

1 **SENATE FLOOR VERSION**

2 February 11, 2019

3 SENATE BILL NO. 388

By: McCortney

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7 An Act relating to the Home Care Act; allowing
8 certified nurse aides to assist with self-
9 administration of medication under certain
10 conditions; specifying medications; specifying
11 actions that constitute assistance with self-
12 administration; specifying actions that do not
13 constitute assistance with self-administration;
14 providing that assistance with self-administration
15 does not constitute administration of medication;
16 authorizing State Commissioner of Health to
17 promulgate rules; defining terms; providing for
18 codification; and providing an effective date.
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-1973 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24 A. Patients who are capable of self-administering their own
medications without assistance shall be encouraged and allowed to do
so. However, a certified nurse aide may assist a patient whose
condition is medically stable with the self-administration of
routine, regularly scheduled medications that are intended to be
self-administered, if the following conditions are met:

1 1. For an oral medication, the medication shall have been
2 placed in a medication planner by a registered nurse, a relative of
3 the patient or nursing staff of an Oklahoma licensed home health or
4 hospice agency that is currently serving the patient; and

5 2. For all other forms, the certified nurse aide shall assist
6 with self-administration consistent with a dispensed prescription's
7 label or the package directions of an over-the-counter medication.

8 B. For purposes of this section, self-administered medications
9 include both legend and over-the-counter oral dosage forms, topical
10 dosage forms and topical ophthalmic, otic and nasal dosage forms,
11 including solutions, suspensions, sprays and inhalers.

12 C. Assistance with self-administration of medication by a
13 certified nurse aide may occur only upon a documented request by,
14 and the written informed consent of, a patient or the patient's
15 surrogate, guardian or attorney in fact.

16 D. For purposes of this section, assistance with self-
17 administration of medication includes:

18 1. Taking an oral medication out of a pill planner and bringing
19 it to the patient;

20 2. Placing an oral dosage in the patient's hand or placing the
21 dosage in another container and helping the patient by lifting the
22 container to his or her mouth;

23 3. If ordered by a physician, placing an oral medication in
24 food before the patient self-administers;

1 4. Crushing an oral medication pursuant to orders given by a
2 physician or health care professional;

3 5. Applying topical medications; and

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

6 E. For purposes of this section, assistance with self-
7 administration of medication does not include:

8 1. Removing oral medication from any container other than a
9 pill planner;

10 2. Mixing, compounding, converting or calculating medication
11 doses;

12 3. The preparation of syringes for injection or the
13 administration of medications by any injectable route;

14 4. Administration of medications through intermittent positive
15 pressure breathing machines;

16 5. Administration of medications by way of a tube inserted in a
17 cavity of the body;

18 6. Administration of parenteral preparations;

19 7. Irrigations or debriding agents used in the treatment of a
20 skin condition;

21 8. Rectal, urethral, or vaginal preparations;

22 9. Medications ordered by the physician or health care
23 professional with prescriptive authority to be given "as needed",
24 unless the order is written with specific parameters that preclude

1 independent judgment on the part of the certified nurse aide, and at
2 the request of a competent patient; or

3 10. Medications for which the time of administration, the
4 amount, the strength of dosage, the method of administration or the
5 reason for administration requires judgment or discretion on the
6 part of the certified nurse aide.

7 F. Assistance with the self-administration of medication by a
8 certified nurse aide as described in this section does not
9 constitute administration as defined in Section 353.1 of Title 59 of
10 the Oklahoma Statutes.

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

14 H. For purposes of this section:

15 1. "Informed consent" means advising the patient, or the
16 patient's surrogate, guardian or attorney in fact, that the patient
17 may be receiving assistance with self-administration of medication
18 from a certified nurse aide; and

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

SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
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