

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Moore, Richard (SEN)

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 bill:

An Act Relative to Home Health Aides

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Moore, Richard (SEN)

Worcester and Norfolk

William N. Brownsberger

24th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

1 SECTION 1. Section 80B of Chapter 112 of the General Laws, as appearing in the 2002 Official
2 Edition is hereby amended by inserting in the last paragraph after the words "licensed practical
3 nurse" the following:
4 "(8) the administration of or assistance with the administration of medications in the home by a
5 home health aide as defined under G.L. c. 111, § 72F, provided that such an aide has completed
6 agency training regulations to be drafted according to regulations promulgated by the Board of
7 Registration in Nursing and the Department of Public Health and that the administration or
8 assistance with administration is performed under the supervision of a registered nurse. The
9 delegation permitted under this subparagraph eight shall be limited to medications which are
10 oral, ophthalmic, otic, topical, intranasal, transdermal, suppository, prefilled, or products which
11 are administered by inhalation. Administration of medications by intramuscular, subcutaneous,
12 intradermal, intraosseous, intravenous shall not be permitted.

13 Agencies shall provide training and establish documentation protocols according to the nurse
14 delegation model and regulations to be drafted by the Board of Registration in Nursing and the
15 Department of Public Health. These regulations shall specify that the registered nurse delegator
16 and the home health aide are accountable for their own actions in the delegation process and that
17 no registered nurse shall be required to delegate if the registered nurse determines it is
18 inappropriate to do so. These regulations shall specify that delegation of administration of
19 medication does not alter the responsibility of the home health agency or hospice to teach and the
20 patient/family to participate in learning, self administration of medications, whenever
21 appropriate.

22 A nurse licensed under this chapter who delegates a specific nursing activity or task in
23 compliance with the rules adopted in these regulations shall not be subject to disciplinary action
24 by the board of nursing for the performance of a person to whom the nursing activity or task is
25 delegated.

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

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