

HOUSE BILL NO. 377

INTRODUCED BY W. WARBURTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF MEDICATION AIDES IN LONG-TERM
5 CARE FACILITIES; ESTABLISHING QUALIFICATIONS AND SCOPE OF PRACTICE FOR CERTAIN
6 MEDICATION AIDES; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 37-8-102 AND
7 37-8-422, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 37-8-102, MCA, is amended to read:
12 **"37-8-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
13 apply:

14 (1) "Advanced practice registered nurse" means a registered professional nurse who has completed
15 educational requirements related to the nurse's specific practice role, in addition to basic nursing education, as
16 specified by the board pursuant to 37-8-202.

17 (2) "Board" means the board of nursing provided for in 2-15-1734.

18 (3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

19 (4) "Medication aide I" means a person who in an assisted living facility uses standardized procedures
20 in the administration of drugs, as defined in 37-7-101, that are prescribed by a physician, ~~an advanced practice~~
21 ~~registered nurse with prescriptive authority, a dentist, an osteopath, or a podiatrist~~ naturopathic physician,
22 physician assistant, optometrist, advanced practice registered nurse, dentist, osteopath, or podiatrist authorized
23 by state law to prescribe drugs.

24 (5) "Medication aide II" means a person who in a long-term care facility licensed to provide skilled nursing
25 care, as defined in 50-5-101, uses standardized procedures in the administration of drugs, as defined in 37-7-101,
26 that are prescribed by a physician, naturopathic physician, physician assistant, optometrist, advanced practice
27 registered nurse, dentist, osteopath, or podiatrist authorized by state law to prescribe drugs.

28 (5)(6) "Nursing education program" means any board-approved school that prepares graduates for initial
29 licensure under this chapter. Nursing education programs for:

30 (a) professional nursing may be a department, school, division, or other administrative unit in a junior

1 college, college, or university;

2 (b) practical nursing may be a department, school, division, or other administrative unit in a
3 vocational-technical institution or junior college.

4 ~~(6)~~(7) "Practice of nursing" embraces the practice of practical nursing and the practice of professional
5 nursing.

6 ~~(7)~~(8) (a) "Practice of practical nursing" means the performance of services requiring basic knowledge
7 of the biological, physical, behavioral, psychological, and sociological sciences and of nursing procedures. The
8 practice of practical nursing uses standardized procedures in the observation and care of the ill, injured, and
9 infirm, in the maintenance of health, in action to safeguard life and health, and in the administration of medications
10 and treatments prescribed by a physician, naturopathic physician, physician assistant, optometrist, advanced
11 practice registered nurse, dentist, osteopath, or podiatrist authorized by state law to prescribe medications and
12 treatments. These services are performed under the supervision of a registered nurse or a physician, naturopathic
13 physician, physician assistant, optometrist, dentist, osteopath, or podiatrist authorized by state law to prescribe
14 medications and treatments.

15 (b) These services may include a charge-nurse capacity in a long-term care facility that provides skilled
16 nursing care or intermediate nursing care, as defined in 50-5-101, under the general supervision of a registered
17 nurse.

18 ~~(8)~~(9) "Practice of professional nursing" means the performance of services requiring substantial
19 specialized knowledge of the biological, physical, behavioral, psychological, and sociological sciences and of
20 nursing theory as a basis for the nursing process. The nursing process is the assessment, nursing analysis,
21 planning, nursing intervention, and evaluation in the promotion and maintenance of health, the prevention,
22 casefinding, and management of illness, injury, or infirmity, and the restoration of optimum function. The term also
23 includes administration, teaching, counseling, supervision, delegation, and evaluation of nursing practice and the
24 administration of medications and treatments prescribed by physicians, naturopathic physicians, physician
25 assistants, optometrists, advanced practice registered nurses, dentists, osteopaths, or podiatrists authorized by
26 state law to prescribe medications and treatments. Each registered nurse is directly accountable and responsible
27 to the consumer for the quality of nursing care rendered. As used in this subsection ~~(8)~~ (9):

28 (a) "nursing analysis" is the identification of those client problems for which nursing care is indicated and
29 may include referral to medical or community resources;

30 (b) "nursing intervention" is the implementation of a plan of nursing care necessary to accomplish defined

1 goals."

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3 **Section 2.** Section 37-8-422, MCA, is amended to read:

4 **"37-8-422. Medication aide I -- scope of practice.** A medication aide I may:

5 (1) perform services requiring basic knowledge of medications and medication administration under
6 specific circumstances as determined by the board by administrative rule;

7 (2) practice only in a licensed assisted living facility, as defined in 50-5-101; and

8 (3) practice only under the general supervision of a licensed professional or practical nurse."
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10 **NEW SECTION. Section 3. Medication aide II -- qualifications.** An applicant for a license to practice
11 as a medication aide II shall submit to the board written evidence that the applicant:

12 (1) has successfully completed at least an approved 4-year high school course of study or the equivalent
13 as determined by the office of public instruction;

14 (2) holds a valid certificate from the department of public health and human services as a certified
15 nursing assistant;

16 (3) has been employed as a certified nursing assistant in a long-term care facility licensed to provide
17 skilled nursing care, as defined in 50-5-101, for a minimum of 2 years;

18 (4) holds a valid certificate in cardiopulmonary resuscitation;

19 (5) (a) has successfully completed a training program specified by the board that includes 100 hours of
20 education consisting of classroom instruction, laboratory skills, and supervised medication administration related
21 to basic pharmacology and principles of safe medication administration; or

22 (b) is currently licensed as a medication aide in another state with a program that is determined by the
23 board to be reasonably equivalent to the board-specified program; and

24 (6) has passed a board-approved competency examination with at least 80% proficiency.
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26 **NEW SECTION. Section 4. Medication aide II -- scope of practice.** (1) A licensed medication aide
27 II may:

28 (a) perform services requiring basic knowledge of medications and medication administration subject
29 to the limitations outlined in subsection (2);

30 (b) practice only in a long-term care facility licensed to provide skilled nursing care, as defined in

1 50-5-101; and

2 (c) practice only under the supervision of a licensed professional or practical nurse who is on the
3 premises.

4 (2) A licensed medication aide II may not:

5 (a) administer medications on an as-needed basis;

6 (b) administer parenteral or subcutaneous medications except for prelabeled, predrawn insulin;

7 (c) administer medications through nasogastric routes or by gastrostomy or jejunostomy tubes;

8 (d) convert or calculate dosages; or

9 (e) take verbal orders related to changes in medications and dosages.

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11 NEW SECTION. Section 5. Medication aide -- title. Any person who holds a valid license to practice
12 as a medication aide in this state may use the title licensed medication aide I or licensed medication aide II and
13 the abbreviations "LMA I" or "LMA II" respectively.

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15 NEW SECTION. Section 6. Medication aide II -- implementation. The board shall establish rules
16 implementing the provisions of [this act] and providing for the establishment of requirements for license renewal,
17 including but not limited to continuing education, continued certification as a certified nursing assistant and
18 medication aide II, and mandatory cardiopulmonary resuscitation certification.

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20 NEW SECTION. Section 7. Codification instruction. [Sections 3 through 5] are intended to be codified
21 as an integral part of Title 37, chapter 8, part 4, and the provisions of Title 37, chapter 8, part 4, apply to [sections
22 3 through 5].

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