S T A T E O F N E W Y O R K

10425

I N A S S E M B L Y

May 29, 2012

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to the administration of medication in residential health care facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2803-t to read as follows:

S 2803-T. NURSING HOME MEDICATION AIDES. 1. AS AUTHORIZED IN PARAGRAPH I OF SUBDIVISION ONE OF SECTION SIXTY-NINE HUNDRED EIGHT OF THE EDUCATION LAW RELATING TO THE PRACTICE OF NURSING, NURSE AIDES, AS CERTIFIED PURSUANT TO SECTION TWENTY-EIGHT HUNDRED THREE-J OF THIS ARTICLE, AS ADDED BY CHAPTER SEVEN HUNDRED SEVENTEEN OF THE LAWS OF NINETEEN HUNDRED EIGHTY-NINE, ARE AUTHORIZED TO BE CERTIFIED AS MEDICATION AIDES AND ADMINISTER MEDICATIONS IN RESIDENTIAL HEALTH CARE FACILITIES, AS DEFINED IN THIS ARTICLE, UNDER THE SUPERVISION OF A REGISTERED NURSE AFTER COMPLETING A PROGRAM OF TRAINING AND CLINICAL PRACTICE IN DISPENSING MEDICATIONS APPROVED BY THE COMMISSIONER.

2. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO:

(A) DEFINE PROPER STANDARDS OF PRACTICE TO ENSURE APPROPRIATE CERTIFICATION STANDARDS AND THAT SERVICES ARE DELIVERED IN A SCOPE AND MANNER CONSISTENT WITH THE NEED TO ENSURE THE SAFETY AND QUALITY OF SERVICES DELIVERED BY MEDICATION AIDES;

(B) REQUIRE THAT PROSPECTIVE MEDICATION AIDES UNDERGO A PROGRAM OF TRAINING AND CLINICAL PRACTICE APPROVED BY THE DEPARTMENT TO ENSURE THAT ONLY CAPABLE INDIVIDUALS WITH REQUIRED SKILLS ARE CERTIFIED AND ALLOWED TO ADMINISTER MEDICATIONS UNDER THE SUPERVISION OF A REGISTERED NURSE;

(C) REQUIRE PERIODIC RE-ASSESSMENT AND TRAINING OF MEDICATION AIDES TO ENSURE NECESSARY SKILL LEVELS FOR CERTIFICATION ARE MAINTAINED;

(D) REQUIRE PERIODIC DIRECT OBSERVATION OF THE DELIVERY OF SERVICES BY MEDICATION AIDES; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(E) REQUIRE MAINTENANCE OF REGULAR RECORDS OF SERVICE DELIVERED BY THE AIDE AND REVIEWED BY A SUPERVISOR TO ENSURE THE ACCURACY AND QUALITY OF MEDICATION ADMINISTRATION ACTIVITIES.

S 2. Subdivision 1 of section 6908 of the education law is amended by adding a new paragraph i to read as follows:

I. AS INCLUDING SERVICES GIVEN BY TRAINED MEDICATION AIDES IN RESIDENTIAL HEALTH CARE FACILITIES, AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, IF ADEQUATE MEDICAL AND NURSING SUPERVISION IS PROVIDED.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.