

IN THE SENATE

SENATE BILL NO. 1262

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NURSING; AMENDING SECTION 54-1406A, IDAHO CODE, TO REQUIRE THAT
2 ALL APPLICANTS FOR ORIGINAL CERTIFICATION OR CERTIFICATION REINSTATE-
3 MENT AS A CERTIFIED MEDICATION ASSISTANT SUBMIT TO A FINGERPRINT-BASED
4 CRIMINAL HISTORY CHECK AND TO PROVIDE REQUIREMENTS RELATING TO SUCH
5 CRIMINAL HISTORY CHECK.
6

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

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

10 54-1406A. CERTIFIED MEDICATION ASSISTANT (MA-C). (1) Effective July
11 1, 2008, an individual registered as a nursing assistant, without substanti-
12 ated charges, on the nursing assistant registry currently maintained by the
13 Idaho department of health and welfare, may, with additional education and
14 training as set forth in rule as established by the board, become a certified
15 medication assistant (MA-C) permitted to administer medications as pre-
16 scribed by an authorized provider within the parameters set forth in rule. A
17 licensed nurse shall supervise the certified medication assistant.

18 (2) The board shall adopt rules regarding the certification of cer-
19 tified medication assistants, including rules applicable to education,
20 training and other qualifications for certification that will ensure that
21 the certified medication assistant is competent to perform safely within the
22 range of authorized functions.

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

25 (4) The board is authorized to impose and collect initial application
26 and two (2) year renewal fees, as well as reinstatement fees, not to exceed
27 one hundred dollars (\$100), as determined by board rule. Fees collected
28 pursuant to this section shall be deposited in the state board of nursing
29 account for the administration of examinations, evaluations and investiga-
30 tions of applicants, issuance of certifications, evaluation of education
31 and training programs, duplication and verification of records, and other
32 administrative expenses.

33 (5) The board shall adopt by rule an application process. ~~and~~

34 (a) The application process shall include conducting a state and fed-
35 eral criminal background checks on all applicants seeking certifica-
36 tion pursuant to this section.

37 (b) All applicants for original certification or for certification re-
38 instatement shall submit to a fingerprint-based criminal history check
39 of both the Idaho central criminal database and the federal bureau of
40 investigation criminal history database. All such applicants shall
41 submit a full set of their fingerprints and any relevant fees directly
42 to the Idaho board of nursing for forwarding to the appropriate law

1 enforcement agency for processing. Criminal background reports re-
2 ceived by the board from the Idaho state police and the federal bureau
3 of investigation shall be used only for licensing decisions and handled
4 and disposed of in a manner consistent with requirements imposed by the
5 Idaho state police and the federal bureau of investigation.

6 (c) Upon meeting all requirements and upon the successful completion of
7 additional education, training and competency assessment prescribed by
8 rule, an applicant shall be certified as a certified medication assis-
9 tant (MA-C).

10 (6) A person may not use the title "certified medication assistant" or
11 the abbreviation "MA-C" unless such person has been duly certified pursuant
12 to this section.

13 (7) The board shall adopt rules governing the approval of education and
14 training programs for certified medication assistants.

15 (8) The board shall set forth in rule criteria for acceptable certified
16 medication assistant competency evaluations.

17 (9) (a) For any one (1) or a combination of grounds for discipline as
18 set forth in paragraph (b) of this subsection, the board shall have the
19 authority to:

20 (i) File a letter of concern if the board believes there is insuf-
21 ficient evidence to support direct action against a certified med-
22 ication assistant;

23 (ii) Deny certification or recertification, suspend, revoke,
24 place on probation, reprimand, limit, restrict, condition or ac-
25 cept the voluntary surrender of a certificate issued pursuant to
26 this section if a certified medication assistant commits an act
27 that constitutes grounds for discipline;

28 (iii) Refer criminal violations of this section to the appropriate
29 law enforcement agency;

30 (iv) Impose a civil penalty of not more than one hundred dollars
31 (\$100) per violation; and

32 (v) Recover costs of investigation and disciplinary proceedings,
33 including attorney's fees.

34 (b) Grounds for discipline shall include:

35 (i) Substance abuse or dependency;

36 (ii) Client abandonment, neglect or abuse;

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

38 (A) Filing false credentials;

39 (B) Falsely representing facts on an application for ini-
40 tial certification, renewal or reinstatement; and

41 (C) Giving or receiving assistance in taking the competency
42 evaluation;

43 (iv) Boundary violations;

44 (v) Performance of unsafe client care;

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

47 (vii) Misappropriation or misuse of property;

48 (viii) Obtaining money or property of a client, resident or other
49 person by theft, fraud, misrepresentation or duress committed

1 during the course of employment as a certified medication assis-
2 tant;
3 (ix) Criminal conviction of a misdemeanor that directly relates
4 to or affects the functions of a certified medication assistant or
5 conviction of any felony as set forth in rule;
6 (x) Failure to conform to the standards of a certified medication
7 assistant;
8 (xi) Putting clients at risk of harm; and
9 (xii) Violating the privacy or failing to maintain the confiden-
10 tiality of client or resident information.
11 (10) The board shall comply with the provisions of the Idaho administra-
12 tive procedure act, chapter 52, title 67, Idaho Code, in taking any disci-
13 plinary action against a certified medication assistant and shall maintain
14 records of any such disciplinary action, which records shall be available
15 for public inspection to the same extent as records regarding disciplinary
16 proceedings against nurses and as otherwise consistent with chapter 3, title
17 9, Idaho Code.
18 (11) The board shall notify the Idaho nursing assistant registry of any
19 disciplinary action taken against a certified medication assistant pursuant
20 to this section.