

HOUSE No. 2001

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to home health and hospice aides.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Leah Cole</i>	<i>12th Essex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 2001

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2001) of Kay Khan and others relative to home health and hospice aides. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2348 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to home health and hospice aides.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 80B of chapter 112 of the General Laws, as so appearing, is hereby
2 amended by inserting after the tenth paragraph the following 5 paragraphs:-
- 3 Registered nurses may delegate the administration of or assistance with the
4 administration of medications in the home to a home health aide, as defined under section 72F of
5 chapter 111 of the General Laws; provided, that the home health aide has completed training on
6 medication administration and meets minimum requirements according to regulations
7 promulgated by the board in conjunction with the department of public health and that the
8 administration or assistance with administration is performed under the supervision of a
9 registered nurse.

10 The delegation of medication administration to a home health aide permitted under this
11 section shall exclude controlled substances pursuant to Section 31 of Chapter 94c of the General
12 Laws and shall be limited to medication administration methods which are oral, ophthalmic, otic,
13 topical, internasal, transdermal, suppository, prefilled auto-injectables designed for self-
14 administration, or products which are administered by inhalation. The delegation of
15 administration methods including intramuscular, subcutaneous, intradermal that are not prefilled
16 auto-injectables designed for self-administration, intraosseous or intravenous administration of
17 medication shall not be permitted.

18 The board, in conjunction with the department of public health, shall promulgate
19 regulations pertaining to documentation protocols, minimum requirements and training on
20 medication administration. These regulations shall specify that delegation of administration of
21 medication does not alter the responsibility of the home health agency or hospice to teach and the
22 patient or family to participate in learning the self-administration of medications, whenever
23 appropriate.

24 Home health agencies shall provide training on medication administration to home health
25 aides and nurses and establish protocols on documenting that a home health aide or nurse has
26 completed training according to the nurse delegation model and the board's regulations, which
27 shall be drafted by the board in conjunction with the department of public health. Said
28 regulations shall specify that the registered nurse delegator and the home health aide are
29 accountable for their own actions in the medication delegation process, that the nurse delegator
30 shall take appropriate steps to verify the training of the home health aide, that the delegation
31 shall apply only to the home health aide to whom it was given and shall not be further delegated
32 or transferred, that no registered nurse shall be required to delegate medication administration if

33 the registered nurse determines it is inappropriate to do so and that the nurse delegator may
34 revoke the delegation based on documented professional judgment.

35 A nurse licensed under this chapter who delegates medication administration in
36 accordance with the regulations shall not be subject to disciplinary action by the board for the
37 performance of a person to whom medication administration was delegated.