

By: Representative Creekmore IV

To: Public Health and Human Services

HOUSE BILL NO. 1635

1 AN ACT TO BE KNOWN AS THE MEDICATION AIDE ACT; TO PROVIDE FOR  
2 THE CERTIFICATION OF MEDICATION AIDES BY THE STATE DEPARTMENT OF  
3 HEALTH; TO PROVIDE THAT A MEDICATION AIDE MAY PARTICIPATE IN  
4 MEDICATION ADMINISTRATION WHEN CERTIFIED THROUGH A MEDICATION AIDE  
5 CERTIFICATION PROGRAM IN ACCORDANCE WITH THIS ACT AND GENERALLY  
6 MANAGED BY A LICENSED HEALTH CARE PROFESSIONAL AT A PERSONAL CARE  
7 HOME/ASSISTED LIVING FACILITY; TO SPECIFY THE MINIMUM COMPETENCIES  
8 FOR A MEDICATION AIDE; TO SPECIFY THE COMPONENTS OF A MEDICATION  
9 AIDE CERTIFICATION PROGRAM, WHICH MAY BE OFFERED BY TECHNICAL OR  
10 COMMUNITY COLLEGES OR BY A LICENSED HEALTH CARE PROFESSIONAL  
11 EMPLOYED AT A PERSONAL CARE HOME/ASSISTED LIVING FACILITY; TO  
12 REQUIRE APPLICANTS TO COMPLETE MEDICATION AIDE CERTIFICATION  
13 TRAINING AND PASS AN EXAMINATION IN ORDER TO BE CERTIFIED; TO  
14 REQUIRE EACH FACILITY OPERATOR USING CERTIFIED MEDICATION AIDES TO  
15 HAVE A WRITTEN POLICY GOVERNING THE PROVISION OF MEDICATIONS BY  
16 CERTIFIED MEDICATION AIDES; TO REQUIRE PERSONAL CARE  
17 HOMES/ASSISTED LIVING FACILITIES TO DISCLOSE TO THEIR RESIDENTS  
18 AND THEIR FAMILIES THAT THE FACILITY EMPLOYS AND USES MEDICATION  
19 AIDES; TO PRESCRIBE THE CURRICULUM STANDARDS FOR THE MEDICATION  
20 AIDE CERTIFICATION PROGRAM AND THE REQUIRED INFORMATION IN THE  
21 PROGRAM INSTRUCTION; TO PROVIDE THAT THE DEPARTMENT SHALL HAVE A  
22 MEDICATION AIDE REGISTRY FOR PERSONS WHO HAVE BEEN CERTIFIED AS A  
23 MEDICATION AIDE; TO PROVIDE THAT THE DEPARTMENT MAY DENY  
24 REGISTRATION OR REFUSE RENEWAL OF OR REMOVE A REGISTRATION FROM  
25 THE MEDICATION AIDE REGISTRY FOR FAILURE TO MEET THE STANDARDS AND  
26 COMPETENCIES OR FOR VIOLATION OF ANY PROVISION OF THIS ACT; AND  
27 FOR RELATED PURPOSES.

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

29 **SECTION 1.** (1) This section shall be known and may be cited  
30 as the Medication Aide Act.



31           (2) The purpose of this act is to ensure the health, safety  
32 and welfare of the public by providing for the accurate,  
33 cost-effective, efficient, and safe utilization of medication  
34 aides to assist in the administration of medications in personal  
35 care homes/assisted living facilities in the State of Mississippi.

36           (3) As used in this section, the following words shall have  
37 the meanings as defined in this subsection unless the context  
38 clearly requires otherwise:

39                   (a) "Licensed health care professional" means an  
40 individual for whom administration of medication is included in  
41 the scope of practice.

42                   (b) "Department" means the State Department of Health.

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

46           (4) A medication aide may participate in medication  
47 administration when certified through a medication aide  
48 certification program in accordance with this section and  
49 generally managed by a licensed health care professional at the  
50 personal care home/assisted living facility. In each case, the  
51 individual responsible for providing such management and  
52 monitoring shall be identified in writing in the administration  
53 records.

54           (5) A medication aide may provide routine or PRN medications  
55 by the following routes:



- 56 (a) Oral;  
57 (b) Inhalation;  
58 (c) Topical;  
59 (d) Instillation into the eyes, ears and nasal sprays;

60 and

- 61 (e) Injections of insulin and injections of prescribed  
62 anaphylactic treatments.

63 Routine medications by allowed routes shall not include other  
64 injectable medications, vaginal medications and/or rectal  
65 medications.

66 (6) A facility using a medication aide shall keep and  
67 maintain accurate medication administration records. The  
68 medication administration records shall be available to the  
69 department for inspection and copying for a period not to exceed  
70 six (6) months. The medication administration records shall  
71 include information and data that the department requires by rules  
72 adopted for the administration of this section, which shall be  
73 adopted within ninety (90) days after the effective date of this  
74 section.

