

## AMENDMENTS TO SENATE BILL NO. 668

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 1180

1 Amend Bill, page 2, line 6, by striking out "An individual  
2 trained to" and inserting

3 A registered nurse approved by the department to train and

4 Amend Bill, page 2, by inserting between lines 12 and 13

5 "Nurse aide." As defined in 42 CFR 483.5 (relating to  
6 definitions).

7 "Pro re nata medication." The prescription of medications  
8 whose administration should be based on patients' immediate  
9 needs rather than at predetermined administration times.

10 Amend Bill, page 2, lines 16 through 20, by striking out all  
11 of said lines and inserting

12 (1) Be a nurse aide currently listed on the Pennsylvania  
13 Nurse Aide Registry, be eligible for hiring as a nurse aide  
14 under 42 CFR 483.12(a)(3)(ii) (relating to freedom from  
15 abuse, neglect and exploitation) and not have had a  
16 certification under this chapter revoked. A nurse aide who  
17 has successfully had a neglect annotation removed from the  
18 nurse aide's listing on the Pennsylvania Nurse Aide Registry  
19 under 42 U.S.C. § 1396r(g)(1)(D) (relating to requirements  
20 for nursing facilities) shall not be prohibited from being  
21 eligible for certification.

22 (2) During the previous two years, have at least 1,000  
23 hours of experience working as a nurse aide in a single long-  
24 term care nursing facility.

25 (3) Receive a formal written recommendation for  
26 certified medication aide training by the director of nursing  
27 of the long-term care facility identified in paragraph (2),  
28 and submit the recommendation to the department. The  
29 recommendation must include a statement certifying that the  
30 individual has satisfied the experience requirement under  
31 paragraph (2).

32 Amend Bill, page 2, line 21, by striking out "(3)" and  
33 inserting

1           (4)  
2       Amend Bill, page 2, lines 29 and 30; page 3, lines 1 and 2;  
3 by striking out all of said lines on said pages and inserting  
4       (a) Permissible medication delivery.--A certified medication  
5 aide may administer, under the supervision of a physically on-  
6 site registered nurse or licensed practical nurse authorized by  
7 a registered nurse, oral, transdermal, ophthalmic, otic, inhaled  
8 or topical medication to a resident of a long-term care nursing  
9 facility. The following apply:

10           (1) The supervising registered nurse or licensed  
11 practical nurse authorized by a registered nurse shall be  
12 physically on-site and available to the certified medication  
13 aide.

14           (2) The certified medication aide may only administer  
15 medications to a resident of a long-term care nursing  
16 facility whose clinical status is considered stable.

17           (3) No more than two certified medication aides may be  
18 supervised by a registered nurse or licensed practical nurse  
19 authorized by a registered nurse.

20           (4) A certified medication aide may administer a pro re  
21 nata medication according to a physician's, nurse  
22 practitioner's or physician assistant's orders with a  
23 registered nurse on-site. Certified medication aides shall  
24 document every administration of a pro re nata medication and  
25 symptoms precipitating administration.

26       Amend Bill, page 3, line 8, by striking out "gastronomy" and  
27 inserting

28           gastrostomy

29       Amend Bill, page 3, line 10, by striking out "gastronomy" and  
30 inserting

31           gastrostomy

32       Amend Bill, page 3, by inserting between lines 27 and 28

33           (xiii) Rectal.

34           (xiv) Vaginal.

35           (xv) Enteral.

36       Amend Bill, page 4, by inserting between lines 5 and 6

37           (9) Administer the first dose of any new medication to a  
38 resident of a long-term care nursing facility.

39           (10) Calculate or adjust a medication dose prescribed by  
40 a physician, nurse practitioner or physician assistant.

41           (11) Delegate the administration of medication.

42           (12) Administer medication without the supervision of a

1 registered nurse or a licensed practical nurse authorized by  
2 a registered nurse who is physically on-site and available to  
3 the certified medication aide.

4 Amend Bill, page 4, line 11, by inserting after "facility."

5 Prior to operating a training program authorized under this  
6 section, a long-term care nursing facility shall contract with  
7 an instructor approved by the department.

8 Amend Bill, page 4, line 14, by striking out "40" and  
9 inserting

10 80

11 Amend Bill, page 4, lines 14 and 15, by striking out "and  
12 clinical" and inserting

13 instruction and

14 Amend Bill, page 4, by inserting between lines 16 and 17

15 (2) Include a minimum of 20 hours of skills and  
16 demonstration, which shall include:

17 (i) ten hours of clinical observation and skills  
18 demonstration under the direct supervision of a  
19 supervising registered nurse or licensed practical nurse  
20 authorized by a registered nurse in a long-term care  
21 nursing facility; and

22 (ii) ten hours in a skills demonstration laboratory.

