

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 668 Session of 2023

INTRODUCED BY J. WARD, COLLETT, SCHWANK, BOSCOLA, COMITTA, HAYWOOD, BREWSTER, CAPPELLETTI, BAKER, ROBINSON AND STREET, MAY 2, 2023

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 27, 2024

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," providing for certified
10 medication aides; and imposing duties on the Department of
11 Education.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
15 as the Health Care Facilities Act, is amended by adding a
16 chapter to read:

CHAPTER 8-C

CERTIFIED MEDICATION AIDES

19 Section 801-C. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Certified medication aide." An individual certified under  
3 section 804-C.

4 "Department." The Department of Education of the  
5 Commonwealth.

6 "Instructor." An individual trained to A REGISTERED NURSE <--  
7 APPROVED BY THE DEPARTMENT TO TRAIN AND certify medication aides  
8 under section 804-C.

9 "Long-term care nursing facility." As defined in section  
10 802.1.

11 "Medication aide training program." The program developed by  
12 the department under section 804-C(a) for certification as a  
13 medication aide.

14 "NURSE AIDE." AS DEFINED IN 42 CFR 483.5 (RELATING TO <--  
15 DEFINITIONS).

16 "PRO RE NATA MEDICATION." THE PRESCRIPTION OF MEDICATIONS  
17 WHOSE ADMINISTRATION SHOULD BE BASED ON PATIENTS' IMMEDIATE  
18 NEEDS RATHER THAN AT PREDETERMINED ADMINISTRATION TIMES.

19 Section 802-C. Requirements.

20 (a) Qualifications.--To be a certified medication aide, an  
21 individual must:

22 ~~(1) Be a nurse aide with a valid listing on the~~ <--  
23 ~~Pennsylvania Nurse Aide Registry.~~

24 ~~(2) Have at least one year of consecutive experience~~  
25 ~~working as a nurse aide in a single long term care nursing~~  
26 ~~facility.~~

27 (1) BE A NURSE AIDE CURRENTLY LISTED ON THE PENNSYLVANIA <--  
28 NURSE AIDE REGISTRY, BE ELIGIBLE FOR HIRING AS A NURSE AIDE  
29 UNDER 42 CFR 483.12(A)(3)(II) (RELATING TO FREEDOM FROM  
30 ABUSE, NEGLECT AND EXPLOITATION) AND NOT HAVE HAD A

1 CERTIFICATION UNDER THIS CHAPTER REVOKED. A NURSE AIDE WHO  
2 HAS SUCCESSFULLY HAD A NEGLECT ANNOTATION REMOVED FROM THE  
3 NURSE AIDE'S LISTING ON THE PENNSYLVANIA NURSE AIDE REGISTRY  
4 UNDER 42 U.S.C. § 1396R(G) (1) (D) (RELATING TO REQUIREMENTS  
5 FOR NURSING FACILITIES) SHALL NOT BE PROHIBITED FROM BEING  
6 ELIGIBLE FOR CERTIFICATION.

7 (2) DURING THE PREVIOUS TWO YEARS, HAVE AT LEAST 1,000  
8 HOURS OF EXPERIENCE WORKING AS A NURSE AIDE IN A SINGLE LONG-  
9 TERM CARE NURSING FACILITY.

10 (3) RECEIVE A FORMAL WRITTEN RECOMMENDATION FOR  
11 CERTIFIED MEDICATION AIDE TRAINING BY THE DIRECTOR OF NURSING  
12 OF THE LONG-TERM CARE FACILITY IDENTIFIED IN PARAGRAPH (2),  
13 AND SUBMIT THE RECOMMENDATION TO THE DEPARTMENT. THE  
14 RECOMMENDATION MUST INCLUDE A STATEMENT CERTIFYING THAT THE  
15 INDIVIDUAL HAS SATISFIED THE EXPERIENCE REQUIREMENT UNDER  
16 PARAGRAPH (2).

