

SENATE No. 01138

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 passage of the accompanying bill:

An Act relative to Home Health Aides.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>

SENATE No. 01138

By Mr. Moore, petition (accompanied by bill, Senate, No. 1138) of Chandler, Ashe, Jehlen and other members of the General Court for legislation relative to home health aides [Joint Committee on Public Health].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 860 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to Home Health 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 appearing in the
2 2008 Official Edition is hereby amended by inserting in the last paragraph after the words
3 "licensed practical nurse" the following:
4 "(8) the administration of or assistance with the administration of medications in the home by a
5 home health aide as defined under G.L. c. 111, § 72F, provided that such an aide has completed
6 agency training regulations to be drafted according to regulations promulgated by the Board of
7 Registration in Nursing and the Department of Public Health and that the administration or
8 assistance with administration is performed under the supervision of a registered nurse. The
9 delegation permitted under this subparagraph eight shall be limited to medications which are

10 oral, ophthalmic, otic, topical, intranasal, transdermal, suppository, prefilled, or products which
11 are administered by inhalation. Administration of medications by intramuscular, subcutaneous,
12 intradermal, intraosseous, intravenous shall not be permitted.

13 Agencies shall provide training and establish documentation protocols according to the
14 nurse delegation model and regulations to be drafted by the Board of Registration in Nursing and
15 the Department of Public Health. These regulations shall specify that the registered nurse
16 delegator and the home health aide are accountable for their own actions in the delegation
17 process and that no registered nurse shall be required to delegate if the registered nurse
18 determines it is inappropriate to do so. These regulations shall specify that delegation of
19 administration of medication does not alter the responsibility of the home health agency or
20 hospice to teach and the patient/family to participate in learning, self administration of
21 medications, whenever appropriate.

22 A nurse licensed under this chapter who delegates a specific nursing activity or task in
23 compliance with the rules adopted in these regulations shall not be subject to disciplinary action
24 by the board of nursing for the performance of a person to whom the nursing activity or task is
25 delegated.

26 SECTION 2. Section 9 of Chapter 94 C of the General Laws in hereby amended by
27 inserting in the first paragraph after the words “veterinarian when registered pursuant to the
28 provisions of Chapter 7” the following:

29 “a home health aide pursuant to the provisions of G.L Chapter 112 S 80B (8).”