

HOUSE BILL 1607

By Maggart

AN ACT to amend Tennessee Code Annotated, Title 63,
Chapter 7, Part 1, relative to certified medication
technicians.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-7-102, is amended by adding the following as new subdivision (13):

(13) Except to the extent that it applies to the administration of medication, an individual who holds a valid medication technician certificate issued under this chapter, if the medication is administered in accordance with the provisions contained in this chapter.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by adding the following as a new section:

Section 63-7-1__.

(a) As used in this part, "certified medication technician" means an individual who administers medications as set forth in this section under the general supervision of a registered nurse or licensed practical nurse pursuant to this section.

(b) Any nursing home licensed pursuant to title 68, chapter 11, may use one (1) or more certified medication technicians to administer medications, as set forth in this section, to its residents, provided that each individual used as a medication technician must hold a current, valid medication technician certificate issued by the board of nursing under this section.

(c) An individual seeking certification as a medication technician shall apply to the board of nursing on a form prescribed and provided by the board, along with the applicable certification fee established by the board.

(d) To be eligible to receive a medication technician certificate, an applicant shall meet all of the following conditions:

(1) Be at least eighteen (18) years of age;

(2) Has completed the twelfth grade or its equivalent or has successfully passed the test for and has received a general equivalency diploma;

(3) Is a nurse aide duly certified under the standards established under federal law and title 68, chapter 11, part 2, and has practiced as a certified nurse aide in a nursing home for a minimum of one (1) year, on a full-time basis, at the time the applicant submits an application for certification as a medication technician under this section;

(4) Has successfully completed the course of instruction provided by a training program approved by the board under this section as set forth in subsection (h); and

(5) Has passed a standardized examination as described in subsection (i).

(e) If an applicant meets the requirements specified in subsection (d), the board shall issue a medication technician certificate to the applicant.

(f) A medication technician certificate is valid for two (2) years, unless it is suspended or revoked. The certificate may be renewed in accordance with procedures specified by the board in rules promulgated by the board under this section. To be eligible for renewal, an applicant shall pay a renewal fee

established by the board and shall meet the following continuing competency standards:

(1) Any and all continuing education requirements necessary to maintain nurse aide certification under title 68, chapter 11, part 2, and the rules promulgated pursuant thereto; and

(2) Six (6) contact hours per year of continuing education in pharmacology provided by a licensed pharmacist or registered nurse.

(g)

(1) The board has the power to deny, revoke or suspend any certificate to practice as a medication technician or to otherwise discipline such certificate holder, including but not necessarily limited to civil monetary penalties, upon proof that the person:

(A) Is guilty of fraud or deceit in procuring or attempting to procure a certificate as a medication technician;

(B) Is guilty of a crime;

(C) Is unfit or incompetent by reason of negligence, habits or other cause;

(D) Is addicted to alcohol or drugs to the degree of interfering with such person's professional duties;

(E) Is mentally incompetent;

(F) Is guilty of unprofessional conduct, including the

following:

(i) Intentionally or negligently causing physical or emotional injury to a patient;

(ii) Failing to maintain a record for each patient that accurately reflects the medication administration by the medication technician or failing to maintain a record for each patient which accurately reflects the name and title of the technician providing care;

(iii) Making false or materially incorrect, inconsistent or unintelligible entries in any patient records or in the records of any licensed nursing home pertaining to the obtaining, possessing or administration of any controlled substance as defined in the federal Controlled Substances Act;

(iv) Unauthorized use or removal of narcotics, drugs, supplies, or equipment from any licensed nursing home;

(v) The use of any intoxicating beverage or the illegal use of any narcotic or dangerous drug while on duty in any licensed nursing home;

(vi) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty in any licensed nursing home;

(vii) Impersonating another licensed or certified health care provider;

(viii) Revocation, suspension, probation or other discipline of a certificate to practice as a medication technician, or its equivalent, or as a certified nurse aide, by

another state for any act or omission that would constitute grounds for the revocation, suspension, probation or other discipline of a certificate in this state;

(ix) Practicing as a certified medication technician in this state on a lapsed certificate;

(x) Aiding, abetting, assisting or hiring an individual to violate or circumvent any law or duly promulgated rule intended to guide the conduct of any certified or licensed health care provider;

(xi) Exercising undue influence on the patient, including but not limited to, the promotion or sale of services, goods, appliances, or drugs in such a manner as to exploit the patient for financial gain to benefit the medication technician or a third party;

(xii) Discriminating in the rendering of services as it relates to race, age, sex, religion, national origin, or the condition of the patient;

(xiii) Violating confidentiality of information or knowledge concerning the patient, except when required to do so by a court of law;

(xiv) Failing to take appropriate action in safeguarding the patient from incompetent health care practices;

(xv) Failing to report, through proper channels, facts known to the individual regarding incompetent, unethical or illegal practice of any health care provider;

(xvi) Performing health care techniques or procedures without proper education and practice; and

