



KENTUCKY BOARD OF NURSING
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ADVISORY OPINION STATEMENT

EMPLOYMENT OF NURSING STUDENTS¹ AS NURSING PERSONNEL USING EITHER AN ACADEMIC OR A “NURSE EXTERN” SERVICE MODEL

The Kentucky Board of Nursing is authorized by Kentucky Revised Statutes (KRS) Chapter 314 to regulate nurses, nursing education and practice, promulgate regulations and to issue advisory opinions on nursing practice, in order to assure that safe and effective nursing care is provided by nurses to the citizens of the Commonwealth.

The Kentucky Board of Nursing issues advisory opinions as to what constitutes safe nursing practice. As such, an opinion is not a regulation of the Board and does not have the force and effect of law. It is issued as a guideline to licensees who wish to engage in safe nursing practice, and to facilitate the delivery of safe, effective nursing care to the public.

Opinion: Employment of Nursing Students¹ As Nursing Personnel Using Either an Academic or a “Nurse Extern” Service Model

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Accountability and Responsibility of Nurses

In accordance with KRS 314.021(2), nurses are responsible and accountable for making decisions that are based upon the individuals’ educational preparation and current clinical competence in nursing, and requires licensees to practice nursing with reasonable skill and safety. Nursing practice should be consistent with the *Kentucky Nursing Laws*, established standards of practice, and be evidence based.

Rationale for Advisory Opinion

The Board frequently receives inquiries regarding appropriate utilization, employment, and delegation of acts to individuals who are employed as nursing personnel and are coincidentally enrolled in or have completed a portion of a prelicensure nursing education program. In addition, employers have expressed interest in developing positions and job descriptions whereby these individuals can gain additional clinical practice experience to enhance their preparation as future licensed nurses, and also be recruited as future licensed nursing staff.

¹“Nursing Students” for the purpose of this statement means individuals currently enrolled in a prelicensure nursing education program approved by the Board.

In order to address these inquiries, the Board, through the Practice Committee, researched this issue by reviewing applicable statutes and administrative regulation 201 KAR 20:400 Delegation of nursing tasks; and subsequently issued this advisory opinion statement.

Advisory Opinion

While the Board strongly supports the development of employment opportunities that enhance the experiential preparation of prelicensure nursing students, the Board must assure that safe and effective nursing care is provided for the citizens of the Commonwealth, and enforce the statutes governing nursing licensure, education and practice. It is the advisory opinion of the Board that these employment opportunities and goals could be accomplished through various models, including the following:

- **MODEL ONE – AN INDEPENDENT STUDY ACADEMIC COURSE MODEL.** This model is based on KRS 314.101(1) and the establishment of an independent study academic course, scheduled during an academic term, which includes employment of nursing students as nursing staff in a health care facility. Such a course is developed collaboratively by nursing administrators of health care facilities and nursing educators of prelicensure nursing programs, and is governed by a contractual agreement. A goal of the independent study course is to provide enrichment experiences for nursing students actively enrolled in a program of nursing to practice nursing that is appropriate for the educational level of the student, under the direct supervision of an assigned preceptor with oversight of the nurse extern experience provided by program of nursing designated faculty.
- **MODEL TWO – A “NURSE EXTERN” OR SERVICE MODEL.** Model Two would be based on a specifically designed “nurse extern” employer position description for employees who are also nursing students actively enrolled in a nursing program. Administrative regulation 201 KAR 20:400 Delegation of nursing tasks, permits the delegation of select nursing tasks to persons who provide nursing assistance, and who possess current knowledge and skill proficiency to perform the tasks in a safe, effective manner.

Definitions

201 KAR 20:400 Delegation of nursing tasks Section 1(9) defines “Nurse Extern” as “an employee in a healthcare facility who is also actively enrolled as a student in a board-approved prelicensure program of nursing”. Therefore, students actively enrolled in a board-approved PN or RN prelicensure program of nursing would be eligible to be hired as a “nurse extern”.

