

ACT No. 112

2022 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVES BAGLEY, TRAVIS JOHNSON, AND MCMAHEN

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

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

2 * * *

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

5 * * *

6 §1026.7. Medication administration course; qualifications of applicants

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

9 * * *

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

13 * * *

14 §1026.8. Registry

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____