- 75 (7) (a) The minimum competencies for a medication aide are:  
76 (i) Maintaining confidentiality;  
77 (ii) Complying with a recipient's right to refuse  
78 to take medication;  
79 (iii) Maintaining hygiene and current accepted  
80 standards for infection control;



- 81 (iv) Documenting accurately and completely;  
82 (v) Providing medications appropriately by  
83 prescribed orders;  
84 (vi) Having the ability to understand and follow  
85 instructions;  
86 (vii) Practicing safety in application of  
87 medication procedures; and  
88 (viii) Complying with limitations and conditions  
89 under which a medication aide may provide medications.

90 (b) The minimum standards for competencies listed in  
91 paragraph (a) of this subsection, methods for competency  
92 assessment of medication aides and successful completion of  
93 medication aide certification training shall be as set forth in  
94 this section. This training and competency can be achieved by the  
95 successful completion of a medication aide certification program.

96 (c) A medication aide certification program shall be a  
97 minimum of a fifteen (15) hour training program on the  
98 competencies listed in paragraph (a) of this subsection and the  
99 standards adopted by the department and may be offered in one of  
100 two (2) ways:

- 101 (i) By technical or community colleges; or  
102 (ii) By a licensed health care professional  
103 employed at a personal care home/assisted living facility or  
104 through a contractual arrangement with a licensed health care



105 professional to administer the program within the personal care  
106 home/assisted living facility.

107 (d) Regardless of the forum, all medication aide  
108 certification programs shall meet the program standards and  
109 curriculum standards enumerated in this section. Competency  
110 assessment shall include passing an examination, which shall be  
111 administered after completion of the program by the college or by  
112 the licensed health care professional as set forth in paragraph  
113 (c) of this subsection. Upon obtaining a passing grade, the  
114 attending approved instructor shall certify the passing grade and  
115 completion of the program and submit the necessary information to  
116 the department. Upon confirmation of the completion of the  
117 program and receipt of the application as required in subsection  
118 (12) of this section, the department shall award a certificate  
119 within thirty (30) days of the date of receipt of the application.

120 (8) The length of the medication aide certification program,  
121 including practicum experience and supervised medication passes,  
122 shall not be less than fifteen (15) hours. Approved instructors  
123 for medication aide certification programs may include:

- 124 (a) Registered nurses (RNs);  
125 (b) Licensed practical nurses (LPNs) who have at least  
126 two (2) years of nursing experience;  
127 (c) Licensed pharmacists; or  
128 (d) Licensed physicians.



129           (9) To maintain certification, each certified medication  
130 aide shall be required to complete a biannual continuing education  
131 program on the provision of medication. The continuing education  
132 program shall be no less than two (2) hours in duration. The  
133 program may be administered by:

134                 (a) An approved instructor as defined in subsection (8)  
135 of this section; or

136                 (b) Online continuing education used by RNs, physical  
137 therapists and similar health care professionals. Such online  
138 continuing education shall have the ability to file completion  
139 certificates with the department.

140           (10) (a) Each facility operator using certified medication  
141 aides shall have a written policy governing the provision of  
142 medications by certified medication aides. The policy shall  
143 specify (i) activities that will be performed by certified  
144 medication aides; (ii) the process to review, monitor and oversee  
145 the work of the certified medication aides; (iii) the frequency of  
146 the activities to be performed; and (iv) by whom.

147                 (b) Personal care homes/assisted living facilities  
148 shall disclose to their residents and their families that the  
149 facility employs and uses medication aides, and maintain the  
150 following records:

151                         (i) A roster of all certified medication aides  
152 employed; and



153                   (ii) Copies of certified medication aide  
154 certificates with date of award, including evidence of renewals  
155 and continuing education attendance.

156           (11) Curriculum standards for the medication aide  
157 certification program shall integrate instruction that establishes  
158 a knowledge base with practicum experience that the student  
159 receives at a simulated (or real) treatment setting along with the  
160 supervised medication passes that occur.

161           (a) The program instruction shall include general  
162 information relevant to the provision of medication. Topics shall  
163 include relevant state and federal laws and regulations,  
164 terminology, forms of medication, routes of administration,  
165 abbreviations/symbols, documentation guidelines and medication  
166 references. The program instruction shall focus on the role and  
167 scope of practice of the medication aide, as well as what is not  
168 within their scope of practice.

169           (b) Practicum Experience. This portion of the  
170 curriculum shall use physical facilities that reasonably simulate  
171 a health care setting, or use an actual health care setting, and  
172 the types of medication dispensing systems used by the personal  
173 care homes/assisted living facilities in which the applicant(s)  
174 will be employed. The approved instructor shall design exercises  
175 for skill demonstration that simulate the various aspects of safe  
176 and effective medication provision and documentation thereof.