The Board reserves the reference to a “preceptorship” for currently enrolled nursing students who are completing a concentrated clinical practice experience after a student has received clinical and didactic instruction from the program faculty in all basic areas for the course or specific learning experience [ref: 201 KAR 20:310 Section 3(1)].

Qualifications for Employment as a Nurse Extern [ref: 201 KAR 20:400 Section 5(1)]

Upon initial hire, the employer shall:

1. Require proof of active enrollment in a board-approved prelicensure program of nursing.
2. Obtain documentation of the student’s skills performance evaluation or an official letter from the nursing program documenting the specific skills that the student has successfully completed in his/her program of nursing to verify the student is individually educationally prepared and has demonstrated clinical competence to perform delegated tasks/acts.

3. Independently verify and document the competency of the nurse extern to successfully perform the delegated tasks/acts based upon a written position description.

For each subsequent academic term of employment as a nurse extern, the employer shall:

1. Verify proof of continued active enrollment in a board-approved prelicensure program of nursing.
2. Obtain updated documentation of the student's skills performance evaluation or an official letter from the nursing program documenting any additional skills that the student has successfully completed in his/her program of nursing to verify the student is individually educationally prepared and has demonstrated clinical competence to perform any additional delegated tasks/acts.
3. Independently verify and document the competency of the nurse extern to successfully perform these additional tasks/acts based upon a written position description.

The following individuals would NOT qualify to be employed as nurse externs [ref: 201 KAR 20:400 Section 1(9); 902 KAR 20:016 Section 4(2)(i)8:

- Graduates of nursing programs who have failed the licensure exam (e.g. NCLEX-RN/PN) and/or who no longer possess a provisional license to be employed as an RNA or LPNA.
- Individuals who are not actively enrolled in a board-approved nursing program.
- Individuals who have been unsuccessful in a nursing course and have been denied readmission, are awaiting a readmission decision to a nursing program, and/or are seeking transfer to another nursing program.

Delegation of Nursing Tasks

Based upon a position description, the nurse extern may provide nursing assistance under the continuous, direct, onsite supervision of a designated registered nurse who has received orientation and/or training in the role of a preceptor/mentor. The nurse, functioning as a preceptor, should be immediately available and assigned to the unit with the nurse extern.. A licensed practical nurse may participate with the registered nurse in providing supervision of a practical nursing student/nurse extern.

The nurse extern may perform tasks/acts that are routinely part of any nursing assistant's job description. Following review of the student's skills performance evaluation or official letter from the program of nursing and the employer's independent verification of skills competency to perform specific tasks/acts, the nurse extern may perform delegated tasks/acts outlined in a written, employer-developed, position description for a nurse extern.

The position description should include the performance of specific tasks/acts to directly assist the supervising nurse to determine appropriate tasks/acts that may be delegated to a nurse extern in accordance with 201 KAR 20:400, Delegation of Nursing Tasks and in accordance with facility policy. The position description may include:

- Withdrawal of peripheral blood specimens via phlebotomy;
- The administration of medications.
 - Based on 902 KAR 20:016 governing the operations and services of hospitals, only a registered nurse, physician, dentist, physician's assistant, advanced practice registered nurse, a licensed practical nurse under the supervision of a

registered nurse, a paramedic acting within his or her statutory scope of practice and in accordance with the hospital's operating policies and procedures, or nurse externs in accordance with 201 KAR 20:400 shall administer medications in hospitals.

- Based on 902 KAR 20:048 governing the operation and services of nursing homes, select medications may be administered by a certified medicine technician under the supervision of a nurse. If a nurse extern is qualified as a certified medicine technician, then the extern may administer medications in that capacity if permitted by written policy of the employing facility.
- The administration of medications for nurse externs enrolled in a practical nurse program of nursing shall be limited by 201 KAR 20:490 Licensed practical nurse infusion therapy scope of practice.
- The placement of peripheral IV infusion devices under the direct supervision/immediate presence at the bedside of the supervising nurse.

Following successful completion of the Integrated Practicum experience during the last semester of a nursing program as outlined in 201 KAR 20:320 Section 2(9), a nursing student may be hired by the facility as a nurse extern and begin the orientation process for a new graduate nurse.

