AN ACT

To amend and reenact the 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, relative to medication attendant services; to provide for applicable facilities; to provide for definitions; to provide for authorizations and prohibitions of medication attendants; to provide for the promulgation of rules and regulations; to provide for applicant qualifications for the Medication administration course; to provide for registration information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The 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 are hereby amended and reenacted to read as follows:

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

§1026.1. Purpose

The purpose of this Part is to create a program that shall authorize certification of medication attendants to perform certain functions in licensed nursing homes long-term care facilities. This program shall be administered by the Louisiana Department of Health.
§1026.2. Applicability

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

§1026.3. Definitions

As used in this Part:

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

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

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

§1026.4. Medication attendants

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

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§1026.6. Promulgation of rules and regulations

A. The department, in consultation with an advisory committee to be comprised of one representative each, designated by the chief elected or administrative officer, of the Louisiana State Nurses Association, Louisiana Board of Pharmacy, Louisiana State Board of Practical Nurse Examiners, Louisiana State Board of Nursing, Louisiana State Long-Term Care Ombudsman Program in the office of the governor, Board of Supervisors of Community and Technical Colleges, and Louisiana Nursing Home Association, and Louisiana Assisted Living Association shall promulgate rules and regulations pursuant to the Administrative Procedure Act for the enforcement of this Part by March 31, 2008.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
B. The rules and regulations shall include but not be limited to:

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

§1026.7. Medication administration course; qualifications of applicants

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

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

§1026.8. Registry

A permanent register of all persons certified to practice as a medication attendant shall be maintained by the department as part of the nurse aide registry. Any nursing homes licensed long-term care facility utilizing a medication attendant shall verify with this registry that the person has a current certification.