

2018 Regular Session

SENATE BILL NO. 300

BY SENATOR HEWITT

HEALTH CARE. Provides relative to tasks performed by direct service workers. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 37:1032 and 1033(A), (B), (C), and (D)(1) and to enact R.S.
3 37:292(11), relative to direct service workers; to provide for an exception to the
4 nurse practice act; to provide for authorization to perform medical tasks; to provide
5 authority to direct patient care; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1032 and 1033(A), (B), (C), and (D)(1) are hereby amended and
8 reenacted and R.S. 37:292(11) is hereby enacted to read as follows:

9 §929. Exceptions

10 The provisions of this Part shall not apply to:

11 * * *

12 **(11) Nursing services performed by a direct service worker, as defined**
13 **in R.S. 37:1031 et seq.**

14 * * *

15 §1032. Authorized procedures

16 ~~Direct service workers may perform any or all of the following tasks for an~~
17 ~~individual who is in stable condition only when the task may be performed according~~

1 to exact directions and there is no need to alter the standard procedure and the results
2 are predictable:

3 (1) ~~Administration of oral and topical medication, ointments, suppositories,~~
4 ~~or a pre-measured dosage unit provided by the manufacturer of an oral inhalant~~
5 ~~aerosol as ordered by an authorized prescriber. Any medication administered by a~~
6 ~~direct service worker under this Part shall be in a container which meets acceptable~~
7 ~~pharmaceutical standards and is marked with clear instructions, the prescriber's~~
8 ~~name, the prescription number, if any, and the name of medication, dosage, and~~
9 ~~route. Under no condition shall a direct service worker administer medications not~~
10 ~~in compliance with the provisions of this Section.~~

11 (2) ~~Provision of routine hydration, nutrition, or medication by way of an~~
12 ~~established gastro-tube.~~

13 (3) ~~Other non-complex tasks which may be delegated by the registered nurse~~
14 ~~to the direct service worker pursuant to rules promulgated pursuant to this Part.~~

15 **A. Direct service workers may perform health related tasks for an**
16 **individual provided that the attending physician has determined the task could**
17 **have otherwise been performed safely by the individual if the individual was**
18 **physically capable or provided by a caretaker of a minor child or incompetent**
19 **adult for the individual provided the following requirements are met:**

20 **(1) The individual has been determined to be stable by the attending**
21 **physician.**

22 **(2) The attending physician has determined that the results of the task**
23 **are predictable.**

24 **(3) The individual receiving the services or the caretaker of a minor child**
25 **or incompetent adult, that have been trained by the attending physician or his**
26 **designee, is readily available, in person or via telephone, to answer questions**
27 **related to the tasks.**

28 **B. Tasks meeting the above criteria may include but are not limited to**
29 **the following:**

1 **(1) Administration of oral and topical medication, ointments,**
2 **suppositories, or a premeasured dosage unit provided by the manufacturer of**
3 **an oral inhalant aerosol as ordered by an authorized prescriber.**

4 **(2) Postural drainage and percussion.**

5 **(3) Suctioning of a clean, well-healed, uncomplicated, mature**
6 **tracheostomy in an individual who has no cardiopulmonary problems and is**
7 **able to cooperate with the person performing the suctioning.**

8 **(4) Assisting with incentive spirometer.**

9 **(5) Ensuring proper placement of a nasal cannula.**

10 **(6) Care of a mature tracheostomy site.**

11 **(7) Removing, cleaning, and replacing an inner tracheostomy cannula for**
12 **a mature tracheostomy.**

13 **(8) Providing routine hydration, nutrition, or medication by way of an**
14 **established gastrostomy or jejunostomy tube.**

15 **(9) Cleansing mature, healed PEG and PEJ tube sites.**

16 **(10) Measuring intake and output.**

17 **(11) Capillary blood glucose testing.**

18 **(12) Cleaning intermittent urinary catheterization.**

19 **(13) Obtaining a urine specimen from a port of an indwelling urinary**
20 **catheter.**

