

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 783*

Short Title: Med Administration/Unlicensed Personnel.

(Public)

Sponsors: Representative Wright.

Referred to: Health.

March 17, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CERTAIN LICENSED FACILITIES OR PROVIDERS
3 OF MEDICATION ADMINISTRATION SERVICES TO UTILIZE UNLICENSED
4 HEALTH CARE PERSONNEL TO PERFORM THE TECHNICAL ASPECTS OF
5 MEDICATION ADMINISTRATION.

6 The General Assembly of North Carolina enacts:

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

9 **"§ 131E-270. Use of unlicensed health care personnel to perform technical aspects**
10 **of medication administration.**

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

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

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

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

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

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

26 **"§ 90-171.56. Medication aide requirements.**

27 The Board of Nursing shall do the following:

28 (1) Establish standards for faculty requirements for medication aide
29 training; and

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

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

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

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

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

22 "**§ 122C-26. Powers of the Commission.**

23 In addition to other powers and duties, the Commission shall exercise the following
24 powers and duties:

- 25 (1) Adopt, amend, and repeal rules consistent with the laws of this State
26 and the laws and regulations of the federal government to implement
27 the provisions and purposes of this Article;
28 (2) Issue declaratory rulings needed to implement the provisions and
29 purposes of this Article;
30 (3) Adopt rules governing appeals of decisions to approve or deny
31 licensure under this Article;
32 (4) Adopt rules for the waiver of rules adopted under this Article; and
33 (5) Adopt rules applicable to facilities licensed under this Article:
34 a. Establishing personnel requirements of staff employed in
35 facilities;
36 b. Establishing qualifications of facility administrators or
37 directors;
38 c. Establishing requirements for death reporting including
39 confidentiality provisions related to death reporting; ~~and~~
40 d. Establishing requirements for patient advocates; and
41 e. Authorizing facilities and medication administration service
42 providers to utilize unlicensed health care personnel to perform
43 the technical aspects of medication administration. The rules
44 shall be consistent with the requirements of Article 9A of

Chapter 90 of the General Statutes and shall include the following:

1. Training and competency evaluation of medication aides as provided for under G.S. 131E-270.
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 this Chapter and Articles 5,6, 10, and 16 of Chapter 131E of the General Statutes."

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

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

- (1) Training and competency evaluation of medication aides as provided for under G.S. 131E-270.
- (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 Chapter 131E of the General Statutes."

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

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

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

- ...
- (45) To adopt policies and procedures authorizing schools that operate programs under G.S. 115C-307(c) to utilize unlicensed health care personnel to perform the technical aspects of medication administration to students. The policies and procedures shall be consistent with the requirements of Article 9A of Chapter 90 of the General Statutes and shall include the following:
 - a. Training and competency evaluation of medication aides as provided for under G.S. 131E-270.
 - b. Requirements for listing under the Medication Aide Registry as provided for under G.S. 131E-271.
 - c. Requirements for supervision of medication aides by licensed health professionals or appropriately qualified supervisory personnel consistent with Articles 5, 6, 10, and 16 of Chapter 131E of the General Statutes."

1 **SECTION 7.** Article 16 of Chapter 131E of the General Statutes is amended
2 by adding the following new section to read:

3 **"§ 131E-271. Medication Aide Registry.**

4 (a) The Department shall establish and maintain a Medication Aide Registry
5 containing the names of all health care personnel in North Carolina who have
6 successfully completed a medication aide training program that has been approved by
7 the North Carolina Board of Nursing and successfully passed a State-administered
8 medication aide competency exam."

9 **SECTION 8.** This act becomes effective October 1, 2005. The North
10 Carolina Board of Nursing and the Department of Health and Human Services shall
11 report on the implementation of this act to the House of Representatives Appropriations
12 Subcommittee on Health and Human Services, the Senate Appropriations Committee on
13 Health and Human Services, and the Fiscal Research Division not later than March 1,
14 2006, and annually thereafter.