

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 837

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

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

15 **SECTION 1.** (1) A pilot program for certification of  
 16 medication aides is created under the Mississippi Board of  
 17 Nursing, which the board shall implement by January 1, 2008.

18 (2) The goals of the medication aide pilot program shall be  
 19 to:

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

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

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

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

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

29 (a) Maintain a permanent register of all certified  
 30 medication aides;

31 (b) Adopt rules and regulations for certified  
32 medication aides training programs, including standards and  
33 curricula;

34 (c) Provide for periodic evaluation of training  
35 programs;

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

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

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

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

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

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

52 (b) Have a high school diploma or GED;

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

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

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

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

62 All training programs shall be Board of Nursing approved  
63 vocational technical training programs, with eighty (80) hours of

64 didactic and laboratory instruction relating to medication  
65 administration along with forty (40) hours of supervised clinical  
66 practice in an approved long-term care facility.

67 The Board of Nursing, in its discretion, may refuse to accept  
68 the application of any person who has been convicted of a criminal  
69 offense under any provision of Title 97 of the Mississippi Code of  
70 1972, or any offense listed in Section 43-11-13(5), or any sex  
71 offense included in Section 45-33-23(g), as now or hereafter  
72 amended.

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

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

- 83 (i) Oral;
- 84 (ii) Topical;
- 85 (iii) Drops to eye, ear or nose;
- 86 (iv) Rectal and vaginal;
- 87 (v) PRN, of the above, if nursing assessment is  
88 completed before administration.

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

- 91 (i) Medications that are controlled substances;
- 92 (ii) Medications requiring dosage calculations.

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

- 95 (i) Injections;
- 96 (ii) Intravenous therapy procedures.

97           (e) Medication aides shall obtain continuing education  
98 of twelve (12) hours every two (2) years on medications and  
99 application consistent with the functions of the certified  
100 medication aide.

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

105                 (a) Design and operation of pilot programs;

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

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

113                 (d) Other board rules to be adopted; and

114                 (e) Any other issues the council considers relevant.

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

122           (8) The Board of Nursing shall establish nonrefundable fees  
123 necessary for the administration of this section, including, but  
124 not limited to, fees for initial certification by initial or later  
125 examination, renewal of certification, reinstatement of a lapsed  
126 certificate, endorsement, initial review and approval of a  
127 training program, and later review and approval of a training  
128 program.

129           **SECTION 2.** This act shall take effect and be in force from  
130 and after July 1, 2007.