

House Bill 374 (AS PASSED HOUSE AND SENATE)

By: Representatives LaHood of the 175th, Cooper of the 43rd, and Petrea of the 166th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-7-12.2 of the Official Code of Georgia Annotated, relating to
2 regulation and licensing of assisted living communities, legislative intent, definitions,
3 procedures, and requirements for medication aides, so as to authorize certified medication
4 aides to administer liquid morphine to residents under hospice care pursuant to a physician's
5 written orders; to amend Code Section 43-26-12, relating to exceptions to the licensure of
6 registered professional nurses, so as to provide that the administration of liquid morphine by
7 certified medication aides under specific criteria does not require licensure as a registered
8 professional nurse; to provide for related matters; to provide for an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 31-7-12.2 of the Official Code of Georgia Annotated, relating to regulation and
13 licensing of assisted living communities, legislative intent, definitions, procedures, and
14 requirements for medication aides, is amended by revising subsection (g) as follows:

15 "(g)(1) An assisted living community may employ certified medication aides for the
16 purpose of performing the technical aspects of the administration of certain medications
17 in accordance with this subsection. An assisted living community that employs one or
18 more certified medication aides must have a safe medication and treatment administration
19 system that meets all the requirements of this subsection.

20 (2) The department shall establish and maintain a medication aide registry containing the
21 names of each individual in Georgia who is certified by the department as a medication
22 aide. An assisted living community may not employ an individual as a medication aide
23 unless ~~the~~ such individual is listed in the medication aide registry in good standing.

24 (3) An applicant for certification as a medication aide shall meet the following
25 qualifications:

26 (A) Be a Georgia certified nurse aide with current certification in good standing;

- 27 (B) Have successfully completed a ~~state-approved~~ state approved medication aide
 28 training program administered by a Georgia licensed registered nurse, pharmacist, or
 29 physician;
- 30 (C) Have successfully passed, with a minimum passing score of 80 percent, a written
 31 competency examination; and
- 32 (D) Have demonstrated the requisite clinical skills to serve as a medication aide in
 33 accordance with a standardized checklist developed by the department.
- 34 (4) A record of the successful completion of the written competency examination and
 35 clinical skills standardized checklist by an applicant for certification as a medication aide
 36 shall be included in the medication aide registry within 30 business days of evaluation.
 37 Each candidate for certification as a medication aide shall have the opportunity to take
 38 the written competency examination three times before being required to retake and
 39 successfully complete the medication aide training program.
- 40 (5) An assisted living community shall annually conduct a comprehensive clinical skills
 41 competency review of each medication aide employed by the assisted living community.
- 42 (6) Certificates issued pursuant to this subsection shall be renewed biennially according
 43 to schedules and fees approved by the department.
- 44 (7) A medication aide who meets the criteria established in this subsection shall be
 45 permitted to perform the following tasks in an assisted living community in accordance
 46 with the written instructions of a physician:
- 47 (A) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and
 48 rectal medications;
- 49 (B) Administer insulin, epinephrine, and B12 pursuant to physician direction and
 50 protocol;
- 51 (C) Administer medication via a metered dose inhaler;
- 52 (D) Conduct finger stick blood glucose testing following established protocol;
- 53 (E) Administer a commercially prepared disposable enema as ordered by a physician;
- 54 ~~and~~
- 55 (F) Assist residents in the supervision of self-administration of medication; and
- 56 (G) Administer liquid morphine to a resident of the assisted living community who is
 57 the patient of a licensed hospice, pursuant to a hospice physician's written order that
 58 contains specific instructions for indication, dosage, frequency, and route of
 59 administration, provided that the licensed hospice consents to the use and
 60 administration of liquid morphine as described in this subparagraph. The medication
 61 aide shall observe and document the resident's need for all 'as needed' (PRN) liquid
 62 morphine in such resident's record and such indications of need may include
 63 verbalizations of pain, groaning, grimacing, or restlessness. The initial dose of any

64 liquid morphine administered pursuant to this subparagraph shall be administered and
 65 assessed by a licensed hospice health care professional to observe and address any
 66 adverse reactions to such medication. The assisted living community shall ensure that
 67 any medication aides who will be administering liquid morphine to any hospice patients
 68 in such assisted living community pursuant to this subparagraph receive adequate
 69 training from a licensed hospice on the safe and proper administration of liquid
 70 morphine prior to such administration and on an annual basis thereafter. The assisted
 71 living community shall maintain documentation of all training provided and shall
 72 adhere to all security and storage requirements for liquid morphine required under state
 73 and federal law, including but not limited to any rules promulgated by the department.
 74 Notwithstanding the foregoing, the supply of liquid morphine on-site at the assisted
 75 living community shall be limited to no more than 50 ml for each hospice patient in the
 76 assisted living community and shall only be administered under limited circumstances
 77 when a licensed hospice health care professional is not otherwise available. The
 78 department shall promulgate rules and regulations to implement this subparagraph. The
 79 authority provided to a medication aide pursuant to this subparagraph shall be in
 80 addition to the authority provided to a medication aide pursuant to subparagraphs (A)
 81 through (F) of this paragraph and shall not be construed to limit any authority or
 82 practice of a medication aide in effect prior to the effective date of this subparagraph.

83 (8) A medication aide shall record in the medication administration record all
 84 medications that ~~the~~ such medication aide has personally administered to a resident of an
 85 assisted living community and any refusal of a resident to take a medication. A
 86 medication aide shall observe a resident to whom medication has been administered and
 87 shall report any changes in the condition of such resident to the personal representative
 88 or legal surrogate of ~~the~~ such resident.

89 (9) All medication administered by a medication aide in accordance with this Code
 90 section shall be in unit or multidose packaging.

91 (10) An assisted living community that employs one or more medication aides to
 92 administer medications in accordance with this subsection shall secure the services of a
 93 licensed pharmacist to perform the following duties:

94 (A) Perform a quarterly review of the drug regimen of each resident of the assisted
 95 living community and report any irregularities to the assisted living community
 96 administrator;

97 (B) Remove for proper disposal any drugs that are expired, discontinued, in a
 98 deteriorated condition, or ~~where~~ when the resident for whom such drugs were ordered
 99 is no longer a resident;

100 (C) Establish or review policies and procedures for safe and effective drug therapy,
101 distribution, use, and control; and
102 (D) Monitor compliance with established policies and procedures for medication
103 handling and storage.
104 (11) An assisted living community that employs one or more medication aides to
105 administer medications in accordance with this subsection shall ensure that each
106 medication aide receives ongoing medication training as prescribed by the department.
107 A registered professional nurse or pharmacist shall conduct random medication
108 administration observations on a quarterly basis and report any issues to the assisted
109 living community administrator."

110 **SECTION 2.**

111 Code Section 43-26-12, relating to exceptions to the licensure of registered professional
112 nurses, is amended in subsection (a) by striking "and" at the end of paragraph (8), by
113 replacing the period at the end of paragraph (9) with "; and", and by adding a new paragraph
114 to read as follows:

115 "(10) The administration of liquid morphine by a certified medication aide pursuant to
116 subparagraph (g)(7)(G) of Code Section 31-7-12.2."

117 **SECTION 3.**

118 This Act shall become effective upon its approval by the Governor or upon its becoming law
119 without such approval.

120 **SECTION 4.**

121 All laws and parts of laws in conflict with this Act are repealed.