

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 668 Session of 2023

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

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, OCTOBER 24, 2023

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 certify medication  
7 aides under section 804-C.

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

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

13 Section 802-C. Requirements.

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

16 (1) Be a nurse aide with a valid listing on the  
17 Pennsylvania Nurse Aide Registry.

18 (2) Have at least one year of consecutive experience  
19 working as a nurse aide in a single long-term care nursing  
20 facility.

21 (3) Have successfully completed the medication aide  
22 training program and met the requisite training and  
23 competency evaluation requirements.

24 (b) Certification by instructor.--To practice as a certified  
25 medication aide, an individual must meet the qualifications  
26 under subsection (a) and be certified by an instructor as  
27 provided under section 804-C.

28 Section 803-C. Administration of medication.

29 (a) Permissible medication delivery.--A certified medication  
30 aide may administer oral, transdermal, ophthalmic, otic, rectal,

1 vaginal, inhaled, enteral or topical medication to a resident of  
2 a long-term care nursing facility.

3 (b) Impermissible medication delivery.--A certified  
4 medication aide may not:

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

8 (2) Administer medications by gastronomy or jejunostomy  
9 tubes.

10 (3) Add fluid to established gastronomy or jejunostomy  
11 tube feedings or change established tube feeding bags.

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

15 (5) Administer medication by the following routes:

16 (i) Central lines.

17 (ii) Colostomy.

18 (iii) Intramuscular.

19 (iv) Intrathecal.

20 (v) Intravenous.

21 (vi) Nasogastric.

22 (vii) Nonmetered inhaler.

23 (viii) Subcutaneous injection.

24 (ix) Intradermal.

25 (x) Urethral.

26 (xi) Epidural.

27 (xii) Endotracheal.

28 (6) Administer the following kinds of medications:

29 (i) Barium and other diagnostic contrast media.

30 (ii) Chemotherapeutic agents, except oral

1 maintenance chemotherapy.

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

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

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

8 (a) Development.--The department shall develop a medication  
9 aide training program for an individual to become a certified  
10 medication aide, which may be offered by a long-term care  
11 nursing facility. The department shall include input from  
12 industry stakeholders on the development and implementation of  
13 the program. The program under this section must:

14 (1) Include a minimum of 40 hours of classroom and  
15 clinical training, exclusive of testing or instructor  
16 evaluation of whether the individual is competent.

17 (2) Be conducted by an approved instructor and utilize  
18 the State-approved written curriculum and test.

19 (3) Cover the following topics:

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

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

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

27 (iv) Categories of medications and their effects.

28 (v) Effective management of poisoning or medication  
29 overdose.

30 (vi) Storage and disposal of medications.

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

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

5 (A) The correct medication.

6 (B) The correct dosage of the medication.

7 (C) The medication to the correct individual.

8 (D) The medication at the correct time.

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

11 (F) The accurate documentation.

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

15 (b) Certification.--An instructor shall issue certification  
16 to an individual to practice as a certified medication aide if  
17 the individual:

18 (1) Successfully completes the medication aide training  
19 program.

20 (2) Scores 80% or higher on the examination under  
21 subsection (a)(4).

22 (3) Demonstrates knowledge of the following pertaining  
23 to administering medications:

24 (i) The name of the medication.

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

26 (iii) Any side effects or adverse reactions.

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

29 (4) Following direct observation by an instructor, has  
30 been found competent to be authorized to administer

1 medications.

2 (c) Reauthorization.--A certified medication aide shall be  
3 reauthorized to administer medications at least every two years  
4 or by the last day of the 24th month from the date of the prior  
5 authorization. Reauthorization of a certified medication aide  
6 shall include:

7 (1) Annual completion of 12 hours of continuing  
8 education, clinical competency demonstration and a medication  
9 errors prevention course, which shall be developed by the  
10 department.

11 (2) A written reauthorization by an instructor.

12 (d) Authorization.--Authorization to practice as a certified  
13 medication aide shall be valid in any long-term care nursing  
14 facility.

15 (e) Suspension of medication aide training program.--

16 (1) A long-term care nursing facility's medication aide  
17 training program may be suspended for cause based on the  
18 adequacy and effectiveness of the medication aide training  
19 program.

20 (2) A long-term care nursing facility's medication aide  
21 training program may not be suspended based on surveys or  
22 operations of the long-term care nursing facility.

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

24 (a) Authorization.--A long-term care nursing facility may  
25 employ a certified medication aide for the purpose of performing  
26 the technical aspects of the medication administration in  
27 accordance with this chapter. THE FOLLOWING SHALL APPLY:

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28 (1) THE CERTIFIED MEDICATION AIDE TRAINING PROGRAM  
29 ESTABLISHED UNDER SECTION 804-C(A) SHALL FULFILL THE  
30 REQUIREMENTS OF MEDICATION ADMINISTRATION TRAINING AS

1 SPECIFIED IN 55 PA. CODE §§ 2800.190(A) (RELATING TO  
2 MEDICATION ADMINISTRATION TRAINING) AND 2600.190(A) (RELATING  
3 TO MEDICATION ADMINISTRATION TRAINING) FOR ASSISTED LIVING  
4 RESIDENCES AND PERSONAL CARE HOMES.

5 (2) AN ASSISTED LIVING RESIDENCE AS DEFINED IN 55 PA.  
6 CODE § 2800.4 (RELATING TO DEFINITIONS) AND PERSONAL CARE  
7 HOMES AS DEFINED IN 55 PA. CODE § 2600.4 (RELATING TO  
8 DEFINITIONS) MAY EMPLOY A CERTIFIED MEDICATION AIDE THAT HAS  
9 SUCCESSFULLY COMPLETED THE MEDICATION AIDE TRAINING PROGRAM  
10 IN ACCORDANCE WITH THIS CHAPTER.

11 (b) Competency review.--A long-term care nursing facility  
12 shall annually conduct a comprehensive clinical skills  
13 competency review of each certified medication aide employed by  
14 the long-term care nursing facility.

15 (c) Computation.--A certified medication aide employed by a  
16 long-term care nursing facility shall:

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

20 (2) Not be included in the computing of nurse aide  
21 ratios and licensed practical nurse ratios under 28 Pa. Code  
22 § 211.12.

23 (D) REGISTRY.--NURSE AIDES MEETING THE ELIGIBILITY CRITERIA <--  
24 IN SECTION 802-C(A) SHALL BE DESIGNATED AS CERTIFIED MEDICATION  
25 AIDES ON THE PENNSYLVANIA NURSE AIDE REGISTRY.

26 Section 806-C. Annual report.

27 (a) Submission.--The department shall submit an annual  
28 report to:

29 (1) The chairperson and minority chairperson of the  
30 Aging and Youth Committee of the Senate.

1           (2) The chairperson and minority chairperson of the  
2 Aging and Older Adult Services Committee of the House of  
3 Representatives.

4           (3) The chairperson and minority chairperson of the  
5 Health and Human Services Committee of the Senate.

6           (4) The chairperson and minority chairperson of the  
7 Health Committee of the House of Representatives.

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

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

11           (2) The number of nurse aides currently certified as  
12 medication aides.

13           (3) The number of approved instructors available to  
14 support the program.

15           (4) Pass rates for the training examination.

16           (5) Recertification rates.

17           (6) The number of hours of training each program  
18 requires.

19 Section 2. This act shall take effect in 180 days.