

Bobby Jindal
GOVERNOR



Bruce D. Greenstein
SECRETARY

State of Louisiana
Department of Health and Hospitals
Office of the Secretary

March 1, 2011

The Honorable Joel T. Chaisson, II, President
Louisiana State Senate
P.O. Box 94183, Capitol Station
Baton Rouge, LA 70804-9183

The Honorable Jim Tucker, Speaker
Louisiana State House of Representatives
P.O. Box 94062, Capitol Station
Baton Rouge, LA 70804-9062

The Honorable Kay Katz, Chairwoman
House Health and Welfare Committee
Louisiana State House of Representatives
P.O. Box 44486, Capitol Station
Baton Rouge, LA 70804-4486

The Honorable Willie L. Mount, Chairwoman
Senate Health and Welfare Committee
Louisiana State Senate
P.O. Box 94183, Capitol Station
Baton Rouge, LA 70804-9183

Dear President Chaisson, Speaker Tucker, and Honorable Chairs:

In response to Act No. 293 (HB 246) of the 2007 Regular Session, the Louisiana Department of Health and Hospitals (DHH) submits the enclosed report. Act No. 293 created a pilot program to provide for the certification of medication attendants to perform certain functions in licensed nursing homes. The bill provides that the pilot program be administered by DHH and remain in effect until August 1, 2011. The bill requires that DHH submit annual interim reports to the House and Senate committees on health and welfare regarding the progress of the pilot program. R.S. 24:772 also requires that the report be submitted to the President of the Senate and the Speaker of the House.

The health standards section in the bureau of health services financing within DHH is available to discuss the enclosed report and recommendations with you at your convenience. Please contact Erin Rabalais, manager, health standards section, at (225) 342-4997 with any questions or comments you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce D. Greenstein".

Bruce D. Greenstein
Secretary

Enclosures

Cc: The Honorable Members of the House Health and Welfare Committee
The Honorable Members of the Senate Health and Welfare Committee
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MEDICATION ATTENDANT CERTIFIED PILOT PROJECT

REPORT PREPARED IN RESPONSE TO
ACT293/HB246 OF THE 2007 REGULAR
SESSION

JANUARY 2011

Contact:

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EXECUTIVE SUMMARY

Act 293(HB 246) – Medication Attendant Certified Pilot Project, (MAC), was signed into law by Governor Kathleen Blanco on July 9, 2007. MAC's are Certified Nursing Assistants (CNA's) who are trained by the Louisiana Community and Technical College (LCTC) system to perform certain functions, including the administration of certain routine medications, to Residents in licensed nursing homes as part of a three year pilot project. This pilot project is administered by the Department of Health and Hospitals (DHH). It commenced on July 20, 2008 upon completion of rules and regulations and will terminate on August 1, 2011. Participation by nursing homes in the pilot project is optional. In order to evaluate the effectiveness of the MAC project and its impact on the quality of patient care in nursing homes, participating facilities and LCTCs must evaluate all components of the program, utilizing evaluation forms designated by the department. DHH has collected this data during the duration of the pilot project. Current results are included in the body of this legislative report. DHH has submitted two previous annual interim legislative reports and this is the final report as stipulated by Act 293 which will give a conclusion on the utilization of MACs in nursing homes.

LEGISLATIVE REPORT MEDICATION ATTENDANT CERTIFIED PILOT PROJECT

Act 293 – Medication Attendants Certified Pilot Project, (MAC), was signed into law by Governor Kathleen Blanco on July 9, 2007. The first year following the legislation was spent developing rules and regulations with the La State Board of Nursing, the La State Board for Practical Nursing, La Community and Technical Colleges, La State Nurses Association, the La State Board of Pharmacy, La Nursing Home Association, Governor's Office of Elderly Affairs and DHH Health Standards. The MAC rule was promulgated in the Louisiana Register, Vol. 34, No.07, on July 20, 2008. Act 293 created a pilot project to authorize certification of medication attendants to perform certain functions, including the administration of certain medications, to nursing home Residents in licensed nursing homes, until August 1, 2011. This project is administered by the Department of Health and Hospitals (DHH).

The training curriculum is offered through the Louisiana Community and Technical College system, (LCTC). The committee that developed the MAC rule felt that for the duration of the pilot project, data collection would be more reliable if only one training entity was involved. The length of the training curriculum is 120 clock hours. Students must have a minimum of 1 year of experience as a Certified Nurse Aide, (CNA), must be currently employed in a facility as a CNA on the first official day of enrollment, and must successfully pass a statewide criminal history background check and a comprehensive drug screening test. A referral letter from the applicant's current employer is also required. Clinical training sites will be established through contracts between nursing homes and LCTCs in the region where the LCTC is located. Once training is complete and the student has passed the competency evaluation, the LCTC will report those individuals to the registry. The Medication Attendant Certified Registry will be maintained through a contract with the Louisiana Board of Examiners of Nursing Facility Administrators (LABENFA).

