SENATE DOCKET, NO. 1686 FILED ON: 1/21/2011

SENATE . . . . . No. 1138

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:

An Act relative to home health aides.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	☐ *[District]* ☐
Patricia D. Jehlen	☐ *[District]* ☐
Ruth B. Balser	*12th Middlesex*
Brian M. Ashe	*2nd Hampden*
Harriette L. Chandler	☐ *[District]* ☐

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SENATE . . . . . No. 1138

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1138) of Richard T. Moore, Patricia D. Jehlen, Ruth B. Balser, Brian M. Ashe and others for legislation relative to home health aides. Public Health.

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

The Commonwealth of Massachusetts

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:

SECTION 1. Section 80B of Chapter 112 of the General Laws, as appearing in the 2008 Official Edition is hereby amended by inserting in the last paragraph after the words "licensed practical nurse" the following:

"(8) the administration of or assistance with the administration of medications in the home by a home health aide as defined under G.L. c. 111, § 72F, provided that such an aide has completed agency training regulations to be drafted according to regulations promulgated by the Board of Registration in Nursing and the Department of Public Health and that the administration or assistance with administration is performed under the supervision of a registered nurse. The delegation permitted under this subparagraph eight shall be limited to medications which are oral, ophthalmic, otic, topical, internasal, transdermal, suppository, prefilled, or products which are administered by inhalation. Administration of medications by intramuscular, subcutaneous, intradermal, intraosseous, intravenous shall not be permitted.

Agencies shall provide training and establish documentation protocols according to the nurse delegation model and regulations to be drafted by the Board of Registration in Nursing and the Department of Public Health. These regulations shall specify that the registered nurse delegator and the home health aide are accountable for their own actions in the delegation process and that no registered nurse shall be required to delegate if the registered nurse determines it is inappropriate to do so. These regulations shall specify that

19 delegation of administration of medication does not alter the responsibility of the home health
20 agency or 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
23 task in compliance with the rules adopted in these regulations shall not be subject to disciplinary
24 action by the board of nursing for the performance of a person to whom the nursing activity or
25 task is delegated.

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

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