

FREQUENTLY ASKED QUESTIONS: DELEGATION OF MEDICAL TASKS

1. Does the Medical Board have laws and rules regarding the delegation of medical tasks to unlicensed persons?

Yes. Section 4731.053 of the Ohio Revised Code requires the State Medical Board to adopt rules that establish standards to be met and procedures to be followed by a physician (MD, DO, DPM) with respect to the physician's delegation of the performance of a medical task to a person who is not licensed or otherwise specifically authorized by the Ohio Revised Code to perform the task.

The Medical Board has adopted rules in Chapter 4731-23 of the Ohio Administrative Code.

2. What is a medical task?

Under Rule 4731-23-01, a task includes a routine medical service not requiring the special skills of a licensed provider.

3. What are the requirements for physicians delegating a medical task?

Under Rule 4731-23-02, OAC, a physician must determine the following **prior to** delegating the performance of a medical task:

- (a) That the task is within that physician's authority;
- (b) That the task is indicated for the patient;
- (c) The appropriate level of supervision;
- (d) That no law prohibits the delegation;
- (e) That the person to whom the task will be delegated is competent to perform that task;
and
- (f) That the task itself is one that is appropriate for delegation based on the factors outlined in FAQ #4.

4. How does the physician determine that the task is one that should be appropriately delegated?

The physician determines whether the task is one that should be appropriately delegated by considering the following factors:

- (a) That the task can be performed without requiring the exercise of judgment based on medical knowledge;
- (b) That results of the task are reasonably predictable;
- (c) That the task can safely be performed according to exact, unchanging directions;

- (d) That the task can be performed without a need for complex observations or critical decisions;
- (e) That the task can be performed without repeated medical assessments; and
- (f) That the task, if performed improperly, would not present life-threatening consequences or the danger of immediate and serious harm to the patient.

5. Are there additional requirements for physicians delegating the administration of drugs?

Yes. When a physician delegates the administration of drugs, the physician shall provide on-site supervision, except in certain circumstances. On-site supervision means that the physical presence of the physician is required in the same location as the unlicensed person while the medical task is being performed. On-site supervision does not require the physician's presence in the same room as the person performing the medical task.

6. What are the circumstances where the physician is not required to provide on-site supervision for the person performing the administration of drugs?

The following are the circumstances where on-site physician supervision is not required for the person performing the administration of drugs:

- (a) The physician has transferred responsibility for the on-site supervision of the unlicensed person who is administering the drug to another physician and that physician has knowingly accepted that responsibility on a patient-by-patient basis; or
- (b) Routine administration of a topical drug, such as a medicated shampoo; or
- (c) Delegation occurs pursuant to laws related to programs and services offered by a county board of developmental disabilities; or
- (d) When written policies and procedures have been adopted for the distribution of drugs by an unlicensed person to individuals incarcerated in state correctional institutions and other correctional facilities, such as county and municipal jails, workhouses, minimum security jails, halfway houses, community residential centers, regional jails, multi-county jails or any other detention facility.

7. May a physician delegate medical tasks to a licensed person, such as a registered nurse, if the task is outside the scope of the individual's licensed practice?

In certain circumstances, this may be permissible. The individual will be considered an unlicensed person for purposes of completion of the delegated task and the physician must meet all the requirements in Section 4731.053 and the rules under Chapter 4731-23. It is also recommended to check with the individual's licensing board.

8. May a physician delegate the following specific surgical tasks to an unlicensed person under the direct supervision of a physician under the Board's delegation rules?

(a) Pressing the trigger on a powered drill to fully insert a pin into a bone after the pin placement has already been started by the surgeon, while the surgeon maintains traction/fracture reduction on the bone;

(b) Tapping the tip of a bone cutting instrument with a hammer after the surgeon has placed the bone cutting instrument against the bone while the surgeon, by hand, manually feels and assesses the depth of the bone cut being made. The surgeon would then verbally tell the nurse or unlicensed person when to stop tapping the bone cutting instrument with the hammer based on his/her manual assessment; and

(c) Insert/advance orthopedic instrumentation via manual pressure or mallet while the surgeon maintains bone reduction on an implant that has been placed by the surgeon within or outside the bone and the surgeon maintains position of the implant while the nurse or unlicensed person inserts/advances the instrumentation.

Yes, an unlicensed person may complete these tasks under the direct supervision of a physician, so long as the physician is fully participating in the surgery and actively supervising the unlicensed person, who is acting as another set of hands and the physician meets all the requirements of Rule 4731-23-02(B), OAC. See FAQs #3 and 4.

9. What acts are prohibited under the delegation rules?

- (a) A physician may not delegate the practice of medicine unless specifically authorized to do so by statute or rule;
- (b) A physician may not delegate a task to an unlicensed person if the task is beyond that person's competence;
- (c) A physician may not delegate a medical task that is not within the authority of that physician or is beyond the physician's training, expertise, or normal course of practice.
- (d) A physician may not transfer the responsibility for supervising an unlicensed person in the performance of a delegated medical task, except to another physician who has knowingly accepted that responsibility.
- (e) Except as permitted in section 4731.053(D)(4) to (D)(7) of the Ohio Revised Code, a physician may not delegate to an unlicensed person the administration of anesthesia, controlled substances or drugs administered intravenously.
- (f) A physician may not authorize a physician assistant, anesthesiologist assistant, or any other professional regulated by the Medical Board to delegate tasks pursuant to section 4731.053 of the Ohio Revised Code.

10. What happens if a physician violates the delegation statute and rules?

Violations of the rules on delegation constitute a minimal standards violation under division (B)(6) of Section 4731.22 of the Revised Code. Any violation related to the administration of

drugs shall constitute a failure to maintain minimal standards applicable to the selection or administration of drugs in division (B)(2) of Section 4731.22 of the Revised Code.

11. What are exceptions to delegation statutes and rules?

The rules in Chapter 4731-23 do not:

- (a) Prevent an individual from engaging in an activity performed for a handicapped child as a service needed to meet the educational needs of the child as identified in the IEP developed for the child;
- (b) Prevent delegation from occurring within programs and services offered by a county board of developmental disabilities;
- (c) Conflict with any provision of the Ohio Revised Code that specifically authorizes an individual to perform a particular task;
- (d) Conflict with any rule that specifically authorizes an individual to perform a particular task; and
- (e) Prohibit a perfusionist from administering drugs intravenously while practicing as a perfusionist.

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