Nursing Homes must apply to DHH to utilize MACs. Upon receipt of the application, DHH will review the facility's regulatory compliance history, with emphasis being placed on deficiencies cited in the area of medication administration such as significant medication errors, medication error rates and repeat deficiencies. If a facility is denied participation, they may ask for a reconsideration and review of the circumstances which contributed to the denial.

DHH, through the Division of Administrative Law, has provided a process for review and investigation of all allegations of resident abuse, neglect or misappropriation of residents' property or funds by MACs.

In order to evaluate the effectiveness of the MAC project and its impact on the quality of patient care in nursing homes, LCTCs and nursing facilities that choose to participate in the pilot project must participate in the evaluation of all components of the program, utilizing evaluation forms designated by the department. Nursing facilities shall also be required to maintain documentation of medication errors on an ongoing basis and submit this information to the department on a monthly basis.

The following statistics show the status of participation of nursing homes and LTCs in the MAC pilot project to date:

Total MACs on Registry

4 – CNAs completed training and were awarded certification as a MAC, at Acadian Technical College in Crowley, La., on August 5, 2010.

Total MACs Working in Nursing Homes

2 – MACs employed at Southwind Nursing Home in Crowley, La., as of January 10, 2011.

3 NURSING HOMES APPROVED TO EMPLOY MACS:

Gonzales Healthcare; Gonzales, La.

Rayne Guest Home, Rayne, La.

Southwind Nursing and Rehabilitation Center; Crowley, La

1 LTC IS APPROVED TO TRAIN:

Acadian Technical College in Crowley, La.; will utilize Southwind Nursing and Rehabilitation Center in Crowley, La., as clinical training site.

STATUS OF THE LTCs AND NURSING HOMES THAT HAVE EXPRESSED INTEREST IN PARTICIPATING IN THE PILOT PROJECT

6 LTCs HAVE APPLIED TO TEACH THE CURRICULUM:

Acadian Technical College; Crowley, La.

Evangeline Campus; St. Martinville, La.

Greater Shreveport/Red River Region Campus; Shreveport, La.

Gulf Area Campus; Abbeville, La.

Northeast Campus; Winnsboro, La.

T.H. Harris Campus; Opelousas, La.

17 NURSING HOMES HAVE BEEN SOLICITED FOR CLINICAL TRAINING SITES:

Charlyn Rehabilitation and Nursing Center; Winnsboro, La.

Consolata Home; New Iberia, La.

Cypress Point Nursing and Rehabilitation Center; Bossier City, La.

Eastridge Nursing Center; Abbeville, La.

Eunice Manor; Eunice, La.

Kaplan Healthcare Center; Kaplan, La.

Landmark Nursing Center of Shreveport; Shreveport, La.

Live Oak; Shreveport, La.

Maison Deville Doctor's Care; Opelousas, La.

Maison du Monde; Abbeville, La.

New Iberia Manor South; New Iberia, La.

Our Lady of Prompt Succor Nursing Facility; Opelousas, La.

Plantation Manor Nursing and Rehabilitation Center; Winnsboro, La.

Senior Village; Opelousas, La.

Southwind Nursing and Rehabilitation Center; Crowley, La.

Vermillion Health Care Center; Kaplan, La.

Village Health Care at The Glen; Shreveport, La.

***Awaiting completed applications on 15 of the above nursing homes.**

1 NURSING HOME DENIED APPROVAL TO PARTICIPATE DUE TO COMPLIANCE HISTORY

5 LCTCs NOT APPROVED TO TEACH CURRICULUM:

Nursing homes with whom they have contracted to provide clinical training have not submitted completed applications and/or contracts for evaluation.

7 NURSING HOMES HAVE SUBMITTED APPLICATIONS TO PARTICIPATE IN THE PILOT PROJECT, BUT NO LCTC IN THEIR AREA HAS APPLIED TO TEACH THE CURRICULUM:

Autumn Leaves Nursing & Rehabilitation Center; Winnfield, La.

Harvest Manor Nursing Home; Denham Springs, La.

Golden Age Nursing Home; Denham Springs, La.

Gonzales Healthcare Center; Gonzales, La.

Jefferson Healthcare Center; Jefferson, La.

Riverside Nursing Home; Monroe, La.

The Guest House; Baton Rouge, La.

***Awaiting completed applications on 6 of the above nursing homes.**

No renewals, denials, revocations, suspensions or appeals.

No requests for reciprocity.

REASONS GIVEN BY NURSING HOMES FOR NOT APPLYING FOR THE PROJECT

- Fears about liability by supervising nurses
- Inability to include the MAC in calculating nursing hours
- Curriculum through LCTC not available in all areas of the state

PROJECT PROBLEMS

- Facilities submitting incomplete applications for evaluation.

