

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 31

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NURSES; AMENDING SECTION 54-1406A, IDAHO CODE, TO REVISE CER-
2 TAIN REQUIREMENTS FOR CERTIFIED MEDICATION ASSISTANTS AND TO MAKE TECH-
3 NICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
4 TIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 54-1406A, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-1406A. CERTIFIED MEDICATION ASSISTANT. (1) The board shall issue a
10 certificate of medication assistance (MA-C) to an individual who:

11 (a) Is registered as a nursing assistant, without substantiated
12 charges, on the nursing assistant registry currently maintained by the
13 Idaho department of health and welfare;

14 (b) Has received training preparing for a role in administering medi-
15 cations and works under the supervision of a licensed nurse in a skilled
16 nursing facility;

17 ~~(b)(c) Has completed an MA-C program at an institution accredited by~~
18 ~~the United States department of education following the model curricu-~~
19 ~~lum approved by the national council of state boards of nursing;~~

20 ~~(e)(d) Has passed the medication aide certification exam approved by~~
21 ~~the national council of state boards of nursing or other nationally or~~
22 ~~regionally recognized nursing testing organization that offers exams~~
23 ~~for medication aides; and~~

24 ~~(d)(e) Has paid applicable fees.~~

25 (2) The board shall not require the examination required in ~~paragraph~~
26 subsection (1) (ed) of this section for a person who is registered as a nurs-
27 ing assistant pursuant to ~~paragraph~~ subsection (1) (a) of this section on
28 July 1, 2020.

29 (3) The board shall maintain a public registry of the names and ad-
30 dresses of all certified medication assistants.

31 (4) The board is authorized to impose and collect initial application
32 fees and two (2) year renewal fees, as well as reinstatement fees, and veri-
33 fication of records fees not to exceed, in total, one hundred dollars (\$100),
34 as determined by board rule. Fees collected pursuant to this section shall
35 be deposited in the state board of nursing account.

36 (5) A person may not use the title "certified medication assistant" or
37 the abbreviation "MA-C" unless such person has been duly certified pursuant
38 to this section.

39 (6) A certified MA-C is permitted to administer medications as dele-
40 gated by a licensed nurse.

1 (7) The board shall have the authority to administer discipline as set
2 forth in paragraph (a) of this subsection for any one (1) or a combination of
3 grounds for discipline as set forth in paragraph (b) of this subsection.

4 (a) Disciplinary action by the board shall include:

5 (i) Denying certification or recertification, suspending, re-
6 voking, placing on probation, reprimanding, limiting, restrict-
7 ing, conditioning, or accepting the voluntary surrender of a cer-
8 tificate issued pursuant to this section if a certified medication
9 assistant commits an act that constitutes grounds for discipline;

10 (ii) Referring criminal violations of this section to the appro-
11 priate law enforcement agency; and

12 (iii) Imposing a civil penalty of no more than one hundred dollars
13 (\$100) per violation.

14 (b) Grounds for discipline shall include:

15 (i) Substance abuse or dependency;

16 (ii) Client abandonment, neglect, or abuse;

17 (iii) Fraud or deceit, which may include but is not limited to:

18 1. Filing false credentials;

19 2. Falsely representing facts on an application for initial
20 certification, renewal, or reinstatement; and

21 3. Giving or receiving assistance in taking the exam re-
22 quired in ~~paragraph~~ subsection (1) (~~ed~~) of this section.

23 (iv) Boundary violations;

24 (v) Performance of unsafe client care;

25 (vi) Performing acts beyond the range of authorized functions or
26 beyond those tasks delegated under the provisions of this section;

27 (vii) Misappropriation or misuse of property;

28 (viii) Obtaining money or property of a client, resident, or other
29 person by theft, fraud, misrepresentation, or duress committed
30 during the course of employment as a certified medication assis-
31 tant;

32 (ix) Criminal conviction of a misdemeanor that directly relates
33 to or affects the functions of a certified medication assistant or
34 conviction of any felony as set forth in rule;

35 (x) Putting clients at risk of harm; and

36 (xi) Violating the privacy or failing to maintain the confiden-
37 tiality of client or resident information.

38 (8) The board shall comply with the provisions of the Idaho administra-
39 tive procedure act, chapter 52, title 67, Idaho Code, in taking any disci-
40 plinary action against a certified medication assistant and shall maintain
41 records of any such disciplinary action, which records shall be available
42 for public inspection to the same extent as records regarding disciplinary
43 proceedings against nurses and as otherwise consistent with chapter 1, title
44 74, Idaho Code. The assessment of costs and fees incurred in the investiga-
45 tion and prosecution or defense of a certified medication assistant shall be
46 governed by the provisions of section 12-117(5), Idaho Code.

47 (9) The board shall notify the Idaho nursing assistant registry of any
48 disciplinary action taken against a certified medication assistant pursuant
49 to this section.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2023.