

WHA and Nursing Leaders Discuss Delegation with Wisconsin Board of Nursing

Board changes rule to avoid unintended impact on the health care workforce

The Wisconsin Board of Nursing (BON) has been working the past few months to update administrative rule Chapter N6, relating to delegation of nursing acts, and WHA Senior Vice President of Workforce and Clinical Practice Ann Zenk has been monitoring their work. In July an issue was identified with the age component of N6.02 (13) the definition of unlicensed assistive personnel (UAP) to be "...at least 18 years old to whom nursing acts may be delegated..." When alerted to the impact this definition could have on students and those employed in a UAP role, the Board paused its work to gather more information.

WHA also gathered more information from members of the WHA Council on Workforce Development and from the Board of the Wisconsin Organization of Nurse Leaders (WONL). The feedback provided by the Workforce Council and WONL informed a [letter from WHA and WONL](#) to the Board of Nursing.

The joint letter notes:

"While we do not oppose adding a definition to the chapter, we do have concerns with the unintended consequences of creating an age benchmark of "...at least 18 years old to whom nursing acts may be delegated..." Hospitals and health systems are active partners in training programs and support employees, high school students and community members, some of whom are younger than 18 years old, to proceed through career pathways which very often begin in entry level positions as UAPs.

At an operational level this change would not allow for certified nursing assistants (CNAs) under the age of 18 to be delegated tasks by RNs, which is a routine shift need. This would impact the ability of nurses, CNAs and other members of the team to function to the top of their education, training and experience. While CNAs are the profession that first comes to mind, UAP can include roles such as patient safety attendants, feeding assistants and patient safety companions ("sitters")."

In addition, WHA was asked by DSPS to submit an agenda request for the Aug. 8, 2024 BON meeting, providing Zenk and WHA member nurse leaders with an opportunity to discuss this component of the rule directly with the Board. Three hospital and health system chief nursing officers joined Zenk: Laura Hieb, Bellin Region of Emplify; Shonda Helgeson, Western Wisconsin Health; and Rudy Jackson, UW-Health. Hieb discussed how the change could dampen the impact of early exposure to health care careers. Helgeson shared the important role UAPs serve in supporting nurses, especially during times of shortage and heightened demand. Jackson described how an age limit would hinder UW Health's first-in-the-United States RN registered apprenticeship program, offered in partnership with Madison College, noting that 100% of the current 32 students started as certified nursing assistants at UW Health.

Based on the WHA-WONL letter and the information presented by WHA and WHA member CNOs, the Board of Nursing elected to forego an age requirement, except for medication administration, and allow the hiring organizations to determine and manage eligibility requirements, and the registered nurse to evaluate the ability of the UAP to perform the duty before delegating the act. The [final rule draft](#) incorporating this change was approved and will be sent to Governor Tony Evers for approval, and then on to the Legislature.

When asked by BON Chair Robert Weinman for feedback on the rule, WHA and the nurse leaders confirmed that the change would support patient care teams and career pathways in the organizations they lead.

You can reach out to [Ann Zenk](#) for questions about the Board of Nursing meeting, or any other workforce issues.

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