

Regular Session, 2007

# ACT No. 293

HOUSE BILL NO. 246

BY REPRESENTATIVE MCDONALD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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## AN ACT

To enact Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1026.1 through 1026.9, relative to certified medication attendants in licensed nursing homes; to provide for the purpose, application, and definitions; to authorize the Department of Health and Hospitals to administer the medication attendant pilot program; to establish qualifications for certification; to provide for authorized and prohibited functions of medication attendants; to require promulgation of rules and regulations; to establish medication administration applicant requirements; to establish a registry; to provide for a termination date; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1026.1 through 1026.9, is hereby enacted to read as follows:

### PART I-A. MEDICATION ATTENDANTS IN LICENSED NURSING HOMES

#### §1026.1. Purpose

The purpose of this Part is to create a pilot program that shall authorize certification of medication attendants to perform certain functions in licensed nursing homes until August 1, 2011. This program shall be administered by the Department of Health and Hospitals.

#### §1026.2. Applicability

This Part shall apply only to nursing homes licensed by the Department of Health and Hospitals pursuant to R.S. 40:2009.3.

1           §1026.3. Definitions

2                   As used in this Part:

3                   (1) "Authorized prescriber" means a licensed physician, dentist, or other  
 4 health care provider authorized by law to prescribe drugs, medications, medical  
 5 devices or appliances, and health care regimens.

6                   (2) "Medication attendant" means a person who, pursuant to this Part, has  
 7 completed a medication administration course approved by the Department of Health  
 8 and Hospitals, passed an examination for medication attendants approved by the  
 9 Department of Health and Hospitals, and received a current certification from the  
 10 Department of Health and Hospitals.

11                  (3) "Department" means the Department of Health and Hospitals.

12                  (4) "Licensed nursing home" means a facility established and licensed  
 13 pursuant to R.S. 40:2009.3.

14           §1026.4. Medication Attendants

15                   Persons who have successfully completed an approved medication  
 16 administration course, passed a qualifying certification examination, and been issued  
 17 a current certification by the department pursuant to this Part shall be permitted to  
 18 administer certain medications to residents of licensed nursing homes and shall be  
 19 considered direct care staff with regard to nursing homes. The ratio of supervising  
 20 licensed personnel to certified medication attendants shall be specified in department  
 21 rules.

22           §1026.5. Authorized and prohibited functions of medication attendants

23                   A. The authorized functions of the certified medication attendant shall  
 24 include the following:

25                   (1) Delivery and administration of certain prescribed medications ordered  
 26 by an authorized prescriber for patients under the supervision of a licensed nurse by  
 27 the following methods:

28                   (a) Orally.

29                   (b) Topically.

30                   (c) Drops for eye, ear, or nose.

1                    (d) Vaginally.

2                    (e) Rectally.

3                    (f) Transdermally.

4                    (g) Via oral inhaler.

5                    (2) Recording medications administered to the resident in the resident's  
6 chart.

7                    (3) Charting medication effects and side effects.

8                    B. The prohibited functions of the medication attendant shall include the  
9 following:

10                    (1) Administering controlled dangerous substances or other substances  
11 identified as high risk by the department, unless otherwise specified in department  
12 rules.

13                    (2) Administering medications by intramuscular, intravenous, subcutaneous,  
14 or other routes restricted in department rules.

15                    (3) Administering medications by the oral inhalant aerosol route, unless  
16 administering a premeasured dosage unit provided by the manufacturer.

17                    (4) Administering medications ordered on a pro re nata, as-needed, basis,  
18 except on an individualized basis as specified in department rules.

19                    (5) Receiving or assuming responsibility for writing oral or telephone orders  
20 from an authorized prescriber.

21                    (6) Performing a task involving the administration of medication if the  
22 medication administration requires an assessment of the patient's physical status, the  
23 need for medication, a calculation of the dosage of the medication, or the conversion  
24 of a dosage.

25                    (7) Performing a task involving the administration of a medication if the  
26 patient is unstable or has changing nursing needs, unless the supervising nurse is  
27 available to monitor the patient and the effect of the medication on the patient.

28                    §1026.6. Promulgation of rules and regulations

29                    A. The department, in consultation with an advisory committee to be  
30 comprised of one representative each, designated by the chief elected or

1 administrative officer, of the Louisiana State Nurses' Association, Louisiana Board  
 2 of Pharmacy, Louisiana State Board of Practical Nurse Examiners, Louisiana State  
 3 Board of Nursing, Louisiana State Long-Term Care Ombudsman Program in the  
 4 office of the governor, Board of Supervisors of Community and Technical Colleges,  
 5 and Louisiana Nursing Home Association, shall promulgate rules and regulations  
 6 pursuant to the Administrative Procedure Act for the enforcement of this Part by  
 7 March 31, 2008.

8 B. The rules and regulations shall include but not be limited to:

9 (1) Establishment of a medication administration course of not less than one  
 10 hundred hours.

11 (2) Establishment of standards, curricula, and training requirements for a  
 12 medication administration course for certified medication attendants, including but  
 13 not limited to:

14 (a) Legal aspects of medication administration.

15 (b) Roles of health care providers in relation to medication administration.

16 (c) Responsibilities of medication administration.

17 (d) Definitions.

18 (e) Terminology.

19 (f) Classification.

20 (g) Measurement of medications.

21 (h) Identification of residents.

22 (i) Documentation.

23 (j) Effects of medications.

24 (k) Distribution, care, and handling of medications.

25 (3) Examination and certification of medication attendants.

26 (4) Performance evaluations for certified medication attendants.

27 (5) Application for and issuance, renewal, suspension, and revocation of  
 28 certificates of medication attendants.

29 (6) Ratios of supervising licensed nurses to medication attendants in licensed  
 30 nursing homes.

1                   (7) Appeal procedures.

2                   (8) Analysis of statistical data pertaining to medication error rates, resident  
3 outcomes, and satisfaction.

4                   (9) Evaluation of the training program to determine its effectiveness.

5                   (10) Preparation and delivery of annual interim reports to the Senate  
6 Committee on Health and Welfare and the House Committee on Health and Welfare  
7 not less than thirty days prior to the commencement of the regular session of the  
8 legislature and a final report to same not later than January 31, 2011.

9                   §1026.7. Medication administration course; qualifications of applicants

10                   Each person accepted to participate in the medication administration course  
11 shall meet the following minimum qualifications:

12                   (1) Be a citizen of the United States, a United States national, or an alien  
13 lawfully admitted for permanent residency in the United States.

14                   (2) Have attained a high school diploma or approved equivalent.

15                   (3) Be at least eighteen years old.

16                   (4) Be proficient in reading and writing the English language.

17                   (5) Be free of abused substances as evidenced by periodic random testing.

18                   (6) Pass a criminal background check and have no history of criminal  
19 activities that may subject persons entrusted to their care to potential harm.

20                   (7) Be a certified nursing assistant with a valid certification.

21                   (8) Have a minimum of one year's experience in a nursing home as a  
22 certified nursing assistant or graduated from a nursing program.

23                   (9) Have a letter of recommendation from an administrator or a director of  
24 nursing.

25                   (10) Any qualifications specified in the rules promulgated by the department.

26                   §1026.8. Registry

27                   A permanent register of all persons certified to practice as a medication  
28 attendant shall be maintained by the department as part of the nurse aide registry.

29                   Any nursing home utilizing a medication attendant shall verify with this registry that  
30 the person has a current certification.

1           §1026.9. Termination date

2                   The provisions and authority of this Part shall terminate on August 1, 2011.

3           Section 2. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_