Nurse externs shall not substitute for licensed nursing staff, may not be counted in staffing matrices, and may not have their own patient assignment.

Nursing externs shall not be required to independently assume the role, function or responsibility of licensed personnel.

The supervising nurse should provide continuous, direct, onsite supervision of the nurse extern.

Licensed practical nurses may participate with the registered nurse in providing supervision of a nurse extern enrolled in a practical nursing program.

The registered nurse should be immediately available and assigned to the unit with the nurse extern.

KRS Chapter 314

A copy of the *Kentucky Nursing Laws*, KRS Chapter 314, may be downloaded from the KBN website at <http://kbn.ky.gov>.

Applicable Statutes From the Kentucky Nursing Laws¹

The *Kentucky Nursing Laws* require that anyone practicing nursing in Kentucky hold either a current active Kentucky nursing license or temporary work permit. A relevant exception to the mandatory licensure requirement is for nursing students enrolled in approved prelicensure nursing education programs. KRS 314.101(1) states:

¹ A copy of the *Kentucky Nursing Laws* may be downloaded from the Kentucky Board of Nursing website at <http://kbn.ky.gov>.

This chapter does not prohibit the following: ... (b) The practice of nursing which is incidental to their program of study by individuals enrolled in nursing education programs... and refresher courses approved by the board or in graduate programs in nursing...

Subsequently, a nursing student may practice nursing when such practice:

- (a) Is an organized portion of a Board approved prelicensure nursing education program;
- (b) Occurs under the supervision of approved faculty of the prelicensure education program; and
- (c) Is appropriate for the educational preparation of the student at that point in the program.

“Registered nursing practice,” “advanced practice registered nursing practice,” and “licensed practical nursing practice” are defined in KRS 314.011(6), (8), and (10) respectively. KRS 314.011(2) defines "delegation" as:

...directing a competent person to perform a selected nursing activity or task in a selected situation under the nurse's supervision and pursuant to administrative regulations promulgated by the board in accordance with the provisions of KRS Chapter 13A. (Reference: 201 KAR 20:400 Delegation of nursing)

KRS 314.011(13) defines "nursing assistance" as:

... the performance of delegated nursing acts by unlicensed nursing personnel for compensation under supervision of a nurse.

A nurse who allows an unlicensed person to perform acts contrary to 201 KAR 20:400 (e.g., acts for which the unlicensed person is not educationally prepared and clinically competent to perform) may be subject to disciplinary action.

KRS 314.021(2) holds all nurses responsible and accountable for making decisions that are based upon the individuals' educational preparation and experience in nursing, and requires licensees to practice nursing with reasonable skill and safety. Further, KRS 314.021(2) holds nurses individually responsible and accountable for rendering safe, effective nursing care to clients and for judgments exercised and actions taken in the course of providing care.

201 KAR 20:400. Delegation of nursing tasks.

RELATES TO: KRS 311A.170, 314.011, 314.021(2), 314.091(1)

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the board to promulgate administrative regulations necessary to implement KRS Chapter 314. KRS 314.091(1)(d) prohibits a person from negligently or willfully acting in a manner inconsistent with the practice of nursing. This administrative regulation establishes requirements that govern the delegation of a nursing task in a safe, effective manner so as to safeguard the health and welfare of the citizens of the Commonwealth.

Section 1. Definitions. (1) "Board" is defined by KRS 314.011(1).

(2) "Client" means a patient, resident, or consumer of nursing care.

(3) "Competence" means performing an act in a safe, effective manner.

(4) "Deelegatee" means a person to whom a task is delegated.

(5) "Delegation" is defined by KRS 314.011(2).

(6) "Delegator" means the nurse delegating a task to another person.

(7) "Direct supervision" means the continuous, direct, onsite supervision by a registered nurse;

(8) "Nurse" is defined by KRS 314.011(3).

(9) "Nurse Extern" means an employee in a healthcare facility who is also actively enrolled as a student in a board-approved prelicensure program of nursing.

(10) "Nursing assistance" is defined by KRS 314.011(13).

