

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2973

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 AIDES; TO PROVIDE FOR AN ADVISORY COUNCIL TO THE BOARD
 8 OF NURSING; TO PROVIDE FOR THE DELEGATION OF THE ADMINISTRATION OF
 9 MEDICATION TO SUCH MEDICATION AIDES; TO AUTHORIZE SUCH MEDICATION
 10 AIDES TO ADMINISTER MEDICATION TO RESIDENTS OF LONG-TERM CARE
 11 FACILITIES; TO PRESCRIBE THE REQUIREMENTS FOR RENEWAL OF
 12 CERTIFICATION; TO AUTHORIZE THE BOARD OF NURSING TO ESTABLISH
 13 CERTAIN FEES NECESSARY FOR THE ADMINISTRATION OF THIS ACT; AND FOR
 14 RELATED PURPOSES.

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

16 **SECTION 1.** (1) A pilot program for certification of
 17 medication aides is created under the Mississippi Board of
 18 Nursing.

19 (2) The goal of the medication aide pilot program shall be:

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

22 (b) Decrease staff turnover;

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

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

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

28 (a) Adopt rules and regulations on or before January 1,
 29 2008, for certification of medication aides by examination,
 30 endorsement, renewal and reinstatement;

31 (b) Adopt rules and regulations on or before January 1,
 32 2008, for certified medication aides training programs, including
 33 standards and curricula;

34 (c) Maintain a permanent register of all certified
35 medication aides;

36 (d) Provide for periodic evaluation of training
37 programs;

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

41 (f) Develop, maintain and administer a certification
42 examination, or grant, deny or withdraw approval of a
43 certification examination(s); and

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

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

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

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

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

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

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

58 (f) Complete a training program, approved by the
59 Mississippi Board of Nursing and pass a certification test for
60 certified medication aide.

61 All training programs shall be Mississippi Board of Nursing
62 approved vocational technical training program, with eighty (80)
63 hours of didactic and laboratory instruction relating to
64 medication administration along with forty (40) hours of
65 supervised clinical practice in a long-term care approved
66 facility.

67 The Board of Nursing may, in its discretion, 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) Medication aides shall pass a Mississippi Board of
74 Nursing approved examination in order to be a certified medication
75 aide.

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

82 (c) A medication aide, in exercising the authority to
83 administer prescription medications pursuant to nursing
84 delegation, may administer prescription medications in any of the
85 following categories:

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

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

- 94 (i) Medications that are controlled substances;
- 95 (ii) Medications requiring dosage calculations.

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

- 98 (i) Injections;
- 99 (ii) Intravenous therapy procedures.

100 (f) Medication aides shall obtain continuing education
101 of twelve (12) hours every two (2) years on medications and
102 application consistent with the functions of the certified
103 medication aide.

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

109 (a) Design and operation of pilot programs;

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

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

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

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

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

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

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