

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE DRH80152-LN-114A* (3/3)

Short Title: Med Administration/Unlicensed Personnel.

(Public)

Sponsors: Representative Wright.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN LICENSED FACILITIES OR PROVIDERS
OF MEDICATION ADMINISTRATION SERVICES TO UTILIZE UNLICENSED
HEALTH CARE PERSONNEL TO PERFORM THE TECHNICAL ASPECTS OF
MEDICATION ADMINISTRATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 16 of Chapter 131E of the General Statutes is amended
by adding the following new section to read:

**"§ 131E-270. Use of unlicensed health care personnel to perform technical aspects
of medication administration.**

(a) Facilities licensed and medication administration services provided under
Articles 5, 6, and 10 of this Chapter may utilize unlicensed health care personnel to
perform the technical aspects of medication administration consistent with
G.S. 90-171.20(7) and (8), and G.S. 90-171.43.

(b) The Commission shall adopt rules to implement this section. Rules adopted
by the Commission shall include:

(1) Training and competency evaluation of medication aides as provided
for under this section.

(2) Requirements for listing under the Medication Aide Registry as
provided for under G.S. 131E-271.

(3) Requirements for supervision of medication aides by licensed health
professionals or appropriately qualified supervisory personnel
consistent with Articles 5, 6, 10, and 16 of this Chapter."

SECTION 2. Article 9C of Chapter 90 of the General Statutes is amended
by adding the following new section to read:

"§ 90-171.56. Medication aide requirements.

The Board of Nursing shall do the following:

- 1 (1) Establish standards for faculty requirements for medication aide
2 training; and
- 3 (2) Provide ongoing review and evaluation, and recommend changes, for
4 faculty and medication aide training requirements to support safe
5 medication administration and improve client, resident, and patient
6 outcomes."

7 **SECTION 3.** G.S. 131D-4.5 is amended by adding the following new
8 subdivision to read:

9 "(9) For facilities licensed and medication administration services provided
10 under this Article, authorizing utilization of unlicensed health care
11 personnel to perform the technical aspects of medication
12 administration. The rules shall be consistent with the requirements of
13 Article 9A of Chapter 90 of the General Statutes and shall include the
14 following:

- 15 a. Training and competency evaluation of medication aides as
16 provided for under G.S. 131E-270.
- 17 b. Requirements for listing under the Medication Aide Registry as
18 provided for under G.S. 131E-271.
- 19 c. Requirements for supervision of medication aides by licensed
20 health professionals or appropriately qualified supervisory
21 personnel consistent with this Chapter and Articles 5, 6, 10, and
22 16 of Chapter 131E of the General Statutes."

23 **SECTION 4.** G.S. 122C-26 reads as rewritten:

24 "**§ 122C-26. Powers of the Commission.**

25 In addition to other powers and duties, the Commission shall exercise the following
26 powers and duties:

- 27 (1) Adopt, amend, and repeal rules consistent with the laws of this State
28 and the laws and regulations of the federal government to implement
29 the provisions and purposes of this Article;
- 30 (2) Issue declaratory rulings needed to implement the provisions and
31 purposes of this Article;
- 32 (3) Adopt rules governing appeals of decisions to approve or deny
33 licensure under this Article;
- 34 (4) Adopt rules for the waiver of rules adopted under this Article; and
- 35 (5) Adopt rules applicable to facilities licensed under this Article:
 - 36 a. Establishing personnel requirements of staff employed in
37 facilities;
 - 38 b. Establishing qualifications of facility administrators or
39 directors;
 - 40 c. Establishing requirements for death reporting including
41 confidentiality provisions related to death reporting; ~~and~~
 - 42 d. Establishing requirements for patient advocates; and
 - 43 e. Authorizing facilities and medication administration service
44 providers to utilize unlicensed health care personnel to perform

1 the technical aspects of medication administration. The rules
 2 shall be consistent with the requirements of Article 9A of
 3 Chapter 90 of the General Statutes and shall include the
 4 following:

- 5 1. Training and competency evaluation of medication aides as
 6 provided for under G.S. 131E-270.
- 7 2. Requirements for listing under the Medication Aide Registry as
 8 provided for under G.S. 131E-271.
- 9 3. Requirements for supervision of medication aides by licensed
 10 health professionals or appropriately qualified supervisory
 11 personnel consistent with this Chapter and Articles 5,6, 10, and
 12 16 of Chapter 131E of the General Statutes."

13 **SECTION 5.** G.S. 148-19 is amended by adding the following new
 14 subsection to read:

15 "(e) The Secretary of Correction shall adopt rules authorizing utilization of
 16 unlicensed health care personnel to perform the technical aspects of medication
 17 administration to prisoners. The rules shall be consistent with the requirements of
 18 Article 9A of Chapter 90 of the General Statutes and shall include the following:

- 19 (1) Training and competency evaluation of medication aides as provided
 20 for under G.S. 131E-270.
- 21 (2) Requirements for listing under the Medication Aide Registry as
 22 provided for under G.S. 131E-271.
- 23 (3) Requirements for supervision of medication aides by licensed health
 24 professionals or appropriately qualified supervisory personnel
 25 consistent with Articles 5, 6, 10, and 16 of Chapter 131E of the
 26 General Statutes."

27 **SECTION 6.** G.S. 115C-47 is amended by adding the following new
 28 subdivision to read:

29 **"§ 115C-47. Powers and duties generally.**

30 In addition to the powers and duties designated in G.S. 115C-36, local boards of
 31 education shall have the power or duty:

- 32 ...
- 33 (45) To adopt policies and procedures authorizing schools that operate
 34 programs under G.S. 115C-307(c) to utilize unlicensed health care
 35 personnel to perform the technical aspects of medication
 36 administration to students. The policies and procedures shall be
 37 consistent with the requirements of Article 9A of Chapter 90 of the
 38 General Statutes and shall include the following:
 - 39 a. Training and competency evaluation of medication aides as
 40 provided for under G.S. 131E-270.
 - 41 b. Requirements for listing under the Medication Aide Registry as
 42 provided for under G.S. 131E-271.
 - 43 c. Requirements for supervision of medication aides by licensed
 44 health professionals or appropriately qualified supervisory

