

HOUSE BILL NO. 377

INTRODUCED BY W. WARBURTON, CAFERRO, WINDY BOY, LEWIS, HUNTER, DE. BARRETT,
BRANAE, WANZENRIED, INGRAHAM, HUTTON, GILLAN, PEASE-LOPEZ, BLASDEL, STAHL

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

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

Section 1. Section 37-8-102, MCA, is amended to read:

"37-8-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions
apply:

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

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

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

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

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

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

1 (a) professional nursing may be a department, school, division, or other administrative unit in a junior
2 college, college, or university;

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

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

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

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

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

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

1 (b) "nursing intervention" is the implementation of a plan of nursing care necessary to accomplish defined
2 goals."
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4 **Section 2.** Section 37-8-422, MCA, is amended to read:

5 **"37-8-422. Medication aide I -- scope of practice.** A medication aide I may:

- 6 (1) perform services requiring basic knowledge of medications and medication administration under
- 7 specific circumstances as determined by the board by administrative rule;
- 8 (2) practice only in a licensed assisted living facility, as defined in 50-5-101; and
- 9 (3) practice only under the general supervision of a licensed professional or practical nurse."

10
11 NEW SECTION. **Section 3. Medication aide II -- qualifications.** An applicant for a license to practice
12 as a medication aide II shall submit to the board written evidence that the applicant:

- 13 (1) has successfully completed at least an approved 4-year high school course of study or the equivalent
- 14 as determined by the office of public instruction;
- 15 (2) holds a valid certificate from the department of public health and human services as a certified
- 16 nursing assistant;
- 17 (3) has been employed as a certified nursing assistant in a long-term care facility licensed to provide
- 18 skilled nursing care, as defined in 50-5-101, for a minimum of 2 years;
- 19 (4) holds a valid certificate in cardiopulmonary resuscitation;
- 20 (5) (a) has successfully completed a training program specified by the board that includes 100 hours of
- 21 education consisting of classroom instruction, laboratory skills, and supervised medication administration related
- 22 to basic pharmacology and principles of safe medication administration; or
- 23 (b) is currently licensed as a medication aide in another state with a program that is determined by the
- 24 board to be reasonably equivalent to the board-specified program; ~~and~~
- 25 (6) has passed a board-approved competency examination with at least 80% proficiency; AND
- 26 (7) HAS COMPLETED 12 HOURS OF ANNUAL CONTINUING EDUCATION IN PHARMACOLOGY AND MEDICATION

27 ADMINISTRATION.

28
29 NEW SECTION. **Section 4. Medication aide II -- scope of practice.** (1) A licensed medication aide
30 II may:

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

3 (b) practice only in a long-term care facility licensed to provide skilled nursing care, as defined in
4 50-5-101; and

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

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

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

9 (b) administer parenteral or subcutaneous medications except for pre-labeled, pre-drawn insulin;

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

11 (d) convert or calculate dosages; or

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

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

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

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23 **NEW SECTION. Section 7. Codification instruction.** [Sections 3 through 5] are intended to be codified
24 as an integral part of Title 37, chapter 8, part 4, and the provisions of Title 37, chapter 8, part 4, apply to [sections
25 3 through 5].

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