

**HOUSE . . . . . No. 2332**

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**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:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/5/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/26/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>3/9/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>3/10/2021</i>

**HOUSE . . . . . No. 2332**

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2332) of Kay Khan and others relative to the administration of medications in the home by certain home health aides. Public Health.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

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 42 CFR 484.80  
5 or to a hospice aide as defined under 42 CFR 418.76; provided, that the home health aide has  
6 completed training on medication administration and meets requirements according to  
7 regulations promulgated by the board in conjunction with the department of public health and  
8 that the administration or assistance with administration is performed under the supervision of a  
9 registered nurse. Such delegation authority shall not apply to nurses providing services under the  
10 Continuous Skilled Nursing Agency regulations (130 CMR 438.000).

11 The delegation of medication administration to a home health aide permitted under this  
12 section shall exclude controlled substances pursuant to Section 31 of Chapter 94c of the General

13 Laws. Medication administration under this section shall include methods which are oral,  
14 ophthalmic, optic, topical, internasal, transdermal, suppository, prefilled auto-injectables  
15 designed for self-administration, or products which are administered by inhalation. The  
16 delegation of administration methods including intramuscular, subcutaneous, intradermal that are  
17 not prefilled auto-injectables designed for self-administration, intraosseous or intravenous  
18 administration of medication shall not be permitted. Nothing in this paragraph shall limit the  
19 boards authority to promulgate additional regulations.

20 The board, in conjunction with the department of public health, shall promulgate  
21 regulations which shall include but not be limited to; training requirements for home health aides  
22 on medication administration, training requirements for nurses on the duties and appropriateness  
23 for delegating medication administration, and documentation protocols.

24 Said regulations shall specify that the registered nurse delegator and the home health aide  
25 are accountable for their own actions in the medication delegation process, that the nurse  
26 delegator shall take appropriate steps to verify the training and documentation requirements of  
27 the home health aide, that the delegation shall apply only to the home health aide to whom it was  
28 given and shall not be further delegated or transferred, protocols for which a nurse delegator may  
29 refuse or revoke delegation using their documented professional judgement, that no registered  
30 nurse shall be subject to disciplinary action by their employer for refusing to be a delegator or  
31 refusing to delegate if the nurse determines such delegation may compromise client safety, that  
32 no home health aide shall be subject to disciplinary action by their employer for refusing to  
33 participate in the medication delegation process, documentation protocols that delegation of  
34 administration of medication does not alter the responsibility of the home health agency or

35 hospice to teach and the patient or family to participate in learning the self-administration of  
36 medications, whenever appropriate.

37           Nothing in this paragraph shall limit the boards authority to promulgate additional rules  
38 or regulations.

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