

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kathleen R. LaNatra

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 to relieve the strain on the limited licensed medical personnel in correctional facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>5/17/2022</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>5/19/2022</i>
<i>Lydia Edwards</i>	<i>First Suffolk and Middlesex</i>	<i>5/24/2022</i>
<i>Jeffrey Rosario Turco</i>	<i>19th Suffolk</i>	<i>6/2/2022</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>6/16/2022</i>

HOUSE No.

By Mrs. LaNatra of Kingston, a petition (subject to Joint Rule 12) of Kathleen R. LaNatra, Colleen M. Garry and Lydia Edwards relative to the administering of medication to individuals housed at correctional facilities. Public Health.

The Commonwealth of Massachusetts

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

An Act to relieve the strain on the limited licensed medical personnel in correctional facilities.

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. Chapter 94C of the General Laws is hereby amended by inserting after
2 section 9 the following section:-

3 Section 9A. (a) For the purposes of this section, the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 “Facility”, a house of correction established pursuant to section 8 of chapter 126 or a
6 facility operated by the department of correction.

7 “Nurse”, a nurse registered or licensed pursuant to section 74 or 74A of chapter 112.

8 (b) Notwithstanding any other section of this chapter or any other general or special law
9 to the contrary, and consistent with the provisions of this section, a nurse may delegate to
10 unlicensed personnel the duty of administering medication to individuals housed at a facility.

11 (c) A nurse may only delegate the duty of administering medication pursuant to
12 subsection (b), under the following conditions:

13 (i) the nurse and the unlicensed personnel shall be employed at the facility where the
14 medication is to be administered;

15 (ii) medications shall be administered pursuant to an existent patient prescription or order
16 by a duly authorized prescriber for routine and immediate administration;

17 (iii) medications shall not be administered as part of an opioid treatment program,
18 including medication-assisted treatment for opioid use disorder pursuant to section 17B of
19 chapter 127; and

20 (iv) controlled substances shall not be administered.

21 (d) Prior to administering medications to an individual housed at a facility pursuant to
22 this section, unlicensed personnel shall receive competency-based training from a nurse. The
23 training shall include, but shall not be limited to: (i) best practices regarding storage, handling,
24 administration, wasting, disposal and documentation of medication; (ii) the 5 rights of safe
25 medication administration; (iii) the specific needs of individuals to whom they are administering
26 medications; (iv) support available and how to access such support from the delegating nurse or
27 other health care professionals; and (v) emergency procedures. A record of the unlicensed
28 personnel's training and competency shall be properly documented and a current list of
29 unlicensed personnel deemed competent to administer medication shall be provided to the
30 delegating nurse.

31 (e) Prior to delegating medication administration pursuant to this section, the delegating
32 nurse shall verify that the unlicensed personnel administering medications has documented
33 training and competency on file pursuant to subsection (d).

34 SECTION 2. This act shall take effect on January 1, 2023.