(11) "Nursing task" means an act included in the definition of registered nursing practice, advanced practice registered nursing, or licensed practical nursing practice pursuant to KRS 314.011(6), (8), or (10).

(12) "Paramedic" is defined by KRS 311A.010.

(13) "Supervision" means the provision of guidance by a qualified nurse for the accomplishment of a nursing task with periodic observation and evaluation of the performance of the task including validation that the nursing task has been performed according to established standards of practice.

(14) "Unlicensed person" means an individual, other than a nurse, the client, or the client's family, legal guardian, or delegatee, who functions in an assistant or subordinate role to the nurse.

Section 2. Nurse's Responsibility in Delegation. (1) A registered nurse or a licensed practical nurse may delegate a task to an unlicensed person in accordance with this section and Sections 3, 4, and 5 of this administrative regulation.

(2) A registered nurse may delegate a task to a paramedic employed in a hospital emergency department in accordance with KRS 311A.170 and Sections 3 and 4 of this administrative regulation.

(3) Prior to delegating a nursing task, the nurse shall determine the nursing care needs of the client. The nurse shall retain responsibility and accountability for the nursing care of the client, including nursing assessment, planning, evaluation, and assuring documentation.

(4) The nurse, prior to delegation to an unlicensed person, shall have either instructed the unlicensed person in the delegated task or determined that the unlicensed person is competent to perform the nursing task.

(5) A nursing task shall be delegated directly or indirectly. An indirect delegation shall not alter the responsibility of the nurse for appropriately assigning and supervising an unlicensed person.

(6) A nurse who delegates a nursing task in violation of this administrative regulation or participates in the utilization of an unlicensed person in violation of this administrative regulation shall be considered acting in a manner inconsistent with the practice of nursing.

Section 3. Criteria for Delegation. The delegation of a nursing task shall meet the following criteria:

- (1) The delegated nursing task shall be a task that a reasonable and prudent nurse would find is within the scope of sound nursing judgment and practice to delegate;
- (2) The delegated nursing task shall be a task that, in the opinion of the delegating nurse, may be competently and safely performed by the delegatee without compromising the client's welfare;
- (3) The nursing task shall not require the delegatee to exercise independent nursing judgment or intervention; and
- (4) The delegator shall be responsible for assuring that the delegated task is performed in a competent manner by the delegatee.

Section 4. Supervision. (1) The nurse shall provide supervision of a delegated nursing task.

- (2) The degree of supervision required shall be determined by the delegator after an evaluation of appropriate factors involved including the following:
 - (a) The stability and acuity of the client's condition;
 - (b) The training and competency of the delegatee;
 - (c) The complexity of the nursing task being delegated; and
 - (d) The proximity and availability of the delegator to the delegatee when the nursing task is performed.

Section 5. Nurse Extern. (1) The nurse extern may perform nursing tasks as delegated under the direct supervision of a registered nurse in accordance with this section. Those tasks may include the administration of medication or other tasks that have been taught in the nurse extern's nursing education program. The nurse extern shall be individually educationally prepared and clinically competent to perform the task. At a minimum, this competency shall be verified by an official letter from the nursing program documenting that the nurse extern has successfully completed the task as a student in the program of nursing. The employer shall independently verify and document the competency of the nurse extern to successfully perform the acts that the nurse extern will perform.

(2) A licensed practical nurse may participate with the registered nurse in providing supervision of a nurse extern enrolled in a practical nurse program of nursing.

(3) The nurse extern may provide nursing assistance that is routinely a part of any nursing assistant's job description.

(4) For a nurse extern enrolled in a practical nurse program of nursing, the administration of medications shall be limited by 201 KAR 20:490.

(5) A nurse extern shall not substitute for licensed nursing staff.

(6) A nurse extern shall not be required to independently assume the role, function, or responsibility of licensed personnel. (19 Ky.R. 1242; eff. 1-27-1993; 25 Ky.R. 2189; 2546; eff. 5-19-1999; 29 Ky.R. 2947; eff. 8-13-2003; TAm eff. 7-15-2010; 44 Ky.R. 1382, 1816; eff. 2-15-2018.)