

SENATE No. 2076

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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 2012
2 Official Edition, is hereby amended by inserting after line 80 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. The delegation of intramuscular,
12 subcutaneous, intradermal, intraosseous, or intravenous administration of medication shall not be
13 permitted.

14 The board of registration in nursing, in conjunction with the department of public health,
15 shall promulgate regulations pertaining to documentation protocols and training on medication
16 administration. These regulations shall specify that delegation of administration of medication
17 does not alter the responsibility of the home health agency or hospice to teach and the patient or
18 family to participate in learning the self-administration of medications, whenever appropriate.

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

23 These regulations shall specify that the registered nurse delegator and the home health
24 aide are accountable for their own actions in the medication delegation process, that the nurse
25 delegator shall take appropriate steps to verify the training of the home health aide, that the
26 delegation shall apply only to the home health aide to whom it was given and shall not be further
27 delegated or transferred, that no registered nurse shall be required to delegate medication
28 administration if the registered nurse determines it is inappropriate to do so, and that the nurse
29 delegator may revoke the delegation based on documented professional judgment.

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

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

37 “a home health aide pursuant to the provisions of subsection (8) of section 80B of chapter
38 112 of the General Laws.”