

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