

By: Senator(s) Bryan

To: Public Health and Welfare

SENATE BILL NO. 2860

1 AN ACT TO CREATE NEW SECTIONS 43-11-28, 43-11-29, 43-11-30  
 2 AND 43-11-31, MISSISSIPPI CODE OF 1972, TO ENACT THE MEDICATION  
 3 AIDE ACT TO AUTHORIZE MEDICATION AIDES TO ASSIST IN THE  
 4 ADMINISTRATION OF MEDICATIONS IN PERSONAL CARE HOME-ASSISTED  
 5 LIVING IN THE STATE; TO SET CERTAIN DEFINITIONS; TO ESTABLISH  
 6 PROHIBITIONS; TO PROVIDE THAT A MEDICATION AIDE MAY PARTICIPATE IN  
 7 MEDICATION ADMINISTRATION WHEN CERTIFIED THROUGH A MEDICATION AIDE  
 8 CERTIFICATION PROGRAM IN ACCORDANCE WITH THIS ACT AND GENERALLY  
 9 MANAGED BY A LICENSED HEALTHCARE PROFESSIONAL AT THE PERSONAL CARE  
 10 HOME-ASSISTED LIVING; TO SET THE ROUTES BY WHICH AN AIDE MAY  
 11 ADMINISTER MEDICATIONS; TO REQUIRE CERTAIN RECORDKEEPING  
 12 PROCEDURES FOR FACILITIES USING A MEDICATION AIDE; TO SET THE  
 13 MINIMUM COMPETENCIES FOR A MEDICATION AIDE; TO ESTABLISH THE  
 14 REQUIREMENTS OF A MEDICATION AIDE CERTIFICATION PROGRAM, INCLUDING  
 15 CURRICULUM STANDARDS, CONTINUING EDUCATION, AND HOUR REQUIREMENTS;  
 16 TO SET PRACTICUM EXPERIENCE REQUIREMENTS; TO REQUIRE THE  
 17 DEPARTMENT OF HEALTH TO CREATE A MEDICATION AIDE REGISTRY; TO  
 18 ESTABLISH CERTAIN DISCIPLINARY PROCEDURES WITHIN THE DEPARTMENT  
 19 RELATING TO MEDICATION AIDES; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** The following shall be codified as Section  
 22 43-11-28, Mississippi Code of 1972:

23 43-11-28. (1) This act shall be known and may be cited as  
 24 the Medication Aide Act.

25 (2) The purpose of the Medication Aide Act is to ensure the  
 26 health, safety, and welfare of the public by providing for the



27 accurate, cost-effective, efficient and safe utilization of  
28 medication aides to assist in the administration of medications in  
29 personal care home-assisted living in the State of Mississippi.

30 (3) As used in this section, the following words shall have  
31 the meanings ascribed herein unless the context clearly requires  
32 otherwise:

33 (a) "Licensed healthcare professional" means an  
34 individual for whom administration of medication is included in  
35 the scope of practice.

36 (b) "MDOH" means the Mississippi Department of Health.

37 (c) "PRN" means an administration scheme in which a  
38 medication is not routine, is taken as needed and requires  
39 assessment for need and effectiveness.

40 (4) A medication aide may participate in medication  
41 administration when certified through a Medication Aide  
42 Certification program in accordance with this act and generally  
43 managed by a licensed healthcare professional at the personal care  
44 home-assisted living. In each case, the individual responsible  
45 for providing such management and monitoring shall be identified  
46 in writing in the administration records.

47 (5) A medication aide may provide routine or PRN medications  
48 by the following routes: (a) oral; (b) inhalation; (c) topical;  
49 (d) instillation into the eyes, ears, and nasal sprays; and (e)  
50 injections of insulin and injections of prescribed anaphylactic  
51 treatments. Routine medications by allowed routes shall not



52 include other injectable medications, vaginal medications and/or  
53 rectal medications.

54 (6) A facility using a medication aide shall keep and  
55 maintain accurate medication administration records. The  
56 medication administration records shall be available to MDOH for  
57 inspection and copying for a period not to exceed six (6) months.  
58 The medication administration records shall include any  
59 information and data that MDOH requires. MDOH may set these  
60 requirements by adopting rules and regulations, which shall be  
61 adopted within ninety (90) days of the effective date of this act.

62 (7) The minimum competencies for a medication aide include  
63 the following:

- 64 (a) Maintaining confidentiality;
- 65 (b) Complying with a recipient's right to refuse to  
66 take medication;
- 67 (c) Maintaining hygiene and current accepted standards  
68 for infection control;
- 69 (d) Documenting accurately and completely;
- 70 (e) Providing medications appropriately by prescribed  
71 orders;
- 72 (f) Having the ability to understand and follow  
73 instructions;
- 74 (g) Practicing safety in application of medication  
75 procedures; and



76 (h) Complying with limitations and conditions under  
77 which a medication aide may provide medications.

