

# Delegation of Medical Administration

written by Nancy Brent | May 26, 2016

## **Avoiding Liability Bulletin**

Delegation of patient care is a constant requirement when caring for patients. Doing so within the parameters of the “Five Rights of Delegation” is essential, as a nurse in Michigan learned the hard way.

In *Varughese v. William Beaumont Hospital*<sup>1</sup>, a 59 year old Indian nurse on a TB isolation unit needed to administer medications to a particular patient who was being transferred from the unit to another hospital department for a diagnostic procedure.

When the nurse reached the patient’s room, the patient transporter was waiting for her. She realized she did not have an isolation mask required to enter the patient’s room. Instead of going to get the mask, she asked the patient transporter, who was not a doctor, nurse or UAP but who was wearing a mask, to take the medications into the patient and give them to the patient.

The patient transporter did not want to carry out the nurse’s request, but at her insistence and with her assurance that it would be OK because she would be watching him do so on a video monitor, he did administer the medications.<sup>2</sup> The transporter later reported the incident to his supervisor.

Despite a glowing evaluation a few days after this incident occurred, hospital administration learned of the medication incident, and she was terminated for a violation of hospital policy which amounted to gross neglect.<sup>3</sup>

The nurse attempted to change the termination to a resignation but was not successful. She also requested a copy of her personnel file and a copy of employee benefits. Shortly thereafter, she filed a grievance with the hospital which stated that its non-acceptance of her resignation in lieu of termination was in retaliation for asking for her personnel file and a copy of her employee benefits. These requests were also denied.<sup>4</sup>

The nurse then filed an age and national origin discrimination suit against the hospital under Title VII, The Age Discrimination in Employment Act (ADEA) and Michigan antidiscrimination laws due to her termination. The hospital filed a summary judgment motion, stating that the undisputed facts showed no discrimination or retaliation, and that the firing was justified by hospital policy.

After a hearing was held on that motion, the federal district court granted the hospital’s motion, holding that it was entitled to the judgment as a matter of law. No discrimination or retaliation occurred. The court dismissed the nurse’s case.

In its opinion, the court discusses at length the hospital policy and the Michigan Nurse Practice Act and

Regulations. The hospital policy clearly stated that only physicians, dentists, registered nurses, licensed practical nurses, nursing students and respiratory therapists (the latter two under supervision) are authorized to administer medications. In addition, procedural requirements are required (e.g., verify the medication is stable, check expiration date, know the medication being administered), and when administering a medication, verify the patient's identity using at least two patient identifiers.<sup>5</sup>

The court also emphasized that the Michigan Board of Nursing's Rule on Delegation<sup>6</sup> specifically requires, among other things, that before delegating any nursing duty, the nurse must "determine the qualifications of the delegatee" and "determine whether the delegatee has the necessary knowledge and skills for the acts, functions or tasks to be carried out safely and completely".<sup>7</sup> In her deposition, the nurse admitted she did not ask any questions of the transporter in order to determine his experience with giving medications, did not ask him if he was comfortable giving the medications, and also stated; "[a]nybody can give a couple [of] pills to a patient or anybody else", and "to administer a few pills to a patient won't take too much task".<sup>8</sup>

This case illustrates the extreme importance of never letting a "short cut" result in a breach of your professional responsibilities as a licensed nurse. As a nurse licensee, you are always accountable and responsible for your actions. Delegation is an essential part of nursing practice and must be done in accordance with hospital policy, the state nurse practice act and rules, and the meticulous exercise of professional judgment.

## FOOTNOTES

1. 2014 Westlaw 3361897 (E.D. Michigan, July 8, 2014).
2. "Improper Delegation of Nursing Responsibility: Discrimination Lawsuit Dismissed"( August 2014), 22(8) Legal Eagle Eye Newsletter For The Nursing Profession , 1.
3. Varughese v. William Beaumont Hospital, *supra* note 1, 2-4.
4. *Id.*, at 3-5.
5. *Id.*, at 2.
6. *Id.*, at 4-5; Michigan Board of Nursing General Rules, "Delegation", Rule 338.10104(1)(a)-(e), (2).
7. *Id.*
8. *Id.*, at 4-5.

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