

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1829

By: Trebilcock

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Section 1-1950.3, as last amended by
9 Section 2, Chapter 79, O.S.L. 2006 (63 O.S. Supp.
10 2010, Section 1-1950.3), which relates to certified
11 medication aides; providing that certified medication
12 aides shall be eligible to distribute medications or
13 certain treatments at a county or municipal jail; and
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1950.3, as
17 last amended by Section 2, Chapter 79, O.S.L. 2006 (63 O.S. Supp.
18 2010, Section 1-1950.3), is amended to read as follows:

19 Section 1-1950.3 A. 1. Until November 1, 2004, no employer or
20 contractor who is subject to the provisions of Section 1-1950.1 or
21 1-1950.2 of this title shall use, on a full-time, temporary, per
22 diem, or other basis, any individual who is not a licensed health
23 professional as a nurse aide for more than four (4) months, unless
24 such individual has satisfied all requirements for certification and

1 is eligible for placement on the nurse aide registry maintained by
2 the State Department of Health.

3 2. a. Effective November 1, 2004, no nursing facility,
4 specialized facility, continuum of care facility,
5 assisted living center, adult day care or residential
6 home shall employ as a nurse aide, on a full-time,
7 temporary, per diem, or any other basis, any
8 individual who is not certified as a nurse aide in
9 good standing and is not eligible for placement on the
10 nurse aide registry maintained by the State Department
11 of Health.

12 b. The Department may grant a temporary emergency waiver
13 to the provisions of this paragraph to any nursing
14 facility, continuum of care facility, assisted living
15 center or adult day care or residential home which can
16 demonstrate that such facility, home or institution
17 has been unable to successfully meet its staffing
18 requirements related to the provisions of subparagraph
19 a of this paragraph. No later than September 30,
20 2004, the State Board of Health shall promulgate rules
21 related to eligibility for receipt of such waiver, and
22 the process and the conditions for obtaining the
23 waiver.

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1 c. From November 1, 2004, until October 31, 2005, the
2 Department shall not issue any monetary penalties nor
3 shall it issue any licensure deficiency related to the
4 provisions of subparagraph a of this paragraph to a
5 nursing facility, specialized facility, continuum of
6 care facility, assisted living center, adult day care
7 or residential care home, which is unable to comply
8 with the requirements and which has applied for a
9 temporary waiver under subparagraph b of this
10 paragraph, whether or not the waiver application has
11 been approved.

12 B. 1. Until November 1, 2004, no person shall use an
13 individual as a nurse aide unless the individual:

- 14 a. is enrolled in a Department-approved training and
15 competency evaluation program,
- 16 b. is currently certified and eligible to be listed on
17 the nurse aide registry, or
- 18 c. has completed the requirements for certification and
19 placement on the nurse aide registry.

20 2. An individual employed as a nurse aide who is enrolled in a
21 Department-approved training and competency evaluation program for
22 nurse aides shall successfully complete such training and competency
23 evaluations within four (4) months of entering the training program.
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1 3. The individual shall obtain certification, and the
2 Department shall place the nurse aide on the registry within thirty
3 (30) days after demonstration of competency.

4 4. Any nursing facility, specialized facility, continuum of
5 care facility, assisted living center, adult day care or residential
6 care home that employs an individual who is in nurse aide training,
7 as provided in this section, shall ensure that the trainee shall:

8 a. complete the required training and competency program
9 as provided in rules prior to any direct contact with
10 a resident or client,

11 b. not perform any service for which the trainee has not
12 trained and been determined proficient by the
13 instructor, and

14 c. be supervised at all times by no less than a licensed
15 practical nurse.

16 5. No employer may use as a nurse aide an individual who has
17 not completed the nurse aide training and competency program within
18 the required four-month period.

19 C. For purposes of this section, "four (4) months" means the
20 equivalent of four (4) months of full-time employment as a nurse
21 aide by any employer in any nursing facility, specialized facility,
22 continuum of care facility, assisted living center, adult day care
23 or residential care home.

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1 D. 1. The Department may grant a trainee a one-time extension
2 of the four-month training requirement if:

- 3 a. such requirement causes an undue hardship for the
4 trainee due to unusual circumstances or illness, and
- 5 b. the trainee has demonstrated a good faith effort to
6 complete the training and competency evaluation
7 program.

8 2. The State Board of Health shall promulgate rules related to
9 the review of and the process and conditions for such an extension.

10 E. 1. Certified medication aides, upon successful completion
11 of competency standards or prescribed training courses, shall be
12 eligible to distribute medications or treatments provided by
13 paragraph 2 of this subsection within:

- 14 a. a correctional facility, as set forth in Section 623
15 of Title 57 of the Oklahoma Statutes, ~~as well as any~~
- 16 b. a correctional facility operated by a contractor of
17 the Department of Corrections,
- 18 c. a county or municipal jail,
- 19 d. a nursing facility,
- 20 e. a specialized facility,
- 21 f. a continuum of care facility,
- 22 g. an assisted living center,
- 23 h. an adult day care, or
- 24 i. a residential care home.

1 2. Certified medication aides may:

2 a. perform fingerstick blood sugars,

3 b. administer diabetic medications, including

4 subcutaneous injections of insulin, provided that the

5 certified medication aide has completed a Department-

6 approved advanced training program on diabetes and the

7 administration of diabetes medications, including

8 injections,

9 c. administer medications, first aid treatments and

10 nutrition; by oral, rectal, vaginal, otic, ophthalmic,

11 nasal, skin, topical, transdermal, and

12 nasogastric/gastrostomy tubes routes, and

13 d. administer oral metered dose inhalers and nebulizers~~†~~.

14 3. The State Board of Health shall establish rules necessary to
15 ensure the safety of medication administration by certified
16 medication aides, including but not limited to:

17 a. competency and practice standards for medication
18 aides,

19 b. maintaining a list of skills and functions that
20 medication aides will be able to perform upon
21 completion of certification course work,

22 c. certification and recertification requirements for
23 medication aides,

1 d. development of criteria and procedures for approval or
2 disapproval of training and competency evaluation
3 programs, and

4 e. procedures for denying, suspending, withdrawing, or
5 refusing to renew certification for a medication
6 aide.

7 4. Each facility shall develop policies and procedures that
8 comply with the provisions of this subsection and rules promulgated
9 by the State Board of Health. This policy shall be reviewed and
10 approved by the facility Medical Director, Director of Nurses and/or
11 Registered Nurse Consultant.

12 F. Any person convicted of violating any of the provisions of
13 this section or Section 1-1950.1 of this title shall be guilty of a
14 misdemeanor, punishable by a fine of not less than One Hundred
15 Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00),
16 imprisonment in the county jail for not more than thirty (30) days,
17 or by both such fine and imprisonment.

18 SECTION 2. This act shall become effective November 1, 2011.

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