78 (8) The minimum standards for competencies listed in  
79 subsection (7) of this section, the methods for competency  
80 assessment of medication aides and successful completion of  
81 medication aid certification training shall be as set forth in  
82 this act. This training and competency can be achieved by the  
83 successful completion of a Medication Aide Certification program.

84 **SECTION 2.** The following shall be codified as Section  
85 43-11-29, Mississippi Code of 1972:

86 43-11-29. (1) A Medication Aide Certification program shall  
87 be a minimum of a fifteen (15) hour training program on the  
88 competencies listed in Section 43-11-28 and the standards adopted  
89 by the MDOH and may be offered in one of two ways:

90 (a) By technical or community colleges; or

91 (b) By a licensed healthcare professional employed at a  
92 personal care home-assisted living or through a contractual  
93 arrangement with a licensed healthcare professional to administer  
94 the program within the personal care home-assisted living.

95 (2) Regardless of the forum, all Medication Aide  
96 Certification programs shall meet the program standards and  
97 curriculum standards enumerated herein. Competency assessment  
98 shall include passing an examination. Such examination shall be  
99 administered after completion of the program by the college or by  
100 the licensed healthcare professional as set forth above. Upon



101 obtaining a passing grade, the attending approved instructor shall  
102 certify the passing grade and completion of the program and submit  
103 the necessary information to MDOH. Upon confirmation of the  
104 completion of the program and receipt of the application as  
105 required in Section 43-11-31, MDOH shall award a certificate  
106 within thirty (30) days of such submittal date.

107 (3) The length of the Medication Aide Certification program,  
108 including practicum experience and supervised medication passes,  
109 shall not be less than 15 hours. Approved instructors for  
110 Medication Aide Certification programs may include:

- 111 (a) Registered nurses (RNs);
- 112 (b) Licensed practical nurses (LPNs) who have at least  
113 two (2) years of nursing experience;
- 114 (c) Licensed pharmacists; or
- 115 (d) Licensed physicians.

116 (4) To maintain certification, each certified medication  
117 aide shall be required to complete a bi-annual continuing  
118 education program on the provision of medication. The continuing  
119 education program shall be no less than two (2) hours in duration.  
120 The program may be administered by (i) an approved instructor as  
121 defined herein or (ii) online continuing education used by RNs,  
122 physical therapists and similar healthcare professionals. Such  
123 online continuing education shall have the ability to file  
124 completion certificates with the MDH.



125           (5) Each facility operator utilizing certified medication  
126 aides shall have a written policy governing the provision of  
127 medications by certified medication aides. The policy shall  
128 specify activities that will be performed by certified medication  
129 aides; the process to review, monitor and oversee the work of the  
130 certified medication aides; the frequency of the activities to be  
131 performed; and by whom.

132           (6) Assisted living facilities shall (a) disclose to its  
133 residents and their families that the facility employs and uses  
134 medication aides and (b) maintain the following records:

135                   (i) A roster of all certified medication aides  
136 employed; and

137                   (ii) Copies of certified medication aide  
138 certificates with date of award, including evidence of renewals  
139 and continuing education attendance.

140           (7) Curriculum standards for the medication aid  
141 certification program shall integrate instruction that establishes  
142 a knowledge base with practicum experience that the student  
143 receives at a simulated (or real) treatment setting along with the  
144 supervised medication passes that occur.

145           (8) The program instruction shall include general  
146 information relevant to the provision of medication. Topics will  
147 include relevant state and federal laws and regulations,  
148 terminology, forms of medication, routes of administration,  
149 abbreviations/symbols, documentation guidelines and medication



150 references. The program instruction shall focus on the role and  
151 scope of practice of the medication aide, as well as what is not  
152 within their scope of practice.

153 **SECTION 3.** The following shall be codified as Section  
154 43-11-30, Mississippi Code of 1972:

155 43-11-30. (1) Practicum Experience. This portion of the  
156 curriculum will utilize physical facilities that reasonably  
157 simulate a health care setting, or utilize an actual health care  
158 setting, and the types of medication dispensing systems used by  
159 the personal care homes-assisted living facilities in which the  
160 applicant(s) will be employed. The approved instructor will  
161 design exercises for skill demonstration that simulate the various  
162 aspects of safe and effective medication provision and  
163 documentation thereof.

