

2022 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVES BAGLEY, TRAVIS JOHNSON, AND MCMAHEN

HEALTH SERVICES: Provides for settings in which medication attendant services may be provided

1 AN ACT

2 To amend and reenact the heading of Part I-A of Chapter 11-A of Title 37 of the Louisiana
3 Revised Statutes of 1950 and R.S. 37:1026.1, 1026.2, 1026.3(4), 1026.4, 1026.6(A)
4 and (B)(6), 1026.7(8), and 1026.8, relative to medication attendant services; to
5 provide for applicable facilities; to provide for definitions; to provide for
6 authorizations and prohibitions of medication attendants; to provide for the
7 promulgation of rules and regulations; to provide for applicant qualifications for the
8 Medication administration course; to provide for registration information; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The heading of Part I-A of Chapter 11-A of Title 37 of the Louisiana
12 Revised Statutes of 1950 and R.S. 37:1026.1, 1026.2, 1026.3(4), 1026.4, 1026.6(A) and
13 (B)(6), 1026.7(8), and 1026.8 are hereby amended and reenacted to read as follows:

14 PART I-A. MEDICATION ATTENDANTS IN ~~LICENSED NURSING HOMES~~
15 LICENSED LONG-TERM CARE FACILITIES

16 §1026.1. Purpose

17 The purpose of this Part is to create a program that shall authorize
18 certification of medication attendants to perform certain functions in licensed ~~nursing~~
19 ~~homes~~ long-term care facilities. This program shall be administered by the
20 Louisiana Department of Health.

1 §1026.2. Applicability

2 This Part shall apply only to ~~nursing homes~~ licensed long-term care facilities
3 ~~licensed by the Louisiana Department of Health pursuant to R.S. 40:2009.3~~ as
4 defined in R.S. 37:1026.3.

5 §1026.3. Definitions

6 As used in this Part:

7 * * *

8 (4) "Licensed ~~nursing home~~ long-term care facility" means ~~a facility~~
9 ~~established and licensed pursuant to R.S. 40:2009.3.~~ any of the following:

10 (a) Nursing home as defined in R.S. 40:2009.2.

11 (b) Adult residential care provider as defined in R.S. 40:2166.3.

12 §1026.4. Medication attendants

13 Persons who have successfully completed an approved medication
14 administration course, passed a qualifying certification examination, and been issued
15 a current certification by the department pursuant to this Part shall be permitted to
16 administer certain medications to residents of licensed ~~nursing homes~~ long-term care
17 facilities and shall be considered direct care staff with regard to ~~nursing homes~~
18 licensed long-term care facilities. The ratio of supervising licensed personnel to
19 certified medication attendants shall be specified in department rules.

20 * * *

21 §1026.6. Promulgation of rules and regulations

22 A. The department, in consultation with an advisory committee to be
23 comprised of one representative each, designated by the chief elected or
24 administrative officer, of the Louisiana State ~~Nurses'~~ Nurses Association, Louisiana
25 Board of Pharmacy, Louisiana State Board of Practical Nurse Examiners, Louisiana
26 State Board of Nursing, Louisiana State Long-Term Care Ombudsman Program in
27 the office of the governor, Board of Supervisors of Community and Technical
28 Colleges, ~~and Louisiana Nursing Home Association, and Louisiana Assisted Living~~

Proposed law defines "licensed long-term care facility". Proposed law provides that the term "licensed long-term care facility" encompasses nursing homes and adult residential care providers.

Present law provides for persons who have completed an approved medication administration course, passed a quality certification examination, and been issued a current certification by the department shall be permitted to administer certain prescribed medications to residents of licensed nursing homes. Proposed law states that present law shall be made applicable to licensed long-term care providers licensed by the Louisiana Department of Health.

Present law states that the rules and regulations shall include but not be limited to ratios of supervising licensed nurses to medication attendants in licensed nursing homes. Proposed law states that the rules and regulations shall include but not be limited to ratios of supervising licensed nurses to medication attendants in licensed long-term care facilities.

Present law requires the promulgation of rules and regulations for the enforcement of this Part to be done by March 31, 2008. Proposed law removes deadline for the promulgation of rules and regulations for the enforcement of this Part.

Present law requires each person accepted to participate in the medication administration course to have a minimum of one year's experience in a nursing home as a certified nursing assistant or graduated from a nursing program. Proposed law requires each person accepted to participate in the medication administration course to have a minimum of one year's experience in a licensed long-term care facility as a certified nursing assistant or graduate from a nursing program.

Present law requires any nursing home utilizing a medication attendant to verify with the nurse aide registry that the person has a current certification. Proposed law requires any licensed long-term care facility utilizing a medication attendant to verify with the nurse aide registry that the person has a current certification.

(Amends heading of Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950 and R.S. 37:1026.1, 1026.2, 1026.3(4), 1026.4, 1026.6(A) and (B)(6), 1026.7(8), and 1026.8)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Provide that the term "licensed long-term care facility" encompasses nursing homes and adult residential care providers.
2. Provide citations to the legal definitions for nursing homes and adult residential care providers.
3. Make technical corrections.