(xvii) Engaging in acts of dishonesty which relate to the practice of a medication technician;

(G) Was convicted of any one of the following crimes:

(i) First degree murder, as set out in § 39-13-202;

(ii) Second degree murder, as set out in § 39-13-210;

(iii) Kidnapping, as set out in § 39-13-303;

(iv) Aggravated kidnapping, as set out in § 39-13-304;

(v) Especially aggravated kidnapping, as set out in § 39-13-305;

(vi) Aggravated robbery, as set out in § 39-13-402;

(vii) Especially aggravated robbery, as set out in § 39-13-403;

(viii) Aggravated rape, as set out in § 39-13-502; or

(ix) Rape, as set out in § 39-13-503;

(H) Furnished or otherwise provided the board with false or incomplete information on an application for a certificate regarding the individual's criminal conviction record will be denied initial certification or renewal; or

(l) Has violated or attempted to violate, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto.

(2) All disciplinary actions taken by the board under this section shall conform to title 4, chapter 5, part 3, and may be heard by a screening panel pursuant to § 63-7-115(c).

(h)

(1) A qualified educational institution seeking approval to provide a medication technician training program shall apply to the board of nursing on a form prescribed and provided by the board, and submit with the applicable fee established by the board. For purposes of this section, qualified educational institution shall mean an educational institution that has received approval by the board of nursing to offer a practical nursing program in Tennessee.

(2) The board shall approve the applicant to provide a medication technician training program if the applicant is a qualified educational institution and the content of the course of instruction to be provided by the program meets the standards specified by the board in rules promulgated under this section and includes all of the following:

(A) At least four hundred and sixty (460) clock-hours of instruction, consisting of three hundred (300) classroom hours and one hundred sixty (160) clinical

hours. The standard minimum curriculum shall include the following:

(i) Communication and interpersonal skills;

(ii) Resident rights related to medication administration;

(iii) The five (5) rights of medication administration, including:

(a) The right person;

(b) The right drug;

(c) The right dose;

(d) The right time; and

(e) The right route;

(iv) Drug terminology, storage and disposal, including:

(a) Medical terminology, symbols, accepted abbreviations;

(b) Reference resources; and

(c) Principles of safe medication storage and disposal;

(v) Fundamentals of the following body systems, including:

(a) Gastrointestinal;

(b) Musculoskeletal;

(c) Nervous and sensory;

(d) Urinary/renal;

- (e) Cardiovascular;
- (f) Respiratory;
- (g) Endocrine;
- (h) Male and female reproductive;

and

(i) Integumentary and mucous membranes;

(vi) Basic pharmacology, drug classifications and medications affecting body systems, including:

(a) Purposes of various medications;

and

(b) Schedule III, IV, and V controlled substances;

(vii) Safe administration of medications,

including:

(a) Oral medications;

(b) Topical medications;

(c) Eye, ear, and nose medications;

(d) Vaginal medications;

(e) Rectal medications;

(f) Medications delivered by metered hand-held inhalers;

(g) Premeasured medications delivered by Aerosol/Nebulizer;

(h) Transdermal medications;

(i) Proper resident positioning; and

(j) Measurement of apical pulse, blood pressure, and pulse oximetry in association with routine medication administration;

(viii) Principles of infection control and standard blood and body fluid precautions;

(ix) Documentation in residents' clinical records of medications administered;

(x) Circumstances in which a certified medication technician should report to, or consult with, a nurse concerning a resident or residents to whom medications are administered, including:

(a) The potential need of a resident for the administration of an as needed medication, as evidenced by a resident's expression of discomfort or other indication;

(b) A resident exercising the right to refuse medication administration;

(c) Any deviation from the delegation of medication administration instructions;

(d) Any observation about the condition of a resident that should cause concern to a certified medication technician.

(xi) Medication errors, including:

(a) Error prevention through promotion of safe medication administration practices; and

(b) Timeliness and manner of reporting medication errors;

(xii) The role of the certified medication technician as set forth in this section, including:

(a) The fact that administration of medication is a nursing function that may only be performed by a certified medication technician when it has been delegated by another health care practitioner in accordance with the provisions of this chapter;

(b) The settings in which medications may be administered by certified medication technicians;

(c) The types of medications that may be administered by certified medication technicians as well as those that a certified medication technician may not administer; and

(d) The activities associated with the administration of medications that are

prohibited for a certified medication technician; and

(xiii) Basic life support instruction; and

(B) A supervised clinical practice component of an approved medication technician training program shall be sufficient to assure that students are prepared to administer medications as a certified medication technician in a safe and effective manner, and shall satisfy the following:

(i) The supervised clinical practice component shall consist of one hundred sixty (160) clock hours, including experience in tasks related to the administration of medication, and shall be conducted under the direction and supervision of a nurse;

(ii) The supervised clinical practice component shall take place in a nursing home with which the training program has a written agreement to provide nurse supervision of the student in accordance with this rule;

(iii) While engaged in medication administration, a student shall be under the one-on-one direction and supervision of a nurse; and

(iv) During the supervised clinical practice, the nurse supervising the medication technician

student shall periodically inform the faculty member responsible for the student of the student's progress in the supervised clinical practice.

