HOUSE DOCKET, NO. 2815 FILED ON: 1/17/2019

HOUSE . . . . . No. 1939

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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:	DATE ADDED:
Kay Khan	*11th Middlesex*	*1/17/2019*
Brian M. Ashe	*2nd Hampden*	*1/18/2019*
Michael D. Brady	*Second Plymouth and Bristol*	*1/31/2019*
Tackey Chan	*2nd Norfolk*	*2/1/2019*
Marjorie C. Decker	*25th Middlesex*	*1/30/2019*
Mindy Domb	*3rd Hampshire*	*2/1/2019*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*	*2/1/2019*
Carlos González	*10th Hampden*	*2/1/2019*
Louis L. Kafka	*8th Norfolk*	*1/22/2019*
Denise Provost	*27th Middlesex*	*1/31/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*2/1/2019*
John H. Rogers	*12th Norfolk*	*2/1/2019*
José F. Tosado	*9th Hampden*	*1/25/2019*
Steven Ultrino	*33rd Middlesex*	*1/29/2019*
Bud L. Williams	*11th Hampden*	*1/23/2019*

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HOUSE . . . . . No. 1939

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1939) of Kay Khan and others relative to the administration of medications in the home by certain home health aides. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1187* OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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:

SECTION 1. Section 80B of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the tenth paragraph the following 5 paragraphs:-

Registered nurses may delegate the administration of or assistance with the administration of medications in the home to a home health aide, as defined under section 72F of chapter 111 of the General Laws; provided, that the home health aide has completed training on medication administration and meets minimum requirements according to regulations promulgated by the board in conjunction with the department of public health and that the administration or assistance with administration is performed under the supervision of a registered nurse. Said requirements shall exempt continuous skilled nursing services pursuant to 130 CMR 403.410(J) and authorized pursuant to 130 CMR 403.413(C).

The delegation of medication administration to a home health aide permitted under this section shall exclude controlled substances pursuant to Section 31 of Chapter 94c of the General Laws and shall be limited to medication administration methods which are oral, ophthalmic, otic, topical, internasal, transdermal, suppository, prefilled auto-injectables designed for self-administration, or products which are administered by inhalation. The delegation of administration methods including intramuscular, subcutaneous, intradermal that are not prefilled auto-injectables designed for self-administration, intraosseous or intravenous administration of medication shall not be permitted.

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

Home health agencies shall provide training on medication administration to home health aides and nurses and establish protocols on documenting that a home health aide or nurse has completed training according to the nurse delegation model and the board's regulations, which shall be drafted by the board in conjunction with the department of public health. Said regulations shall specify that the registered nurse delegator and the home health aide are accountable for their own actions in the medication delegation process, that the nurse delegator shall take appropriate steps to verify the training of the home health aide, that the delegation shall apply only to the home health aide to whom it was given and shall not be further delegated or transferred, that no registered nurse shall be required to delegate medication administration if

the registered nurse determines it is inappropriate to do so and that the nurse delegator may revoke the delegation based on documented professional judgment.

A nurse licensed under this chapter who delegates medication administration in accordance with the regulations shall not be subject to disciplinary action by the board for the performance of a person to whom medication administration was delegated.