

SENATE No. 1064

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to home health and hospice aides.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

SENATE No. 1064

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 1064) of Richard T. Moore, Anne M. Gobi, Louis L. Kafka, William C. Galvin and other members of the General Court for legislation relative to home health and hospice aides. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2242 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to home health and hospice 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 2010
2 Official Edition, is hereby amended by inserting after line 69 the following:-

3 Registered nurses may delegate the administration of or assistance with the
4 administration of medications in the home to a home health aide as defined under section 72F of
5 chapter 111 of the General Laws, provided that such an aide has completed training on
6 medication administration according to regulations promulgated by the board of registration in
7 nursing in conjunction with the department of public health, and that the administration or
8 assistance with administration is performed under the supervision of a registered nurse.

9 The delegation of medication administration permitted under this section shall be limited
10 to 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 The board of registration in nursing, in conjunction with the department of public health,
14 shall promulgate regulations pertaining to documentation protocols and training on medication
15 administration. These regulations shall specify that delegation of administration of medication

16 does not alter the responsibility of the home health agency or hospice to teach and the patient or
17 family to participate in learning the self-administration of medications, whenever appropriate.

18 Home health agencies shall provide training on medication administration to home health
19 aides and nurses and establish protocols on documenting that a home health aide or nurse has
20 completed training according to the nurse delegation model and regulations to be drafted by the
21 board of registration in nursing in conjunction with the department of public health.

22 These regulations shall specify that the registered nurse delegator and the home health
23 aide are accountable for their own actions in the medication delegation process and that no
24 registered nurse shall be required to delegate medication administration if the registered nurse
25 determines it is inappropriate to do so.

26 A nurse licensed under this chapter who delegates medication administration in
27 compliance with the rules adopted in these regulations shall not be subject to disciplinary action
28 by the board of nursing for the performance of a person to whom medication administration is
29 delegated.

30 SECTION 2. Section 9 of chapter 94C of the General Laws, as so appearing, is hereby
31 amended by inserting in the first paragraph after the words “veterinarian when registered
32 pursuant to the provisions of chapter 7” the following:

33 “a home health aide pursuant to the provisions of subsection (8) of section 80B of chapter
34 112 of the General Laws.”