To: Public Health and Human Services

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2007

By: Representative Holland

HOUSE BILL NO. 837

AN ACT TO CREATE A PILOT PROGRAM FOR THE CERTIFICATION OF MEDICATION AIDES UNDER THE MISSISSIPPI BOARD OF NURSING; TO PRESCRIBE THE POWERS OF THE BOARD OF NURSING REGARDING THE CERTIFICATION OF MEDICATION AIDES, TRAINING PROGRAMS, CERTIFICATION EXAMINATIONS AND DISCIPLINARY HEARINGS; TO PRESCRIBE THE QUALIFICATIONS FOR APPLICANTS FOR CERTIFICATION AS A MEDICATION AIDE; TO PROVIDE FOR AN ADVISORY COUNCIL TO THE BOARD OF NURSING; TO PROVIDE FOR THE DELEGATION OF THE ADMINISTRATION OF MEDICATION TO MEDICATION AIDES; TO AUTHORIZE MEDICATION AIDES TO ADMINISTER MEDICATION TO RESIDENTS OF LONG-TERM CARE FACILITIES; TO PRESCRIBE THE REQUIREMENTS FOR RENEWAL OF CERTIFICATION; TO AUTHORIZE THE BOARD OF NURSING TO ESTABLISH CERTAIN FEES NECESSARY FOR THE ADMINISTRATION OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A pilot program for certification of medication aides is created under the Mississippi Board of Nursing, which the board shall implement by January 1, 2008. (2) The goals of the medication aide pilot program shall be to:

(a) Provide stability to the long-term care nursing workforce in Mississippi;

(b) Decrease staff turnover at long-term care facilities;

(c) Provide optimal health care to the residents of long-term care facilities in the state; and

(d) Augment, not replace, the nursing care given to residents in long-term care facilities.

(3) The Board of Nursing is authorized and empowered to:

(a) Maintain a permanent register of all certified medication aides;
(b) Adopt rules and regulations for certified medication aides training programs, including standards and curricula;

(c) Provide for periodic evaluation of training programs;

(d) Grant, deny or withdraw approval from a training program that fails to meet prescribed standards or fails to maintain a current contract with the board;

(e) Develop, maintain and administer a certification examination, or grant, deny or withdraw approval of a certification examination(s);

(f) Adopt rules and regulations for certification of medication aides by examination, endorsement, renewal and reinstatement; and

(g) Conduct disciplinary hearings of certified medication aides concerning the restriction, denial, suspension, revocation and/or discipline of a certificate holder in any manner specified in rules and regulations of the board.

(4) To be eligible for application to the pilot program for certification of medication aides, an applicant shall:

(a) Be eighteen (18) years or older;

(b) Have a high school diploma or GED;

(c) Be a certified nursing assistant with a valid certification;

(d) Have at least one (1) year's experience in long-term care facilities as a certified nursing assistant;

(e) Have a letter of recommendation from an administrator and/or director of nursing to enter the program; and

(f) Complete a training program approved by the Board of Nursing and pass an examination for certified medication aides approved by the Board of Nursing.

All training programs shall be Board of Nursing approved vocational technical training programs, with eighty (80) hours of
didactic and laboratory instruction relating to medication administration along with forty (40) hours of supervised clinical practice in an approved long-term care facility.

The Board of Nursing, in its discretion, may refuse to accept the application of any person who has been convicted of a criminal offense under any provision of Title 97 of the Mississippi Code of 1972, or any offense listed in Section 43-11-13(5), or any sex offense included in Section 45-33-23(g), as now or hereafter amended.

(5) (a) A medication aide shall administer prescription medications only to residents of skilled nursing facilities, and only pursuant to the delegation of a registered nurse or a licensed practical nurse acting at the direction of a registered nurse. Delegation shall be carried out in accordance with rules adopted by the Board of Nursing. 

(b) A medication aide, in exercising the authority to administer prescription medications pursuant to nursing delegation, may administer prescription medications in any of the following categories:

(i) Oral;

(ii) Topical;

(iii) Drops to eye, ear or nose;

(iv) Rectal and vaginal;

(v) PRN, of the above, if nursing assessment is completed before administration.

(c) A medication aide shall not administer prescription medications in either of the following categories:

(i) Medications that are controlled substances;

(ii) Medications requiring dosage calculations.

(d) A medication aide shall not administer prescription medications by any of the following methods:

(i) Injections;

(ii) Intravenous therapy procedures.
(e) Medication aides shall obtain continuing education of twelve (12) hours every two (2) years on medications and application consistent with the functions of the certified medication aide.

(6) An advisory council, including, but not limited to, members of the Board of Nursing and the Mississippi Health Care Association Nursing Council is established for the purpose of advising the Board of Nursing on the following:

(a) Design and operation of pilot programs;

(b) Content of the course required to obtain certification, including the examination to evaluate the ability to safely administer medications and the score needed to be attained to pass the examination;

(c) Protection of the health and welfare of the residents participating in the pilot program using medication aides;

(d) Other board rules to be adopted; and

(e) Any other issues the council considers relevant.

(7) Every certificate issued by the Board of Nursing to practice as a certified medication aide shall be renewed every two (2) years. The certified medication aide seeking renewal shall submit proof of employment as a certified medication aide, proof of having met continuing education requirements adopted by the Board of Nursing and any other official records required by the Board of Nursing.

(8) The Board of Nursing shall establish nonrefundable fees necessary for the administration of this section, including, but not limited to, fees for initial certification by initial or later examination, renewal of certification, reinstatement of a lapsed certificate, endorsement, initial review and approval of a training program, and later review and approval of a training program.
SECTION 2. This act shall take effect and be in force from and after July 1, 2007.