17 ~~(3)~~ (4) Have successfully completed the medication aide <--  
18 training program and met the requisite training and  
19 competency evaluation requirements.

20 (b) Certification by instructor.--To practice as a certified  
21 medication aide, an individual must meet the qualifications  
22 under subsection (a) and be certified by an instructor as  
23 provided under section 804-C.

24 Section 803-C. Administration of medication.

25 ~~(a) Permissible medication delivery. A certified medication <--~~  
26 ~~aide may administer oral, transdermal, ophthalmic, otic, rectal,~~  
27 ~~vaginal, inhaled, enteral or topical medication to a resident of~~  
28 ~~a long term care nursing facility.~~

29 (A) PERMISSIBLE MEDICATION DELIVERY.--A CERTIFIED MEDICATION <--  
30 AIDE MAY ADMINISTER, UNDER THE SUPERVISION OF A PHYSICALLY ON-

1 SITE REGISTERED NURSE OR LICENSED PRACTICAL NURSE AUTHORIZED BY  
2 A REGISTERED NURSE, ORAL, TRANSDERMAL, OPHTHALMIC, OTIC, INHALED  
3 OR TOPICAL MEDICATION TO A RESIDENT OF A LONG-TERM CARE NURSING  
4 FACILITY. THE FOLLOWING APPLY:

5 (1) THE SUPERVISING REGISTERED NURSE OR LICENSED  
6 PRACTICAL NURSE AUTHORIZED BY A REGISTERED NURSE SHALL BE  
7 PHYSICALLY ON-SITE AND AVAILABLE TO THE CERTIFIED MEDICATION  
8 AIDE.

9 (2) THE CERTIFIED MEDICATION AIDE MAY ONLY ADMINISTER  
10 MEDICATIONS TO A RESIDENT OF A LONG-TERM CARE NURSING  
11 FACILITY WHOSE CLINICAL STATUS IS CONSIDERED STABLE.

12 (3) NO MORE THAN TWO CERTIFIED MEDICATION AIDES MAY BE  
13 SUPERVISED BY A REGISTERED NURSE OR LICENSED PRACTICAL NURSE  
14 AUTHORIZED BY A REGISTERED NURSE.

15 (4) A CERTIFIED MEDICATION AIDE MAY ADMINISTER A PRO RE  
16 NATA MEDICATION ACCORDING TO A PHYSICIAN'S, NURSE  
17 PRACTITIONER'S OR PHYSICIAN ASSISTANT'S ORDERS WITH A  
18 REGISTERED NURSE ON-SITE. CERTIFIED MEDICATION AIDES SHALL  
19 DOCUMENT EVERY ADMINISTRATION OF A PRO RE NATA MEDICATION AND  
20 SYMPTOMS PRECIPITATING ADMINISTRATION.

21 (b) Impermissible medication delivery.--A certified  
22 medication aide may not:

23 (1) Administer a controlled substance under section 4 of  
24 the act of April 14, 1972 (P.L.233, No.64), known as The  
25 Controlled Substance, Drug, Device and Cosmetic Act.

26 (2) Administer medications by ~~gastroonomy~~ GASTROSTOMY or <--  
27 jejunostomy tubes.

28 (3) Add fluid to established ~~gastroonomy~~ GASTROSTOMY or <--  
29 jejunostomy tube feedings or change established tube feeding  
30 bags.

1           (4) Accept verbal or telephone orders for medication  
2 from a licensed health care professional who is authorized to  
3 independently diagnose and treat.

4           (5) Administer medication by the following routes:

5           (i) Central lines.

6           (ii) Colostomy.

7           (iii) Intramuscular.

8           (iv) Intrathecal.

9           (v) Intravenous.

10          (vi) Nasogastric.

11          (vii) Nonmetered inhaler.

12          (viii) Subcutaneous injection.

13          (ix) Intradermal.

14          (x) Urethral.

15          (xi) Epidural.

16          (xii) Endotracheal.

17          (XIII) RECTAL.

<--

18          (XIV) VAGINAL.

19          (XV) ENTERAL.

20          (6) Administer the following kinds of medications:

21          (i) Barium and other diagnostic contrast media.

22          (ii) Chemotherapeutic agents, except oral  
23 maintenance chemotherapy.

24          (7) Administer medication by, nor assume responsibility  
25 for, medication pumps, including client-controlled analgesia.

26          (8) Act as a clinical teaching associate to a student in  
27 a medication aide training program.

28          (9) ADMINISTER THE FIRST DOSE OF ANY NEW MEDICATION TO A <--  
29 RESIDENT OF A LONG-TERM CARE NURSING FACILITY.

30          (10) CALCULATE OR ADJUST A MEDICATION DOSE PRESCRIBED BY

1 A PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT.

2 (11) DELEGATE THE ADMINISTRATION OF MEDICATION.

3 (12) ADMINISTER MEDICATION WITHOUT THE SUPERVISION OF A  
4 REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AUTHORIZED BY  
5 A REGISTERED NURSE WHO IS PHYSICALLY ON-SITE AND AVAILABLE TO  
6 THE CERTIFIED MEDICATION AIDE.

7 Section 804-C. Medication aide training program and  
8 certification.

9 (a) Development.--The department shall develop a medication  
10 aide training program for an individual to become a certified  
11 medication aide, which may be offered by a long-term care  
12 nursing facility. PRIOR TO OPERATING A TRAINING PROGRAM <--

13 AUTHORIZED UNDER THIS SECTION, A LONG-TERM CARE NURSING FACILITY  
14 SHALL CONTRACT WITH AN INSTRUCTOR APPROVED BY THE DEPARTMENT.

15 The department shall include input from industry stakeholders on  
16 the development and implementation of the program. The program  
17 under this section must:

18 (1) Include a minimum of ~~40~~ 80 hours of classroom and <--  
19 ~~clinical~~ INSTRUCTION AND training, exclusive of testing or <--  
20 instructor evaluation of whether the individual is competent.

21 (2) INCLUDE A MINIMUM OF 20 HOURS OF SKILLS AND <--  
22 DEMONSTRATION, WHICH SHALL INCLUDE:

23 (I) TEN HOURS OF CLINICAL OBSERVATION AND SKILLS  
24 DEMONSTRATION UNDER THE DIRECT SUPERVISION OF A  
25 SUPERVISING REGISTERED NURSE OR LICENSED PRACTICAL NURSE  
26 AUTHORIZED BY A REGISTERED NURSE IN A LONG-TERM CARE  
27 NURSING FACILITY; AND

28 (II) TEN HOURS IN A SKILLS DEMONSTRATION LABORATORY.

29 ~~(2)~~ (3) Be conducted by an approved instructor and <--  
30 utilize the State-approved written curriculum and test.

<--

~~(3)~~ (4) Cover the following topics:

(i) The role, responsibilities and performance of the prescribing provider in the medication administration process.

(ii) The rights of the individual regarding accepting or refusing medications.

(iii) Principles of infection control as they relate to medication administration.

(iv) Categories of medications and their effects.

(v) Effective management of poisoning or medication overdose.

(vi) Storage and disposal of medications.

(vii) Communications with individuals or guardians, if applicable, about the individual's medications.

(viii) The six principles of medication administration, including:

(A) The correct medication.

(B) The correct dosage of the medication.

(C) The medication to the correct individual.

(D) The medication at the correct time.

(E) The medication to the individual by the correct method.

(F) The accurate documentation.

<--

~~(4)~~ (5) Include a medication aide training examination that requires the demonstration of the requisite knowledge and skills to serve as a certified medication aide.

<--

(b) Certification.--An instructor THE DEPARTMENT OF HEALTH shall issue certification to an individual to practice as a certified medication aide if the individual:

(1) Successfully completes the medication aide training

1 program.

