

Regular Session, 2013

HOUSE BILL NO. 241

BY REPRESENTATIVE WILLMOTT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICATION ATTENDANTS: Expands the applicability of the medication attendant provisions to the office of aging and adult services

1 AN ACT

2 To amend and reenact R.S. 37:1021, 1023(A), and 1025(A)(1), relative to medication  
3 attendants; to expand the applicability of the medication attendant provisions to the  
4 office of aging and adult services; to change the term "Medicaid waiver services  
5 provided to persons with developmental disabilities" to "Medicaid home- and  
6 community-based services"; to change the term "mental retardation" to  
7 "developmental disabilities"; to make technical corrections; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1021, 1023(A), and 1025(A)(1) are hereby amended and  
11 reenacted to read as follows:

12 §1021. Applicability

13 This Part shall apply only to the office for citizens with developmental  
14 disabilities and the office of aging and adult services of the Department of Health  
15 and Hospitals, to community homes for persons with ~~mental retardation~~  
16 developmental disabilities funded through the Department of Health and Hospitals,  
17 to intermediate care facilities for people with developmental disabilities, and to in-  
18 home Medicaid ~~waiver~~ home- and community-based services ~~provided to persons~~  
19 ~~with developmental disabilities~~. This Part shall apply to ~~programs/agencies~~ any  
20 program or agency contracting for services with the Department of Health and

1 Hospitals ~~and/or~~ or the Department of Children and Family Services. Participation  
2 on the part of private providers that contract with the Department of Health and  
3 Hospitals or the Department of Children and Family Services is strictly voluntary.

4 \* \* \*

5 §1023. Drug administration course; certification of medication attendants; rules;  
6 instructor training courses; fees

7 A. Drug administration courses shall be established by the office of the  
8 secretary of the Department of Health and Hospitals in conjunction with the  
9 Louisiana State Board of Nursing and the Louisiana State Board of Practical Nurse  
10 Examiners and as approved by the secretary of the Department of Health and  
11 Hospitals. Persons who have successfully completed the course and passed a  
12 qualifying examination shall be permitted to administer certain medications to  
13 residents of facilities operated by the office for citizens with developmental  
14 disabilities or community homes for persons with ~~mental retardation~~ developmental  
15 disabilities funded through the Department of Health and Hospitals or the  
16 Department of Children and Family Services and to persons ~~with developmental~~  
17 ~~disabilities~~ receiving in-home Medicaid ~~waiver~~ home- and community-based  
18 services and shall be known as medication attendants. The course shall include but  
19 not be limited to instruction of the legal aspects, roles, and responsibilities of drug  
20 administration, definitions, terminology, classification, measurement, identification,  
21 effects, distribution, and the care and handling of drugs.

22 \* \* \*

23 §1025. Qualifications of applicants to the drug administration course

24 A. Each person accepted to participate in the drug administration course  
25 shall be a citizen of the United States and a resident of this state and in addition:

26 (1) Must be employed in a facility operated by the office for citizens with  
27 developmental disabilities, in a community home for persons with ~~mental retardation~~  
28 developmental disabilities funded through the Department of Health and Hospitals  
29 or the Department of Children and Family Services, or in an intermediate care

1 facility for people with developmental disabilities, or be a person who provides in-  
2 home Medicaid ~~waiver~~ home- and community-based services ~~to a person with a~~  
3 ~~developmental disability.~~

4 \* \* \*

5 Section 2. This Act shall become effective upon signature by the governor or, if not  
6 signed by the governor, upon expiration of the time for bills to become law without signature  
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9 effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Willmott

HB No. 241

**Abstract:** Expands the applicability of the medication attendant provisions to the office of aging and adult services in the Dept. of Health and Hospitals.

Present law provides that provisions regarding medication attendants shall apply only to the following:

- (1) The office for citizens with developmental disabilities of the Dept. of Health and Hospitals (DHH).
- (2) Community homes for persons with mental retardation funded through DHH.
- (3) Intermediate care facilities for people with developmental disabilities.
- (4) In-home Medicaid waiver services provided to persons with developmental disabilities.
- (5) Programs and agencies contracting for services with the Dept. of Health and Hospitals or the Dept. of Children and Family Services.

Proposed law retains present law but expands the applicability to include the office of aging and adult services in DHH.

Proposed law changes the term "Medicaid waiver services provided to persons with developmental disabilities" used in present law to the term "Medicaid home- and community-based services".

Proposed law changes the term "mental retardation" used in present law to the term "developmental disabilities".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1021, 1023(A), and 1025(A)(1))