

1 ENGROSSED SENATE
2 BILL NO. 1417

By: McCortney of the Senate

3 and

4 Caldwell of the House

5
6 An Act relating to the Home Care Act; authorizing
7 certified nurse aides to assist with self-
8 administration of medication under certain
9 conditions; specifying actions that constitute
10 assistance with self-administration; specifying
11 actions that do not constitute assistance with self-
12 administration; providing that assistance with self-
13 administration does not constitute administration of
14 medication; authorizing a certified nurse aide to
15 take certain actions under certain circumstances;
16 authorizing State Board of Health to promulgate
17 rules; providing definitions; providing for
18 codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-1981 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Patients who are capable of self-administering their own
24 medications without assistance shall be encouraged and allowed to do
25 so. However, a certified nurse aide may, consistent with a
26 dispensed prescription's label or the package directions of an over-
27 the-counter medication, assist a patient whose condition is
28 medically stable with the self-administration of routine, regularly

1 scheduled medications that are intended to be self-administered.
2 Assistance with self-medication by a certified nurse aide may occur
3 only upon a documented request by, and the written informed consent
4 of, a patient or the patient's surrogate, guardian or attorney in
5 fact. For purposes of this section, self-administered medications
6 include both legend and over-the-counter oral dosage forms, topical
7 dosage forms, and topical ophthalmic, otic and nasal dosage forms,
8 including solutions, suspensions, sprays and inhalers.

9 B. Assistance with self-administration of medication includes:

10 1. Taking the medication in its previously dispensed, properly
11 labeled container, from where it is stored and bringing it to the
12 patient;

13 2. In the presence of the patient, reading the label, opening
14 the container, removing a prescribed amount of medication from the
15 container and closing the container;

16 3. Placing an oral dosage in the patient's hand or placing the
17 dosage in another container and helping the patient by lifting the
18 container to his or her mouth;

19 4. Applying topical medications;

20 5. Returning the medication container to proper storage; and

21 6. Keeping a record of when a patient receives assistance with
22 self-administration pursuant to this section.

23 C. Assistance with self-administration does not include:
24

- 1 1. Mixing, compounding, converting or calculating medication
2 doses, except for measuring a prescribed amount of liquid medication
3 or breaking a scored tablet or crushing a tablet as prescribed;
- 4 2. The preparation of syringes for injection or the
5 administration of medications by any injectable route;
- 6 3. Administration of medications through intermittent positive
7 pressure breathing machines;
- 8 4. Administration of medications by way of a tube inserted in a
9 cavity of the body;
- 10 5. Administration of parenteral preparations;
- 11 6. Irrigations or debriding agents used in the treatment of a
12 skin condition;
- 13 7. Rectal, urethral, or vaginal preparations;
- 14 8. Medications ordered by the physician or health care
15 professional with prescriptive authority to be given "as needed",
16 unless the order is written with specific parameters that preclude
17 independent judgment on the part of the certified nurse aide, and at
18 the request of a competent patient; or
- 19 9. Medications for which the time of administration, the
20 amount, the strength of dosage, the method of administration or the
21 reason for administration requires judgment or discretion on the
22 part of the certified nurse aide.
- 23 D. Assistance with the self-administration of medication by a
24 certified nurse aide as described in this section does not

1 constitute administration as defined in Section 353.1 of Title 59 of
2 the Oklahoma Statutes.

3 E. In addition to the provisions of subsections A, B and C of
4 this section, a certified nurse aide may assist a patient with self-
5 administration of routine, regularly scheduled medications that are
6 intended to be self-administered and have been placed in a
7 medication planner by either a registered nurse or a relative of the
8 patient.

9 F. If ordered by a physician, a certified nurse aide may place
10 the medication in food before the patient self-administers.

11 G. The State Board of Health may by rule establish procedures
12 and interpret terms as necessary to implement the provisions of this
13 section.

14 H. For purposes of this section, the term "informed consent"
15 means advising the patient, or the patient's surrogate, guardian or
16 attorney in fact, that the patient may be receiving assistance with
17 self-administration of medication from a certified nurse aide.

18 I. For purpose of this section, the term "attorney-in-fact"
19 means an attorney-in-fact authorized to act pursuant to the Uniform
20 Durable Power of Attorney Act, Sections 1071 through 1077 of Title
21 58 of the Oklahoma Statutes, with authority to act regarding the
22 patient's health and medical care decisions, subject to the
23 limitations under paragraph 1 of subsection B of Section 1072.1 of
24 Title 58 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2018.

Passed the Senate the 5th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives