

House Bill 374

By: Representatives LaHood of the 175<sup>th</sup>, Cooper of the 43<sup>rd</sup>, and Petrea of the 166<sup>th</sup>

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 medications 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 medication 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) Administer any oral, ophthalmic, topical, otic, nasal, vaginal, or rectal medication  
 56 to the patient of a licensed hospice who is a resident of the assisted living community  
 57 pursuant to a hospice physician's written order that contains specific instructions for  
 58 indication, dosage, frequency, and route of administration in a manner that precludes  
 59 the need for the medication aide to exercise independent clinical judgement prior to,  
 60 during, and after the administration of such medication, provided that the licensed  
 61 hospice provider consents to the use and administration of its prepared medication as  
 62 described in this subparagraph. The medication aide shall observe and document the  
 63 resident's need for all 'as needed' (PRN) medication in such resident's record and such

64 indications of need may include verbalizations of pain, groaning, grimacing, or  
 65 restlessness. The initial dose of any medication administered pursuant to this  
 66 subparagraph shall be administered and assessed by a licensed hospice nurse to observe  
 67 and address any adverse reactions to such medication. The department shall designate  
 68 specific criteria for training of medication aides to implement this subparagraph; and

69 ~~(F)~~(G) Assist residents in the supervision of self-administration of medication.

70 (8) A medication aide shall record in the medication administration record all  
 71 medications that ~~the~~ such medication aide has personally administered to a resident of an  
 72 assisted living community and any refusal of a resident to take a medication. A  
 73 medication aide shall observe a resident to whom medication has been administered and  
 74 shall report any changes in the condition of such resident to the personal representative  
 75 or legal surrogate of ~~the~~ such resident.

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

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

81 (A) Perform a quarterly review of the drug regimen of each resident of the assisted  
 82 living community and report any irregularities to the assisted living community  
 83 administrator;

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

87 (C) Establish or review policies and procedures for safe and effective drug therapy,  
 88 distribution, use, and control; and

89 (D) Monitor compliance with established policies and procedures for medication  
 90 handling and storage.

91 (11) An assisted living community that employs one or more medication aides to  
 92 administer medications in accordance with this subsection shall ensure that each  
 93 medication aide receives ongoing medication training as prescribed by the department.  
 94 A registered professional nurse or pharmacist shall conduct random medication  
 95 administration observations on a quarterly basis and report any issues to the assisted  
 96 living community administrator."

97 **SECTION 2.**

98 Code Section 43-26-12, relating to exceptions to the licensure of registered professional  
 99 nurses, is amended in subsection (a) by striking "and" at the end of paragraph (8), by

100 replacing the period at the end of paragraph (9) with "; and", and by adding a new paragraph  
101 to read as follows:

102 "(10) The administration of medications by a certified medication aide pursuant to  
103 subparagraph (g)(7)(F) of Code Section 31-7-12.2."

104 **SECTION 3.**

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

107 **SECTION 4.**

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