

HOUSE No. 2332

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:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/5/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/26/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>3/9/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>3/10/2021</i>

HOUSE No. 2332

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2332) of Kay Khan and others relative to the administration of medications in the home by certain home health aides. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 so appearing, is hereby
2 amended by inserting after the tenth paragraph the following 5 paragraphs: -

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 42 CFR 484.80
5 or to a hospice aide as defined under 42 CFR 418.76; provided, that the home health aide has
6 completed training on medication administration and meets requirements according to
7 regulations promulgated by the board in conjunction with the department of public health and
8 that the administration or assistance with administration is performed under the supervision of a
9 registered nurse. Such delegation authority shall not apply to nurses providing services under the
10 Continuous Skilled Nursing Agency regulations (130 CMR 438.000).

11 The delegation of medication administration to a home health aide permitted under this
12 section shall exclude controlled substances pursuant to Section 31 of Chapter 94c of the General

13 Laws. Medication administration under this section shall include methods which are oral,
14 ophthalmic, optic, topical, internasal, transdermal, suppository, prefilled auto-injectables
15 designed for self-administration, or products which are administered by inhalation. The
16 delegation of administration methods including intramuscular, subcutaneous, intradermal that are
17 not prefilled auto-injectables designed for self-administration, intraosseous or intravenous
18 administration of medication shall not be permitted. Nothing in this paragraph shall limit the
19 boards authority to promulgate additional regulations.

20 The board, in conjunction with the department of public health, shall promulgate
21 regulations which shall include but not be limited to; training requirements for home health aides
22 on medication administration, training requirements for nurses on the duties and appropriateness
23 for delegating medication administration, and documentation protocols.

24 Said regulations shall specify that the registered nurse delegator and the home health aide
25 are accountable for their own actions in the medication delegation process, that the nurse
26 delegator shall take appropriate steps to verify the training and documentation requirements of
27 the home health aide, that the delegation shall apply only to the home health aide to whom it was
28 given and shall not be further delegated or transferred, protocols for which a nurse delegator may
29 refuse or revoke delegation using their documented professional judgement, that no registered
30 nurse shall be subject to disciplinary action by their employer for refusing to be a delegator or
31 refusing to delegate if the nurse determines such delegation may compromise client safety, that
32 no home health aide shall be subject to disciplinary action by their employer for refusing to
33 participate in the medication delegation process, documentation protocols that delegation of
34 administration of medication does not alter the responsibility of the home health agency or

35 hospice to teach and the patient or family to participate in learning the self-administration of
36 medications, whenever appropriate.

37 Nothing in this paragraph shall limit the boards authority to promulgate additional rules
38 or regulations.

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