regulatory-Bylaws-CONSOLIDATED-2020-11-26.pdf>
- Saskatchewan Association of Licensed Practical Nurses. (2000). *The Licensed Practical Nurse Act, 2000*. Retrieved from <https://salpn.com/wp-content/uploads/The-LPN-Act-2000.pdf>
- Saskatchewan Gazette, *Part 1, September 27, 2019*, page 2398. *Update to the Medical Professions Act, 1981*. Retrieved from <https://pubsaskdev.blob.core.windows.net/pubsask-prod/113931/G1201939.pdf>
- Saskatchewan Registered Nurses Association. (2016). *Guidelines for Physician to RN Delegation*. Retrieved from https://www.srna.org/wp-content/uploads/2017/09/PhysToRNDelegationWeb2016_04_08.pdf