21 **(14) Emptying and measuring drains.**

22 **(15) Emptying colostomy and catheter bags.**

23 **(16) Changing a colostomy appliance.**

24 **(17) Administering over-the-counter enemas.**

25 **(18) Administering over the counter saline or vinegar vaginal douches.**

26 **(19) Simple wound care including nonsterile clean dressing removal and**
27 **application.**

28 **(20) Epinephrine pen usage for emergency situations.**

29 **(21) Venting and checking stomach residuals by way of a gastrostomy.**

1 §1033. Required training

2 A. In order to be authorized to perform the procedures specified in R.S.
3 37:1032, a direct service worker shall be employed by a licensed agency or
4 employed as part of an authorized departmental self-directed program. ~~If the direct~~
5 ~~service worker is employed as part of an authorized departmental self-directed~~
6 ~~program, the training he will receive shall be developed by the Louisiana Department~~
7 ~~of Health in conjunction with the Louisiana State Board of Nursing. If the direct~~
8 ~~service worker is employed by a licensed agency he shall receive the following~~
9 ~~training:~~

10 **(1) If the direct service worker is employed by a licensed agency he shall**
11 **receive the following training:**

12 ~~(1)~~ **(a)** All training required by agency licensing laws or the rules and
13 regulations for participating in Medicaid reimbursement or the requirements of the
14 state or federally funded home or community-based service.

15 ~~(2)~~ **(b)** In order to administer medications, at least sixteen hours of
16 fundamentals of medication administration training including but not limited to
17 medication administration, handling and storage of medications, side effects, and
18 drug interactions. This training may be a part of the training required in ~~Paragraph~~
19 ~~(1)~~ **Subparagraph (a)** of this ~~Subsection~~ **Paragraph**.

20 ~~(3)~~ **(c)** In order to administer noncomplex tasks, complete didactic training,
21 and demonstration of competency in accordance with guidelines established and
22 approved by the Louisiana Department of Health and the Louisiana Board of
23 Nursing.

24 ~~(4)~~ **(d)** Appropriate person-specific training from a registered nurse who has
25 assessed the health status of the individual receiving services and determined that the
26 direct service worker can perform the tasks in a safe, appropriate manner, with
27 additional person-specific training by a registered nurse whenever the tasks to be
28 performed or the types of medications to be administered are changed. Written
29 documentation of training provided by the registered nurse shall be submitted to and

1 maintained by the direct service worker's employer.

2 (2) If the direct service worker is employed as part of an authorized
3 departmental self-directed program, he shall receive the following training:

4 (a) If providing medication administration, the direct service worker
5 shall complete a training course authorized by the Louisiana Department of
6 Health.

7 (b) Task specific training or any training on specific medications shall
8 be provided to the direct service worker by one of the following:

9 (i) The attending physician or his designee.

10 (ii) The individual receiving care by the direct service worker or the
11 caretaker of a minor child or incompetent adult receiving care by the direct
12 service worker, provided they have been trained by the attending physician or
13 his designee.

14 B. Any unlicensed person employed by a licensed agency who is
15 performing the procedures authorized by this Part shall complete the training
16 required by this Section no later than twelve months after promulgation of the
17 regulations required by this Part. Training specified in Subsection A of this Section
18 shall be repeated if the registered nurse does not certify that the direct service worker
19 has demonstrated a sufficient level of competency in the subject matter.

20 C. A direct service worker employed by a licensed agency shall undergo an
21 annual competency validation, specified in rules adopted by the Louisiana Board of
22 Nursing and the Louisiana Department of Health, performed by a registered nurse,
23 to determine whether the direct service worker continues to perform the authorized,
24 person-specific tasks appropriately. Documentation of the annual competency review
25 provided by the registered nurse shall be submitted to and maintained by the direct
26 service worker's employing agency.

27 D.(1) Any licensed nurse who has properly trained and documented that a
28 direct service worker employed by a licensed agency can perform the prescribed
29 tasks shall not be liable for any civil damages as a result of any act or omission of

