

**SENATE . . . . . No. 860**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to home health aides.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 80B of Chapter 112 of the General Laws, as appearing in the 2002  
2 Official Edition is hereby amended by inserting in the last paragraph after the words "licensed  
3 practical nurse" the following:

4           "(8) the administration of or assistance with the administration of medications in the  
5 home by a home health aide as defined under G.L. c. 111, § 72F, provided that such an aide has  
6 completed agency training regulations to be drafted according to regulations promulgated by the  
7 Board of Registration in Nursing and the Department of Public Health and that the  
8 administration or assistance with administration is performed under the supervision of a  
9 registered nurse. The delegation permitted under this subparagraph eight shall be limited to  
10 medications which are oral, ophthalmic, otic, topical, intranasal, transdermal, suppository,  
11 prefilled, or products which are administered by inhalation. Administration of medications by  
12 intramuscular, subcutaneous, intradermal, intraosseous, intravenous shall not be permitted.

13           Agencies shall provide training and establish documentation protocols according to the  
14 nurse delegation model and regulations to be drafted by the Board of Registration in Nursing and

15 the Department of Public Health. These regulations shall specify that the registered nurse  
16 delegator and the home health aide are accountable for their own actions in the delegation  
17 process and that no registered nurse shall be required to delegate if the registered nurse  
18 determines it is inappropriate to do so. These regulations shall specify that delegation of  
19 administration of medication does not alter the responsibility of the home health agency or  
20 hospice to teach and the patient/family to participate in learning, self administration of  
21 medications, whenever appropriate.

22 A nurse licensed under this chapter who delegates a specific nursing activity or task in  
23 compliance with the rules adopted in these regulations shall not be subject to disciplinary action  
24 by the board of nursing for the performance of a person to whom the nursing activity or task is  
25 delegated.

26 SECTION 2. Section 9 of Chapter 94 C of the General Laws in hereby amended by  
27 inserting in the first paragraph after the words “veterinarian when registered pursuant to the  
28 provisions of Chapter 7” the following:

29 “a home health aide pursuant to the provisions of G.L Chapter 112 S 80B (8).”