(3) The board may deny, suspend, or revoke the approval granted to the provider of a medication technician training program for reasons specified in rules promulgated under this section. All actions taken by the board to deny, suspend, or revoke the approval of a training program shall conform to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(i)

(1) The board shall provide or contract for the provision of standardized medication technician examination services, as follows:

(A) Publish an annual schedule of examination schedules and sites;

(B) Scheduled tests shall be administered, except when no individual is scheduled to test at a particular test site;

(C) Publish the number of individuals passing and failing the exam on at least a quarterly basis;

(D) The minimum passing grade shall be eighty-five percent (85%) for the examination; and

(E) Individuals who fail any portion of the examination three (3) consecutive times shall repeat the

course of training as set forth in subsection (h) prior to taking the examination again.

(2) Acting in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, the board, in consultation with the Tennessee Health Care Association, shall have rulemaking authority to establish any necessary rules for the administration of this section.

(j)

(1)

(A) Except for the medications specified in subdivision (j)(3) and the methods of medication administration specified in subdivision (j)(4), a medication technician who holds a current, valid medication technician certificate issued under this chapter may administer medications as set forth in this section to the residents of nursing homes that use medication technicians pursuant to this section. A medication technician shall administer medications only pursuant to delegation by a registered nurse or licensed practical nurse.

(B) Delegation of medication administration to a medication technician shall be carried out in accordance with the rules for nursing delegation adopted under this chapter by the board of nursing. A registered nurse or licensed practical nurse who has delegated to a medication technician responsibility for the administration

of medications to the residents of a nursing home shall not withdraw the delegation on an arbitrary basis or for any purpose other than patient safety.

(2) In exercising the authority to administer medications pursuant to nursing delegation, a medication technician may administer medications in any of the following categories:

(A) Oral medications;

(B) Topical medications;

(C) Medications administered as drops to the eye, ear, or nose;

(D) Rectal and vaginal medications;

(E) Medications delivered by metered hand-held inhalers;

(F) Premeasured medications delivered by Aerosol/Nebulizer;

(G) Any medications set forth in subdivisions (j)(2) (A) – (F) prescribed with a designation authorizing or requiring administration on an as-needed basis, but only if a nursing assessment of the patient is completed by a nurse licensed under title 63 before the medication is administered.

(3) A medication technician shall not:

(A) Administer medications containing a schedule II controlled substance, as defined in § 63-10-204

(B) Administer medications when such administration would require a dosage calculation by the medication technician;

(C) Directly receive orders from a physician or other prescriber;

(D) Administer barium or other contrast media;

(E) Administer chemotherapeutic agents; or

(F) Change a dosage amount to adhere to a change in a physician's order.

(4) A medication technician shall not, under any circumstances, administer medications by certain methods or routes. These include, but are not necessarily limited to, the following:

(A) Injection;

(B) Intravenous;

(C) Central lines;

(D) Intrathecal;

(E) Colostomy;

(F) A surgically placed feeding tube, e.g., gastrostomy, jejunostomy;

(G) Nasogastric;

(H) Non-metered inhaler;

(I) Intradermal;

(J) Urethral;

(K) Epidural;

(L) Endotracheal;

(M) Intramuscular; and

(N) Subcutaneous.

(5) A nursing home that uses medication technicians shall take reasonable measures to prevent medication technicians from accessing any schedule II controlled substances within the facility.

(k)

(1) A registered nurse or licensed practical nurse who delegates medication administration to a medication technician who holds a current, valid medication technician certificate issued under this chapter is not liable in damages to any person or government entity in a civil action for injury, death, or loss to person or property that allegedly arises from an action or omission of the medication technician in performing the medication administration, if the delegating nurse delegates the medication administration in accordance with this chapter and the rules adopted under this chapter.

(2) A person employed by a nursing home licensed pursuant to title 68, chapter 11, that uses medication technicians pursuant to this section who reports in good faith a medication error at the nursing home is not subject to disciplinary action by the board of nursing or any other government entity regulating that person's professional practice and is not liable in damages to any person or government entity in a civil action for injury, death, or

loss to person or property that allegedly results from reporting the medication error.

(l)

(1) The board of nursing shall adopt rules to implement the provisions of this section. Initial rules shall be adopted not later than February 1, 2010.

(2) The rules adopted under this section shall establish or specify the following:

(A) Fees, in an amount sufficient to cover the costs the board incurs in implementing the provisions of this section;

(B) Procedures for renewal of medication technician certificates;

(C) Grounds for discipline of applicants and/or certificate holders;

(D) Standards for approval of peer support programs for the holders of medication technician certificates; and

(E) Procedures for approval or denial of medication technician training programs.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.