23 Amend Bill, page 4, line 17, by striking out "(2)" and  
24 inserting

25 (3)

26 Amend Bill, page 4, line 19, by striking out "(3)" and  
27 inserting

28 (4)

29 Amend Bill, page 5, line 12, by striking out "(4)" and  
30 inserting

31 (5)

32 Amend Bill, page 5, line 15, by striking out "An instructor"  
33 and inserting

34 The Department of Health

35 Amend Bill, page 5, line 21, by striking out "(a) (4)" and

1 inserting

2 (a) (5)

3 Amend Bill, page 6, lines 2 through 11, by striking out all  
4 of said lines and inserting

5 (c) Renewal of certification.--A certified medication aide  
6 shall be required to renew a certification no less than every  
7 two years or by the last day of the 24th month from the date of  
8 the prior certification. The following shall apply:

9 (1) Renewal shall include:

10 (i) Proof of completion of 12 hours of continuing  
11 education per year, clinical competency demonstration and  
12 a medication errors prevention course which shall be  
13 developed by the department.

14 (ii) A recertification letter written by an  
15 instructor recommending the certified medication aide for  
16 renewal.

17 (2) A certified medication aide shall submit an online  
18 completed recertification application to the Department of  
19 Health.

20 Amend Bill, page 6, lines 15 through 22, by striking out all  
21 of said lines and inserting

22 (e) Certification sanction authorization.--The Department of  
23 Health may revoke or suspend a certified medication aide's  
24 certification, or otherwise sanction a certified medication aide  
25 for any of the following reasons:

26 (1) Failure to complete a timely renewal.

27 (2) Receiving an annotation on the nurse aide's listing  
28 on the Pennsylvania Nurse Aide Registry under 42 U.S.C. §  
29 1396r(g)(1)(C) (relating to requirements for nursing  
30 facilities) for abuse, neglect or misappropriation.

31 (3) Failure to properly administer medication.

32 (4) Lack of physical or mental ability to provide  
33 adequate services.

34 (5) Deceptive or fraudulent procurement or  
35 representation of certification or for making misleading,  
36 deceptive or untrue representations to secure or aid or abet  
37 another individual to secure a certification.

38 (6) Willful or negligent misconduct in providing care or  
39 practicing beyond certification authorization.

40 (7) Practicing without a current certification.

41 (8) Conviction of any offense listed in 22 Pa. Code §  
42 701.13 (relating to nonacceptance of certain applicants).

43 (9) Having a certification or other authorization to  
44 practice a profession or occupation revoked, suspended or  
45 subjected to other disciplinary sanction.

46 (f) Sanctions.--

1       (1) The Department of Health may order one or more of  
2 the following against a certified medication aide for a  
3 reason listed under subsection (e):

4           (i) Revoke a certification.

5           (ii) Require a certified medication aide to take  
6 educational courses.

7           (iii) Impose a civil penalty not exceeding \$500 on  
8 the facility for each incident in which the certified  
9 medication aide engages in conduct that constitutes a  
10 basis for discipline. Penalty money shall be treated as  
11 civil money penalties.

12       (2) No disciplinary action against a certified  
13 medication aide shall prevent or otherwise prohibit the  
14 Department of Health from annotating a nurse aide under 42  
15 U.S.C. § 1396r(g)(1)(C) for abuse, neglect or  
16 misappropriation.

17       (g) Suspension and termination of medication aide training  
18 program.--The department may suspend or terminate a long-term  
19 care nursing facility's medication aide training program for any  
20 of the following reasons:

21           (1) Failure to properly administer the training program.

22           (2) Failure to properly supervise a certified medication  
23 aide.

24           (3) Fraudulently certifying a medication aide.

25           (4) Failure to properly report to the Department of  
26 Health under section 805-C(c).

27       Amend Bill, page 7, line 14, by inserting after "facility."

28       The completed competency review shall be submitted to the  
29 Department of Health.

30       (c) Reporting.--A long-term care nursing facility that  
31 employs a certified medication aide shall report to the  
32 Department of Health any act committed by a certified medication  
33 aide which qualifies for discipline under section 804-C(e) and  
34 any act which is required to be reported under 28 Pa. Code §  
35 51.3 (relating to notification).

36       Amend Bill, page 7, line 15, by striking out "(c)" and  
37 inserting

38       (d)

39       Amend Bill, page 7, line 21, by striking out "and" and  
40 inserting

41       , registered nurse ratios or

42       Amend Bill, page 7, line 23, by striking out "(D)" and  
43 inserting

44       (e)

1 Amend Bill, page 8, by inserting between lines 18 and 19

2 (c) Filing of report.--The department shall submit the  
3 annual report for a period of five years beginning one year  
4 after the effective date of this subsection.

5 Section 807-C. Regulations.

6 The department, in consultation with the Department of Health  
7 and the Department of State, may promulgate regulations as  
8 necessary to implement this chapter.

9 Amend Bill, page 8, line 19, by striking out "180 days" and  
10 inserting

11 one year