CONCLUSION

The Medication Attendant Certified Pilot Project has not been embraced by Louisiana's nursing homes as was expected. This may be due to a multitude of reasons, including facilities lack of understanding of the intent of the project, fear of liability by supervising nursing staff, lack of readily accessible training programs, economic concerns of facilities in order to allow CNAs to attend MAC training, inability of facilities to count MACs in nursing hours, etc.

To date, four MAC students have been trained at the LCTC Crowley campus. Evaluations received from the LCTC faculty and the 4 MAC students were overwhelmingly positive. The faculty evaluator indicated that she felt that the MAC project would be a valuable addition to nursing care in Louisiana's nursing homes, allowing nurses to utilize their time more efficiently in caring for residents, and giving the nurse more time for assessing and directly caring for residents. She also felt that MACs would be especially useful during times of disaster, such as hurricanes and evacuations. The faculty evaluator indicated that additional time may be needed to educate nursing home staff, residents and families on what the MAC's function is in the nursing home, and showing what a valuable addition the MAC can be to resident care. She also suggested additional training in the area of legal documentation. Both student and faculty evaluators, indicated that the time allotted for completion of the course work was too short, recommending an extension of the course beyond 120 hours. This would allow more time for classroom and clinical instruction and discussion, and allow the instructor to teach at a slower pace.

DHH will continue to educate nursing facilities whenever possible, through participation in Louisiana Nursing Home Association, (LNHA), events and conferences, maintaining a dynamic and up-to-date MAC website, and continuing to be readily accessible, by telephone or email, to answer questions and concerns about the MAC project. The department will continue to encourage all qualified nursing facilities who express an interest in the MAC project, to participate in the pilot project.

DHH recommends extension of the MAC pilot project for an additional three years in order to allow time for additional nursing homes to participate. Additional data is needed before a determination can be made on whether to make the MAC a permanent option for facilities.

BIBLIOGRAPHY

Act293/HB246

Regular Session, 2007

ACT No. 293

HOUSE BILL NO. 246

BY REPRESENTATIVE MCDONALD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 37:1026.1 through 1026.9, relative to certified medication
4 attendants in licensed nursing homes; to provide for the purpose, application, and
5 definitions; to authorize the Department of Health and Hospitals to administer the
6 medication attendant pilot program; to establish qualifications for certification; to
7 provide for authorized and prohibited functions of medication attendants; to require
8 promulgation of rules and regulations; to establish medication administration
9 applicant requirements; to establish a registry; to provide for a termination date; to
10 provide an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of
13 1950, comprised of R.S. 37:1026.1 through 1026.9, is hereby enacted to read as follows:

14 PART I-A. MEDICATION ATTENDANTS IN LICENSED NURSING HOMES15 §1026.1. Purpose

16 The purpose of this Part is to create a pilot program that shall authorize
17 certification of medication attendants to perform certain functions in licensed nursing
18 homes until August 1, 2011. This program shall be administered by the Department
19 of Health and Hospitals.

20 §1026.2. Applicability

21 This Part shall apply only to nursing homes licensed by the Department of
22 Health and Hospitals pursuant to R.S. 40:2009.3.

1 §1026.3. Definitions

2 As used in this Part:

3 (1) "Authorized prescriber" means a licensed physician, dentist, or other
4 health care provider authorized by law to prescribe drugs, medications, medical
5 devices or appliances, and health care regimens.

6 (2) "Medication attendant" means a person who, pursuant to this Part, has
7 completed a medication administration course approved by the Department of Health
8 and Hospitals, passed an examination for medication attendants approved by the
9 Department of Health and Hospitals, and received a current certification from the
10 Department of Health and Hospitals.

11 (3) "Department" means the Department of Health and Hospitals.

12 (4) "Licensed nursing home" means a facility established and licensed
13 pursuant to R.S. 40:2009.3.

14 §1026.4. Medication Attendants

15 Persons who have successfully completed an approved medication
16 administration course, passed a qualifying certification examination, and been issued
17 a current certification by the department pursuant to this Part shall be permitted to
18 administer certain medications to residents of licensed nursing homes and shall be
19 considered direct care staff with regard to nursing homes. The ratio of supervising
20 licensed personnel to certified medication attendants shall be specified in department
21 rules.

22 §1026.5. Authorized and prohibited functions of medication attendants

23 A. The authorized functions of the certified medication attendant shall
24 include the following:

25 (1) Delivery and administration of certain prescribed medications ordered
26 by an authorized prescriber for patients under the supervision of a licensed nurse by
27 the following methods:

28 (a) Orally.

29 (b) Topically.

30 (c) Drops for eye, ear, or nose.