2 (2) Scores 80% or higher on the examination under  
3 subsection ~~(a)(4)~~ (A)(5). <--

4 (3) Demonstrates knowledge of the following pertaining  
5 to administering medications:

6 (i) The name of the medication.

7 (ii) The reason for the medication's use.

8 (iii) Any side effects or adverse reactions.

9 (iv) Any special instructions such as giving certain  
10 fluids, checking pulse rate or monitoring blood levels.

11 (4) Following direct observation by an instructor, has  
12 been found competent to be authorized to administer  
13 medications.

14 ~~(c) Reauthorization. A certified medication aide shall be~~ <--  
15 ~~reauthorized to administer medications at least every two years~~  
16 ~~or by the last day of the 24th month from the date of the prior~~  
17 ~~authorization. Reauthorization of a certified medication aide~~  
18 ~~shall include:~~

19 ~~(1) Annual completion of 12 hours of continuing~~  
20 ~~education, clinical competency demonstration and a medication~~  
21 ~~errors prevention course, which shall be developed by the~~  
22 ~~department.~~

23 ~~(2) A written reauthorization by an instructor.~~

24 (C) RENEWAL OF CERTIFICATION.--A CERTIFIED MEDICATION AIDE <--  
25 SHALL BE REQUIRED TO RENEW A CERTIFICATION NO LESS THAN EVERY  
26 TWO YEARS OR BY THE LAST DAY OF THE 24TH MONTH FROM THE DATE OF  
27 THE PRIOR CERTIFICATION. THE FOLLOWING SHALL APPLY:

28 (1) RENEWAL SHALL INCLUDE:

29 (I) PROOF OF COMPLETION OF 12 HOURS OF CONTINUING  
30 EDUCATION PER YEAR, CLINICAL COMPETENCY DEMONSTRATION AND

1 A MEDICATION ERRORS PREVENTION COURSE WHICH SHALL BE  
2 DEVELOPED BY THE DEPARTMENT.

3 (II) A RECERTIFICATION LETTER WRITTEN BY AN  
4 INSTRUCTOR RECOMMENDING THE CERTIFIED MEDICATION AIDE FOR  
5 RENEWAL.

6 (2) A CERTIFIED MEDICATION AIDE SHALL SUBMIT AN ONLINE  
7 COMPLETED RECERTIFICATION APPLICATION TO THE DEPARTMENT OF  
8 HEALTH.

9 (d) Authorization.--Authorization to practice as a certified  
10 medication aide shall be valid in any long-term care nursing  
11 facility.

12 ~~(e) Suspension of medication aide training program.~~ <--

13 ~~(1) A long term care nursing facility's medication aide~~  
14 ~~training program may be suspended for cause based on the~~  
15 ~~adequacy and effectiveness of the medication aide training~~  
16 ~~program.~~

17 ~~(2) A long term care nursing facility's medication aide~~  
18 ~~training program may not be suspended based on surveys or~~  
19 ~~operations of the long term care nursing facility.~~

20 (E) CERTIFICATION SANCTION AUTHORIZATION.--THE DEPARTMENT OF <--  
21 HEALTH MAY REVOKE OR SUSPEND A CERTIFIED MEDICATION AIDE'S  
22 CERTIFICATION, OR OTHERWISE SANCTION A CERTIFIED MEDICATION AIDE  
23 FOR ANY OF THE FOLLOWING REASONS:

24 (1) FAILURE TO COMPLETE A TIMELY RENEWAL.

25 (2) RECEIVING AN ANNOTATION ON THE NURSE AIDE'S LISTING  
26 ON THE PENNSYLVANIA NURSE AIDE REGISTRY UNDER 42 U.S.C. §  
27 1396R(G) (1) (C) (RELATING TO REQUIREMENTS FOR NURSING  
28 FACILITIES) FOR ABUSE, NEGLIGENCE OR MISAPPROPRIATION.

