

Bobby Jindal
GOVERNOR



Alan Levine
SECRETARY

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

February 26, 2010

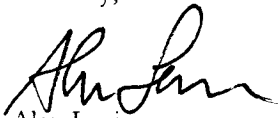
The Honorable Joel T. Chaisson, II, President
Louisiana State Senate
P.O. Box 94183, Capitol Station
Baton Rouge, LA 70804-9183

Dear President Chaisson:

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.

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 or Denise Traylor, medication attendant certified program manager, at (225) 342-7715 with any questions or comments you may have.

Sincerely,


Alan Levine
Secretary

Enclosures

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

February 26, 2010

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

Dear Speaker Tucker:

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.

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Sincerely,

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Alan Levine
Secretary

Enclosures

Bobby Jindal
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Alan Levine
SECRETARY

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

February 26, 2010

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

Dear Madam Chairman:

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.

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Alan Levine
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Enclosures

Bobby Jindal
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Alan Levine
SECRETARY

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

February 26, 2010


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

Dear Madam Chairman:

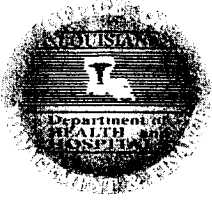
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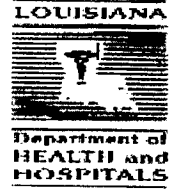
Sincerely,


Alan Levine
Secretary

Enclosures



Louisiana Department of Health and Hospitals
Health Standards Section
Act 293 – Medication Attendant Certified Pilot Program
2010 Annual Legislative Report

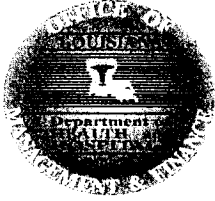


Act 293 – Medication Attendants Certified Pilot Program, (MAC), was signed into law by Governor Kathleen Blanco on July 9, 2007. The first year following the legislation was spent developing rules and regulations with the La State Board of Nursing, the La State Board for Practical Nursing, La Community and Technical Colleges, La State Nurses Association, the 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 program 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 program is administered by the Department of Health and Hospitals, (the department).

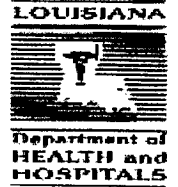
The training curriculum is offered through the Louisiana Community and Technical College system, (LCTC). The length of the program is 120 clock hours. Students must have a minimum of 1 year of experience as a Certified Nurse Aide, (CNA), must be currently employed in a facility as a CNA on the first 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 with nursing homes in the region of the LCTC. 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.

Nursing Homes must apply to the department to utilize MACs. Upon receipt of the application, the department will review the facility’s 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.

The department, through its Bureau of Appeals, has provided for a process of the review and investigation of all allegations of resident abuse, neglect or misappropriation of residents’ property or funds by MACs.



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In order to evaluate the effectiveness of the MAC program and its impact on the quality of patient care in nursing homes, the education programs and nursing facilities that choose to participate in the pilot program 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.

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

6 LCTCs HAVE APPLIED TO TEACH THE CURRICULUM:

Acadian Campus; 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.



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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

1 LCTC IS APPROVED TO TRAIN:

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

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.

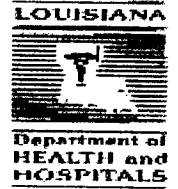
7 NURSING HOMES HAVE SUBMITTED APPLICATIONS TO PARTICIPATE IN THE PILOT PROGRAM, BUT NO LCTC IN THEIR AREA HAS APPLIED TO TEACH THE CURRICULUM:

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.**



Louisiana Department of Health and Hospitals
Health Standards Section
Act 293 – Medication Attendant Certified Pilot Program
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1 NURSING HOME APPROVED AS A CLINICAL TRAINING/MAC UTILIZATION SITE WITH NO LCTC IN THEIR AREA TO TEACH CURRICULUM

Gonzales Healthcare Center; Gonzales, La.

There have been no training classes begun as of this date.

No students have been trained or certified, so no evaluations have been submitted.

No renewals, denials, revocations, suspensions or appeals.

No requests for reciprocity.

REASONS GIVEN BY NURSING HOMES FOR NOT APPLYING FOR THE PROGRAM

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

PROGRAM PROBLEMS

Facilities submitting incomplete applications for evaluation.

Contact Information:

Denise Traylor, BSN, RN
Medication Attendant Certified Program Manager
DHH/Health Standards Section
500 Laurel St., Suite 100
Baton Rouge, La. 70801-1811
225-342-7715 phone
225-342-0453 fax
Denise.Traylor@LA.GOV

ACT No. 293

Regular Session, 2007

HOUSE BILL NO. 246

BY REPRESENTATIVE MCDONALD

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

PART I-A. MEDICATION ATTENDANTS IN LICENSED NURSING HOMES

§1026.1. Purpose

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

§1026.2. Applicability

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

1 §1026.3. Definitions2 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 Attendants15 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 attendants23 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: _____