

2022 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVE BAGLEY

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 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~~ long-term care facilities licensed
3 by the Louisiana Department of Health pursuant to R.S. ~~40:2009.3~~ as defined in R.S.
4 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 facilities:

10 (a) Nursing homes.

11 (b) Adult residential care facilities.

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 long-term care facilities. The ratio of supervising licensed personnel to certified
19 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' Association, Louisiana Board
25 of Pharmacy, Louisiana State Board of Practical Nurse Examiners, Louisiana State
26 Board of Nursing, Louisiana State Long-Term Care Ombudsman Program in the
27 office of the governor, Board of Supervisors of Community and Technical Colleges,
28 ~~and Louisiana Nursing Home Association, and Louisiana Assisted Living~~

1 Association shall promulgate rules and regulations pursuant to the Administrative
2 Procedure Act for the enforcement of this Part ~~by March 31, 2008.~~

3 B. The rules and regulations shall include but not be limited to:

4 * * *

5 (6) Ratios of supervising licensed nurses to medication attendants in licensed
6 ~~nursing homes~~ long-term care facilities.

7 * * *

8 §1026.7. Medication administration course; qualifications of applicants

9 Each person accepted to participate in the medication administration course
10 shall meet the following minimum qualifications:

11 * * *

12 (8) Have a minimum of one year's experience in a ~~nursing home~~ licensed
13 long-term care facility as a certified nursing assistant or graduated from a nursing
14 program.

15 * * *

16 §1026.8. Registry

17 A permanent register of all persons certified to practice as a medication
18 attendant shall be maintained by the department as part of the nurse aide registry.

19 Any ~~nursing homes~~ licensed long-term care facility utilizing a medication attendant
20 shall verify with this registry that the person has a current certification.

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)]

HB 189 Original

2022 Regular Session

Bagley

Abstract: Provides a definition for and makes provisions applicable to long-term care facilities.

Present law creates a program to authorize certification of medication attendants to perform certain functions in 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.

Proposed law defines "licensed long-term care facility". Proposed law provides that the term "licensed long-term care facility" encompasses nursing homes and assisted living facilities.

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)