177           (c) Supervised medication passes. When the instruction  
178 and practicum experiences have been successfully completed, each  
179 student will be required to demonstrate their competency by  
180 successfully completing three (3) medication passes supervised by  
181 an approved instructor, including medication setup, delivery and  
182 documentation. The student must complete the medication passes  
183 independently without verbal and nonverbal prompts or manual  
184 assistance. An approved instructor may authorize an LPN who may  
185 not satisfy the requirements of an approved instructor to oversee  
186 1:1 supervised medication passes. The approval must be in writing  
187 and verify that the LPN is capable of supervising the medication  
188 pass.

189           (12) (a) To register as a medication aide, an individual  
190 must (i) have successfully completed the certification  
191 requirements in this section; (ii) be at least eighteen (18) years  
192 of age; (iii) file an application with the department.

193           (b) Registration as a medication aide shall be renewed  
194 every two (2) years based upon competency. The department may  
195 prescribe by rule how a medication aide can show competency for  
196 purposes of renewal, including, but not limited to, showing  
197 evidence of completion of continuing educational requirements as  
198 set forth in this section.

199           (c) A registered nurse or licensed practical nurse  
200 whose license has been revoked, suspended or voluntarily





201 surrendered in lieu of discipline may not register as a medication  
202 aide.

203 (d) An applicant or medication aide shall report to the  
204 department, in writing, any conviction for a felony. A conviction  
205 is not a disqualification for registration or renewal unless it  
206 relates to the competencies identified in subsection (7) of this  
207 section or it reflects on the moral character of the applicant or  
208 medication aide.

209 (e) An applicant or medication aide may report any  
210 pardon or setting aside of a conviction to the department. If a  
211 pardon or setting aside has been obtained, the conviction for  
212 which it was obtained shall not be maintained on the Medication  
213 Aide Registry.

214 (f) If a person registered as a medication aide on the  
215 Medication Aide Registry becomes licensed as a registered nurse or  
216 licensed practical nurse, his or her registration as a medication  
217 aide becomes null and void as of the date of licensure.

218 (13) (a) The department shall list each medication aide  
219 registration in the Medication Aide Registry. A listing in the  
220 registry shall be valid for the term of the registration and upon  
221 renewal unless such aide is refused renewal or is removed as  
222 provided in subsection (12) of this section.

223 (b) The registry shall contain the following  
224 information on each registrant:

225 (i) The individual's full name;



226 (ii) Information necessary to identify individuals  
227 qualified to provide medications in personal care homes/assisted  
228 living facilities;

229 (iii) Any conviction of a felony reported to the  
230 department; and

231 (iv) Listing of evidence of continuing education  
232 received from a personal care home/assisted living facility; and

233 (v) Other information as the department may  
234 require by rule.

235 (14) (a) The department may deny registration or refuse  
236 renewal of or remove a registration from the Medication Aide  
237 Registry for failure to meet the standards and competencies or for  
238 violation of any provision of this section.

239 (b) If the department proposes to deny, refuse renewal  
240 of, or remove a registration, it shall send the applicant or  
241 registrant a notice setting forth the action to be taken and the  
242 reasons for the determination. The denial, refusal to renew, or  
243 removal shall become final thirty (30) days after mailing the  
244 notice unless the applicant or registrant gives written notice to  
245 the department of his or her desire for an informal conference or  
246 for a formal hearing.

247 (c) The notice may be given by United States certified  
248 mail, return receipt requested, to the last known address of the  
249 applicant or registrant.



250 (15) If an informal conference is requested, the department  
251 shall assign a representative of the department to hold an  
252 informal conference with the applicant or registrant within  
253 fifteen (15) working days after receipt of a request. Within  
254 seven (7) working days after the conclusion of such conference,  
255 the representative shall affirm, modify or dismiss the action.  
256 The representative shall state in writing the specific reasons for  
257 affirming, modifying or dismissing the action and shall  
258 immediately transmit copies of the statement to the department and  
259 to the applicant or the registrant. If the representative affirms  
260 or modifies the action, it shall become final unless the applicant  
261 or registrant, within ten (10) working days after receipt of the  
262 written notice, requests in writing a formal hearing to contest  
263 the action.

264 (16) Except as provided by subsection (15) of this section,  
265 an applicant or registrant who desires to contest an action or to  
266 further contest an affirmed or modified action shall give written  
267 notice to the department. The executive director of the  
268 department shall be the decision-maker in a contested case under  
269 this section. The hearings on a petition for judicial review of  
270 any final decision regarding an action for an alleged violation  
271 shall be set for hearing at the earliest possible date. The times  
272 for pleadings and hearings in such action shall be set by the  
273 judge of the court with the object of securing a decision at the  
274 earliest possible time.



275           (17) A person whose registration has been denied, refused  
276 renewal, or removed from the Medication Aide Registry may reapply  
277 for registration or for lifting of the disciplinary sanction at  
278 any time after one (1) year has elapsed since the date such  
279 registration was denied, refused renewal, or removed from the  
280 registry, in accordance with the rules.

281           **SECTION 2.** This act shall take effect and be in force from  
282 and after July 1, 2024.