29 (3) FAILURE TO PROPERLY ADMINISTER MEDICATION.

30 (4) LACK OF PHYSICAL OR MENTAL ABILITY TO PROVIDE

1 ADEQUATE SERVICES.

2 (5) DECEPTIVE OR FRAUDULENT PROCUREMENT OR  
3 REPRESENTATION OF CERTIFICATION OR FOR MAKING MISLEADING,  
4 DECEPTIVE OR UNTRUE REPRESENTATIONS TO SECURE OR AID OR ABET  
5 ANOTHER INDIVIDUAL TO SECURE A CERTIFICATION.

6 (6) WILLFUL OR NEGLIGENT MISCONDUCT IN PROVIDING CARE OR  
7 PRACTICING BEYOND CERTIFICATION AUTHORIZATION.

8 (7) PRACTICING WITHOUT A CURRENT CERTIFICATION.

9 (8) CONVICTION OF ANY OFFENSE LISTED IN 22 PA. CODE §  
10 701.13 (RELATING TO NONACCEPTANCE OF CERTAIN APPLICANTS).

11 (9) HAVING A CERTIFICATION OR OTHER AUTHORIZATION TO  
12 PRACTICE A PROFESSION OR OCCUPATION REVOKED, SUSPENDED OR  
13 SUBJECTED TO OTHER DISCIPLINARY SANCTION.

14 (F) SANCTIONS.--

15 (1) THE DEPARTMENT OF HEALTH MAY ORDER ONE OR MORE OF  
16 THE FOLLOWING AGAINST A CERTIFIED MEDICATION AIDE FOR A  
17 REASON LISTED UNDER SUBSECTION (E):

18 (I) REVOKE A CERTIFICATION.

19 (II) REQUIRE A CERTIFIED MEDICATION AIDE TO TAKE  
20 EDUCATIONAL COURSES.

21 (III) IMPOSE A CIVIL PENALTY NOT EXCEEDING \$500 ON  
22 THE FACILITY FOR EACH INCIDENT IN WHICH THE CERTIFIED  
23 MEDICATION AIDE ENGAGES IN CONDUCT THAT CONSTITUTES A  
24 BASIS FOR DISCIPLINE. PENALTY MONEY SHALL BE TREATED AS  
25 CIVIL MONEY PENALTIES.

26 (2) NO DISCIPLINARY ACTION AGAINST A CERTIFIED  
27 MEDICATION AIDE SHALL PREVENT OR OTHERWISE PROHIBIT THE  
28 DEPARTMENT OF HEALTH FROM ANNOTATING A NURSE AIDE UNDER 42  
29 U.S.C. § 1396R(G) (1) (C) FOR ABUSE, NEGLECT OR  
30 MISAPPROPRIATION.

1 (G) SUSPENSION AND TERMINATION OF MEDICATION AIDE TRAINING  
2 PROGRAM.--THE DEPARTMENT MAY SUSPEND OR TERMINATE A LONG-TERM  
3 CARE NURSING FACILITY'S MEDICATION AIDE TRAINING PROGRAM FOR ANY  
4 OF THE FOLLOWING REASONS:

5 (1) FAILURE TO PROPERLY ADMINISTER THE TRAINING PROGRAM.

6 (2) FAILURE TO PROPERLY SUPERVISE A CERTIFIED MEDICATION  
7 AIDE.

8 (3) FRAUDULENTLY CERTIFYING A MEDICATION AIDE.

9 (4) FAILURE TO PROPERLY REPORT TO THE DEPARTMENT OF  
10 HEALTH UNDER SECTION 805-C(C).

