

House Bill 497 (COMMITTEE SUBSTITUTE)

By: Representatives LaHood of the 175th, Williams of the 148th, Seabaugh of the 34th, Lumsden of the 12th, and Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 authorize the use of certified medication aides in penal institutions; to provide for a
3 definition; to provide requirements; to provide criteria; to provide for documentation; to
4 provide for oversight; to provide for ongoing training; to provide for statutory construction;
5 to provide for the certification of certified nurse aides; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
10 a new Code section to Chapter 2, relating to the Department of Community Health, to read
11 as follows:

12 "31-2-19.

13 (a) As used in this Code section, the term 'penal institution' means any place of
14 confinement for juvenile or adult individuals sentenced to a term of incarceration in a state
15 correctional institution.

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(b) A penal institution or private vendor providing medical services to those confined in a penal institution may employ certified medication aides for the purpose of performing the technical aspects of administering certain medications in accordance with this Code section.

(c) A penal institution or private vendor providing medical services to those confined in a penal institution shall not employ an individual as a certified medication aide unless such individual has met all of the qualifications in paragraph (3) of subsection (g) of Code Section 31-7-12.2 and is listed in the medication aide registry established and maintained by the department pursuant to paragraph (2) of subsection (g) of Code Section 31-7-12.2 and in good standing.

(d) The employer of a certified medication aide who administers medications in accordance with this Code section in a penal institution shall annually conduct a comprehensive clinical skills competency review of each certified medication aide employed at a penal institution.

(e) A certified medication aide who meets the criteria established in this Code section shall be permitted to perform the following tasks in a penal institution, in accordance with the written instructions of a physician:

(1) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and rectal medications;

(2) Administer insulin, epinephrine, and vitamin B12 pursuant to physician direction and protocol;

(3) Administer medications via a metered dose inhaler;

(4) Conduct finger stick blood glucose testing following established protocol;

(5) Administer a commercially prepared disposable enema as ordered by a physician; and

(6) Assist inmates in the supervision of self-administration of medications.

(f) A certified medication aide shall record in the medication administration record all medications that such certified medication aide has personally administered to an inmate of a penal institution and any refusal of an inmate to take a medication. A certified medication aide shall observe the inmate to whom a medication has been administered and shall report any changes in the condition of such inmate to a charge nurse.

(g) All medications administered by a certified medication aide in accordance with this Code section shall be in unit or multidose packaging.

(h)(1) The employer of a certified medication aide who administers medications in a penal institution in accordance with this Code section shall secure the services of a licensed pharmacist to perform the following duties as part of the penal institution's peer review, medical review, and quality assurance functions:

(A) Perform a quarterly review of the drug regimen of each inmate of the penal institution and report any irregularities to the penal institution administrator;

(B) Remove for proper disposal any drugs that are expired, discontinued, in a deteriorated condition, or when the inmate for whom such drugs were ordered is no longer incarcerated at the penal institution;

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

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

(2) If the certified medication aides used at a penal institution are the employees, contractors, or agents of a private vendor that provides medical services to those confined in a penal institution, such vendor shall be responsible for providing the licensed pharmacist required by paragraph (1) of this subsection to perform such duties at no cost to the penal institution.

(i)(1) The employer of a certified medication aide who administers medications in a penal institution in accordance with this Code section shall ensure that each certified

medication aide receives ongoing medication training as prescribed by the department.
A registered professional nurse or licensed pharmacist shall conduct quarterly
unannounced medication administration observations and shall report any issues to the
penal institution administrator.

(2) If the certified medication aides used at a penal institution are the employees,
contractors or agents of a private vendor that provides medical services to those confined
in a penal institution, such vendor shall be responsible for providing the registered
professional nurse or licensed pharmacist required by paragraph (1) of this subsection to
perform such duties at no cost to the penal institution.

(j) Nothing in this Code section shall be construed to authorize certified medication aides
employed by a penal institution to administer any Schedule II controlled substance that is
a narcotic."

SECTION 2.

Said title is further amended by revising Code Section 31-7-12.8, relating to employer
sponsored certified nurse aide training and competency examination programs, as follows:
"31-7-12.8.

(a) The department shall certify an applicant for certification as a certified nurse aide who
meets the following qualifications:

(1) Has relevant professional or educational experience as determined by the department;
and

(2) Has achieved a minimum score, as established by rule of the department, on a
certified nurse aide competency examination consisting of a written portion and a
skills-demonstration portion, as approved by the department.

(b) The department shall approve employer based programs sponsored by or offered in
assisted living communities, private home care providers, personal care homes, or other
long-term care facilities licensed by the department for certified nurse aide training and

95 competency examination programs, in the same manner as such programs are approved in
96 nursing homes, as determined by the department. The department shall require all
97 employer based programs to meet the requirements set forth in 42 C.F.R. 483.152 and other
98 applicable laws and regulations."

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SECTION 3.

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