

## Division 48

# Standards for Provision of Nursing Care By a Designated Care-Giver

### 851-048-0010

#### Statement of Intent

- (1) These rules are to be used only in situations where a person who requires nursing care in a private home or home-like setting designates a person who is like a family member as a care-giver. The designated care-giver is not paid or compensated in any way for the nursing care that he/she provides. Examples of designated care-givers are persons who live in the same household as the person requiring nursing care such as a significant other; or persons who live outside the household of the person requiring nursing care but who have a significant relationship with the person such as a neighbor, friend or relative who is not a member of the immediate family.
- (2) Prior to providing the nursing care, the care-giver is taught by a licensed nurse who has expertise related to the person's care needs and is practicing within his/her scope of practice.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.010

Hist.: BN 2-1998, f. & cert. ef. 1-26-98; BN 8-2001, f. & cert. ef. 7-9-01

### 851-048-0020

#### Statement of Purpose

- (1) The Board believes that consumers of nursing care have the right to designate family and family-like individuals to participate in the provision of their health care.
- (2) The Board recognizes that there are situations where immediate family members are not available to provide nursing care for persons requiring such care.
- (3) The Board believes that persons who are "like a family" to a person needing nursing care, and who have a significant, caring relationship with that person, can provide safe care in the best interest of the patient as would a member of the immediate family who is enabled to provide care by exclusion from the statutory definition of the practice of nursing.

Stat. Auth.: ORS 678.150 & HB 2779, 1997

Stats. Implemented: ORS 678.010

Hist.: BN 2-1998, f. & cert. ef. 1-26-98

### 851-048-0030

#### Applicability of the Rules

- (1) These rules apply in situations where a person requires nursing care and designates a care-giver who is able and willing to provide the necessary nursing care. Examples include but are not limited to situations where members of the immediate family are not readily available or able to provide care, or the person needing the nursing care prefers to designate someone other than members of the immediate family to provide his or her nursing care.

- (2) These rules apply in situations where a person requires nursing care, the person cannot provide his/her own care, and someone who has the authority to act on behalf of the person needing care designates a care-giver who is able and willing to provide the necessary nursing care.
- (3) These rules apply in settings of a private home or home-like environment where a person requires nursing care and that care is provided by a designated care-giver without monetary or other compensation.
- (4) These rules do not apply to licensed health care facilities which provide nursing services or general supervision over activities of daily living and where the presence of licensed nurses and/or trained/certified care-givers is required. The settings where these rules do not apply include but are not limited to:
  - (a) Acute care facilities;
  - (b) Long term care facilities;
  - (c) Adult foster homes;
  - (d) Assisted living facilities;
  - (e) Residential care facilities.
- (5) These rules do not prohibit the delegation of nursing care to paid care-givers under the provisions of Division 047 (OAR 851-047-0000 through 0030).

Stat. Auth.: ORS 678.150 & HB 2779, 1997

Stats. Implemented: ORS 678.010

Hist.: BN 2-1998, f. & cert. ef. 1-26-98

#### **851-048-0040**

##### **Definitions**

- (1) "Designated Care-Giver" means a person who is not a member of the immediate family and who has been selected by the person needing care or by an individual authorized to act on behalf of the person needing nursing care, to provide nursing care. The designated care-giver shall not be compensated, either directly or indirectly, for the nursing care he/she provides. Examples of designated care-givers include, but are not limited to: persons who live in the same household as the person requiring nursing care such as a significant other; or persons who live outside the household of the person requiring nursing care but who have a significant relationship with the person such as a neighbor, friend or relative who is not a member of the immediate family.
- (2) "Licensed Nurse" means a Registered Nurse or Licensed Practical Nurse licensed by the Oregon State Board of Nursing.
- (3) "Members of the Immediate Family" mean father, mother, grandfather, grandmother, husband, wife, son, daughter, sister, brother or other persons related to the person needing nursing care by blood, by marriage or through legal adoption.
- (4) "Teaching" means that the Licensed Nurse instructs the designated care-giver in the correct method of performing a selected task of nursing care or the provision of nursing care.

Stat. Auth.: ORS 678.150 & HB 2779, 1997

Stats. Implemented: ORS 678.010

Hist.: BN 2-1998, f. & cert. ef. 1-26-98; BN 8-2001, f. & cert. ef. 7-9-01

#### **851-048-0050**

##### **Responsibilities of the Care-Giver**

The designated care-giver shall not:

- (1) Accept monetary or other compensation, either directly or indirectly, for providing the specific tasks of nursing care;
- (2) Transfer the authority of nursing care to other persons or other care-givers. Only the person needing nursing care, or a person who has the authority to act on behalf of the person needing nursing care, has the authority to designate another care-giver to provide nursing care.

Stat. Auth.: ORS 678.150 & HB 2779, 1997

Stats. Implemented: ORS 678.010

Hist.: BN 2-1998, f. & cert. ef. 1-26-98

#### **851-048-0060**

##### **Responsibilities of the Licensed Nurse in Working with the Designated Care-Giver**

The Licensed Nurse whose responsibility it is to teach the designated care-giver the provisions of nursing care shall:

- (1) Determine that the person who is to be taught the tasks of nursing care meets the definition of a designated care-giver as stated in OAR 851-048-0030;
- (2) View the designated care-giver as they would a member of the immediate family.
- (3) Teach the designated care-giver as they would a member of the immediate family.
- (4) Teach the designated care-giver any task of nursing care necessary for the person to receive care.

Stat. Auth.: ORS 678.150

Stats. Implemented: ORS 678.010

Hist.: BN 2-1998, f. & cert. ef. 1-26-98; BN 8-2001, f. & cert. ef. 7-9-01

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