1 (d) Vaginally.

2 (e) Rectally.

3 (f) Transdermally.

4 (g) Via oral inhaler.

5 (2) Recording medications administered to the resident in the resident's
6 chart.

7 (3) Charting medication effects and side effects.

8 B. The prohibited functions of the medication attendant shall include the
9 following:

10 (1) Administering controlled dangerous substances or other substances
11 identified as high risk by the department, unless otherwise specified in department
12 rules.

13 (2) Administering medications by intramuscular, intravenous, subcutaneous,
14 or other routes restricted in department rules.

15 (3) Administering medications by the oral inhalant aerosol route, unless
16 administering a premeasured dosage unit provided by the manufacturer.

17 (4) Administering medications ordered on a pro re nata, as-needed, basis,
18 except on an individualized basis as specified in department rules.

19 (5) Receiving or assuming responsibility for writing oral or telephone orders
20 from an authorized prescriber.

21 (6) Performing a task involving the administration of medication if the
22 medication administration requires an assessment of the patient's physical status, the
23 need for medication, a calculation of the dosage of the medication, or the conversion
24 of a dosage.

25 (7) Performing a task involving the administration of a medication if the
26 patient is unstable or has changing nursing needs, unless the supervising nurse is
27 available to monitor the patient and the effect of the medication on the patient.

28 §1026.6. Promulgation of rules and regulations

29 A. The department, in consultation with an advisory committee to be
30 comprised of one representative each, designated by the chief elected or

1 administrative officer, of the Louisiana State Nurses' Association, Louisiana Board
2 of Pharmacy, Louisiana State Board of Practical Nurse Examiners, Louisiana State
3 Board of Nursing, Louisiana State Long-Term Care Ombudsman Program in the
4 office of the governor, Board of Supervisors of Community and Technical Colleges,
5 and Louisiana Nursing Home Association, shall promulgate rules and regulations
6 pursuant to the Administrative Procedure Act for the enforcement of this Part by
7 March 31, 2008.

8 B. The rules and regulations shall include but not be limited to:

9 (1) Establishment of a medication administration course of not less than one
10 hundred hours.

11 (2) Establishment of standards, curricula, and training requirements for a
12 medication administration course for certified medication attendants, including but
13 not limited to:

14 (a) Legal aspects of medication administration.

15 (b) Roles of health care providers in relation to medication administration.

16 (c) Responsibilities of medication administration.

17 (d) Definitions.

18 (e) Terminology.

19 (f) Classification.

20 (g) Measurement of medications.

21 (h) Identification of residents.

22 (i) Documentation.

23 (j) Effects of medications.

24 (k) Distribution, care, and handling of medications.

25 (3) Examination and certification of medication attendants.

26 (4) Performance evaluations for certified medication attendants.

27 (5) Application for and issuance, renewal, suspension, and revocation of
28 certificates of medication attendants.

29 (6) Ratios of supervising licensed nurses to medication attendants in licensed
30 nursing homes.

- 1 (7) Appeal procedures.
- 2 (8) Analysis of statistical data pertaining to medication error rates, resident
3 outcomes, and satisfaction.
- 4 (9) Evaluation of the training program to determine its effectiveness.
- 5 (10) Preparation and delivery of annual interim reports to the Senate
6 Committee on Health and Welfare and the House Committee on Health and Welfare
7 not less than thirty days prior to the commencement of the regular session of the
8 legislature and a final report to same not later than January 31, 2011.
- 9 §1026.7. Medication administration course; qualifications of applicants
- 10 Each person accepted to participate in the medication administration course
11 shall meet the following minimum qualifications:
- 12 (1) Be a citizen of the United States, a United States national, or an alien
13 lawfully admitted for permanent residency in the United States.
- 14 (2) Have attained a high school diploma or approved equivalent.
- 15 (3) Be at least eighteen years old.
- 16 (4) Be proficient in reading and writing the English language.
- 17 (5) Be free of abused substances as evidenced by periodic random testing.
- 18 (6) Pass a criminal background check and have no history of criminal
19 activities that may subject persons entrusted to their care to potential harm.
- 20 (7) Be a certified nursing assistant with a valid certification.
- 21 (8) Have a minimum of one year's experience in a nursing home as a
22 certified nursing assistant or graduated from a nursing program.
- 23 (9) Have a letter of recommendation from an administrator or a director of
24 nursing.
- 25 (10) Any qualifications specified in the rules promulgated by the department.
- 26 §1026.8. Registry
- 27 A permanent register of all persons certified to practice as a medication
28 attendant shall be maintained by the department as part of the nurse aide registry.
29 Any nursing home utilizing a medication attendant shall verify with this registry that
30 the person has a current certification.

1 §1026.9. Termination date

2 The provisions and authority of this Part shall terminate on August 1, 2011.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____