164 (2) Supervised Medication Passes. When instruction and  
165 practicum experiences have been successfully completed, each  
166 student will be required to demonstrate their competency by  
167 successfully completing three (3) medication passes supervised by  
168 an approved instructor, including medication setup, delivery and  
169 documentation. The student must complete the medication passes  
170 independently without verbal and non-verbal prompts or manual  
171 assistance. An approved instructor may authorize an LPN who does  
172 not satisfy the requirements of an approved instructor to oversee  
173 1:1 supervised medication passes. The approval must be in writing



174 and verify that the LPN is capable of supervising the medication  
175 pass.

176 (3) To register as a medication aide, an individual shall:

177 (a) Have successfully completed the certification  
178 requirements in this Medication Aide Act;

179 (b) Be at least eighteen (18) years of age; and

180 (c) File an application with MDOH.

181 (4) Registration as a medication aide shall be renewed every  
182 two (2) years based upon competency. The MDOH may prescribe by  
183 rule and regulation how a medication aide can show competency for  
184 purposes of renewal, including, but not limited to, showing  
185 evidence of completion of continuing educational requirements as  
186 set forth in this act.

187 (5) A registered nurse or licensed practical nurse whose  
188 license has been revoked, suspended or voluntarily surrendered in  
189 lieu of discipline may not register as a medication aide.

190 (6) An applicant or medication aide shall report to MDOH, in  
191 writing, any conviction for a felony. A conviction is not a  
192 disqualification for registration or renewal unless it relates to  
193 the competencies identified in Section 43-11-28 or it reflects on  
194 the moral character of the applicant or medication aide.

195 (7) An applicant or medication aide may report any pardon or  
196 setting aside of a conviction to the department. If a pardon or  
197 setting aside has been obtained, the conviction for which it was  
198 obtained shall not be maintained on the Medication Aide Registry.





199 (8) If a person registered as a medication aide on the  
200 Medication Aide Registry becomes licensed as a registered nurse or  
201 licensed practical nurse, his or her registration as a medication  
202 aide becomes null and void as of the date of licensure.

203 (9) The department shall list each medication aide  
204 registration in the Medication Aide Registry. A listing in the  
205 registry shall be valid for the term of the registration and upon  
206 renewal unless such aide is refused renewal or is removed as  
207 provided in Section 43-11-31.

208 (10) The registry shall contain the following information on  
209 each registrant:

210 (a) The individual's full name;

211 (b) Information necessary to identify individuals  
212 qualified to provide medications in personal care homes-assisted  
213 living;

214 (c) Any conviction of a felony reported to the  
215 department;

216 (d) Listing of evidence of continuing education  
217 received from a personal care home-assisted living; and

218 (e) Any other information as the department may require  
219 by rule and regulation.

220 (11) The department may deny registration or refuse renewal  
221 of or remove a registration from the Medication Aide Registry for  
222 failure to meet the standards and competencies or for violation of  
223 the Medication Aide Act.



224           **SECTION 4.** The following shall be codified as Section  
225 43-11-31, Mississippi Code of 1972:

226           43-11-31. (1) If the department proposes to deny, refuse  
227 renewal of, or remove a registration, it shall send the applicant  
228 or registrant a notice setting forth the action to be taken and  
229 the reasons for the determination. The denial, refusal to renew,  
230 or removal shall become final thirty (30) days after mailing the  
231 notice unless the applicant or registrant gives written notice to  
232 the department of his or her desire for an informal conference or  
233 for a formal hearing. Notice may be served by any method  
234 specified in Section 43-11-23.

235           (2) If an informal conference is requested, the MDOH shall  
236 assign a representative of the department to hold an informal  
237 conference with the applicant or registrant within fifteen (15)  
238 working days after receipt of a request. Within seven (7) working  
239 days after the conclusion of such conference, the representative  
240 shall affirm, modify or dismiss the action. The representative  
241 shall state in writing the specific reasons for affirming,  
242 modifying or dismissing the action and shall immediately transmit  
243 copies of the statement to the department and to the applicant or  
244 the registrant. If the representative affirms or modifies the  
245 action, it shall become final unless the applicant or registrant,  
246 within ten (10) working days after receipt of the written notice,  
247 requests in writing a formal hearing to contest the action.



248 (3) Except as provided by subsection (2) of this section, an  
249 applicant or registrant who desires to contest an action or to  
250 further contest an affirmed or modified action shall do so in the  
251 manner provided in Section 43-11-23.

252 (4) A person whose registration has been denied, refused  
253 renewal, or removed from the Medication Aide Registry may reapply  
254 for registration or for lifting of the disciplinary sanction at  
255 any time after one (1) year has elapsed since the date such  
256 registration was denied, refused renewal, or removed from the  
257 registry, in accordance with the rules and regulations promulgated  
258 by the MDOH.

259 **SECTION 5.** This act shall take effect and be in force from  
260 and after July 1, 2024.

