

SENATE No. 02242

Senate, May 3, 2012 – New draft of Senate, No. 1138 reported from the committee on the Health Care Financing.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Twelve
—————

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 2010
2 Official Edition is hereby amended by inserting after line 69 the following:

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 G.L. c. 111, §
5 72F, provided that such an aide has completed training on medication administration according
6 to regulations promulgated by the Board of Registration in Nursing in conjunction
7 with Department of Public Health, and that the administration or assistance with administration is
8 performed under the supervision of a registered nurse.

9 The delegation of medication administration permitted under this section shall be limited
10 to medications which are oral, ophthalmic, otic, topical, intranasal, transdermal, suppository,

11 prefilled, or products which are administered by inhalation. Administration of medications by
12 intramuscular, subcutaneous, intradermal, intraosseous, intravenous shall not be permitted.

13 The Board of Registration in Nursing, in conjunction with the Department of Public
14 Health, shall promulgate regulations pertaining to documentation protocols and training on
15 medication administration. These regulations shall specify that delegation of administration of
16 medication does not alter the responsibility of the home health agency or hospice to teach and the
17 patient or family to participate in learning the self administration of medications, whenever
18 appropriate.

19 Home health agencies shall provide training on medication administration to home health
20 aides and nurses and establish protocols on documenting that a home health aide or nurse has
21 completed training according to the nurse delegation model and regulations to be drafted by the
22 Board of Registration in Nursing in conjunction with Department of Public Health.

23 These regulations shall specify that the registered nurse delegator and the home health
24 aide are accountable for their own actions in the medication delegation process and that no
25 registered nurse shall be required to delegate medication administration if the registered nurse
26 determines it is inappropriate to do so.

27 A nurse licensed under this chapter who delegates medication administration in
28 compliance with the rules adopted in these regulations shall not be subject to disciplinary action
29 by the board of nursing for the performance of a person to whom medication administration is
30 delegated.

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

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