11 Section 805-C. Employment of certified medication aides.

12 (a) Authorization.--A long-term care nursing facility may  
13 employ a certified medication aide for the purpose of performing  
14 the technical aspects of the medication administration in  
15 accordance with this chapter. The following shall apply:

16 (1) The certified medication aide training program  
17 established under section 804-C(a) shall fulfill the  
18 requirements of medication administration training as  
19 specified in 55 Pa. Code §§ 2800.190(a) (relating to  
20 medication administration training) and 2600.190(a) (relating  
21 to medication administration training) for assisted living  
22 residences and personal care homes.

23 (2) An assisted living residence as defined in 55 Pa.  
24 Code § 2800.4 (relating to definitions) and personal care  
25 homes as defined in 55 Pa. Code § 2600.4 (relating to  
26 definitions) may employ a certified medication aide that has  
27 successfully completed the medication aide training program  
28 in accordance with this chapter.

29 (b) Competency review.--A long-term care nursing facility  
30 shall annually conduct a comprehensive clinical skills

1 competency review of each certified medication aide employed by  
2 the long-term care nursing facility. THE COMPLETED COMPETENCY <--  
3 REVIEW SHALL BE SUBMITTED TO THE DEPARTMENT OF HEALTH.

4 (C) REPORTING.--A LONG-TERM CARE NURSING FACILITY THAT  
5 EMPLOYS A CERTIFIED MEDICATION AIDE SHALL REPORT TO THE  
6 DEPARTMENT OF HEALTH ANY ACT COMMITTED BY A CERTIFIED MEDICATION  
7 AIDE WHICH QUALIFIES FOR DISCIPLINE UNDER SECTION 804-C(E) AND  
8 ANY ACT WHICH IS REQUIRED TO BE REPORTED UNDER 28 PA. CODE §  
9 51.3 (RELATING TO NOTIFICATION).

10 ~~(e)~~ (D) Computation.--A certified medication aide employed <--  
11 by a long-term care nursing facility shall:

12 (1) Be included in computing the hours of direct  
13 resident care under 28 Pa. Code § 211.12 (relating to nursing  
14 services).

15 (2) Not be included in the computing of nurse aide  
16 ratios and, REGISTERED NURSE RATIOS OR licensed practical <--  
17 nurse ratios under 28 Pa. Code § 211.12.

18 ~~(d)~~ (E) Registry.--Nurse aides meeting the eligibility <--  
19 criteria in section 802-C(a) shall be designated as certified  
20 medication aides on the Pennsylvania Nurse Aide Registry.  
21 Section 806-C. Annual report.

22 (a) Submission.--The department shall submit an annual  
23 report to:

24 (1) The chairperson and minority chairperson of the  
25 Aging and Youth Committee of the Senate.

26 (2) The chairperson and minority chairperson of the  
27 Aging and Older Adult Services Committee of the House of  
28 Representatives.

29 (3) The chairperson and minority chairperson of the  
30 Health and Human Services Committee of the Senate.

1           (4) The chairperson and minority chairperson of the  
2           Health Committee of the House of Representatives.

3           (b) Contents.--The report shall include:

4           (1) The number and location of medication aide training  
5           programs approved by the department.

6           (2) The number of nurse aides currently certified as  
7           medication aides.

8           (3) The number of approved instructors available to  
9           support the program.

10          (4) Pass rates for the training examination.

11          (5) Recertification rates.

12          (6) The number of hours of training each program  
13          requires.

14          (C) FILING OF REPORT.--THE DEPARTMENT SHALL SUBMIT THE           <--  
15          ANNUAL REPORT FOR A PERIOD OF FIVE YEARS BEGINNING ONE YEAR  
16          AFTER THE EFFECTIVE DATE OF THIS SUBSECTION.

17          SECTION 807-C. REGULATIONS.

18          THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH  
19          AND THE DEPARTMENT OF STATE, MAY PROMULGATE REGULATIONS AS  
20          NECESSARY TO IMPLEMENT THIS CHAPTER.

21          Section 2. This act shall take effect in ~~180 days~~ ONE YEAR. <--