

CHAPTER 310

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 02-1090

BY REPRESENTATIVE(S) Tochtrop, Miller, Spradley, Williams T., Borodkin, Boyd, Cloer, Coleman, Groff, Larson, Lawrence, Mace, Madden, Sanchez, Stafford, Vigil, and Williams S.; also SENATOR(S) Fitz-Gerald, Hagedorn, Isgar, Owen, and Pascoe.

AN ACT

CONCERNING THE CREATION OF AN ADVISORY COMMITTEE TO STUDY THE ADMINISTRATION OF MEDICATIONS BY CERTIFIED NURSE AIDES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-38.1-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

12-38.1-102. Definitions. As used in this article, unless the context otherwise requires:

(3.5) "HOME HEALTH AGENCY" MEANS A PROVIDER OF HOME HEALTH SERVICES, AS DEFINED IN SECTION 26-4-103 (6), C.R.S., THAT IS CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(4.5) "NURSING FACILITY" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 26-4-103 (11), C.R.S.

SECTION 2. Article 38.1 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-38.1-110.3. Medication administration advisory committee - created - department of regulatory agencies report. (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES SHALL APPOINT AN ADVISORY COMMITTEE TO ASSIST WITH A STUDY OF THE ADMINISTRATION OF MEDICATION BY CERTIFIED NURSE AIDES IN NURSING FACILITIES AND THROUGH HOME HEALTH CARE AGENCIES.

(2) THE ADVISORY COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS AS FOLLOWS:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES OR THE DIRECTOR'S DESIGNEE WHO IS A MEMBER OF OR A STAFF PERSON FOR THE STATE BOARD OF NURSING;

(b) ONE GERIATRIC PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

(c) ONE PHARMACIST EXPERIENCED IN THE DELIVERY OF PHARMACEUTICAL PRODUCTS IN A HEALTH CARE-BASED SETTING WHO IS LICENSED PURSUANT TO ARTICLE 22 OF THIS TITLE;

(d) ONE ADVOCATE WHO REPRESENTS THE RESIDENTS OR PATIENTS IN NURSING FACILITIES;

(e) ONE HOME HEALTH CARE NURSE;

(f) ONE DIRECTOR OF A HOME HEALTH AGENCY;

(g) ONE PROFESSIONAL NURSE WHO IS A DIRECTOR OF A NURSING HOME LOCATED IN AN URBAN AREA;

(h) ONE PROFESSIONAL NURSE WHO IS A DIRECTOR OF A NURSING HOME LOCATED IN A RURAL AREA;

(i) ONE REGISTERED NURSE WHO HAS EXPERIENCE TEACHING MEDICATION ADMINISTRATION;

(j) ONE REGISTERED NURSE WHO HAS EXPERIENCE TEACHING THE CERTIFIED NURSE AIDE PROGRAM; AND

(k) ONE CLINICAL RESEARCHER WHO HAS STUDIED CARE DELIVERY IN LONG-TERM SETTINGS AND IN HOME HEALTH CARE.

(3) THE MEMBERS APPOINTED TO THE ADVISORY COMMITTEE PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL NOT RECEIVE COMPENSATION FOR THEIR SERVICES.

(4) FOR THE PURPOSES OF THE REVIEW PROVIDED IN SECTIONS 12-38.1-120 AND 24-34-104, C.R.S., THE ADVISORY COMMITTEE SHALL PROVIDE INPUT TO THE DEPARTMENT OF REGULATORY AGENCIES REGARDING THE ISSUE OF ALLOWING CERTIFIED NURSE AIDES TO ADMINISTER MEDICATIONS IN NURSING FACILITIES AND THROUGH HOME HEALTH AGENCIES. AFTER SUCH REVIEW, THE REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES REQUIRED PURSUANT TO SECTION 24-34-104 (8), C.R.S., SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(a) THE BENEFITS AND RISKS ASSOCIATED WITH CERTIFIED NURSE AIDES SERVING AS MEDICATION AIDES;

(b) THE EFFECT OF THE USE OF MEDICATION AIDES ON THE LEVEL OF PATIENT CARE;

(c) THE LEVEL OF EXPERIENCE A CERTIFIED NURSE AIDE MUST HAVE IN ORDER TO

BE CONSIDERED FOR TRAINING AS A MEDICATION AIDE;

(d) THE EXTENT AND CONTENT OF CLASSROOM TRAINING AND EDUCATION REQUIRED TO BE A MEDICATION AIDE;

(e) THE EXTENT AND LIMIT TO THE SCOPE OF PRACTICE OF A CERTIFIED NURSE AIDE WHO HAS COMPLETED TRAINING AS A MEDICATION AIDE; AND

(f) THE REQUIREMENTS FOR SUPERVISION FOR MEDICATION AIDES.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 7, 2002