

CHAPTER 49

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 02-1177

BY REPRESENTATIVE(S) Hefley, Clapp, Crane, Lee, Mitchell, Schultheis, Williams S., Boyd, Cadman, Coleman, Larson, Mace, Ragsdale, Spence, Spradley, and Stafford;
also SENATOR(S) Hanna.

AN ACT

CONCERNING THE ADMINISTRATION OF CERTAIN MEDICATIONS IN FAMILY CHILD CARE HOMES.

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

SECTION 1. Part 1 of article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-119. Family child care homes - administration of routine medications - parental direction - rules. (1) THE DELEGATION OF NURSING TASKS BY A REGISTERED NURSE PURSUANT TO SECTION 12-38-132, C.R.S., SHALL NOT BE REQUIRED FOR THE ADMINISTRATION OF ROUTINE MEDICATIONS BY A CHILD CARE PROVIDER TO CHILDREN CARED FOR IN FAMILY CHILD CARE HOMES LICENSED PURSUANT TO THIS PART 1, SUBJECT TO THE FOLLOWING CONDITIONS:

(a) THE PARENT OF THE CHILD CARED FOR IN THE LICENSED FAMILY CHILD CARE HOME HAS DAILY PHYSICAL CONTACT WITH THE CHILD CARE PROVIDER THAT ACTUALLY ADMINISTERS THE ROUTINE MEDICATION;

(b) THE CHILD CARE PROVIDER HAS SUCCESSFULLY COMPLETED A MEDICATION ADMINISTRATION INSTRUCTIONAL PROGRAM THAT IS APPROVED BY THE STATE DEPARTMENT;

(c) ROUTINE MEDICATIONS ARE ADMINISTERED IN COMPLIANCE WITH RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION;

(d) IF THE ROUTINE MEDICATION INVOLVES THE ADMINISTRATION OF UNIT DOSE EPINEPHRINE, THE ADMINISTRATION IS ACCOMPANIED BY A WRITTEN PROTOCOL BY THE PRESCRIBING HEALTH CARE PROFESSIONAL THAT IDENTIFIES THE FACTORS FOR

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

DETERMINING THE NEED FOR THE ADMINISTRATION OF THE MEDICATION, AND IS LIMITED TO EMERGENCY SITUATIONS; AND

(e) IF THE ROUTINE MEDICATION INVOLVES THE ADMINISTRATION OF A NEBULIZED INHALED MEDICATION, THE ADMINISTRATION IS ACCOMPANIED BY A WRITTEN PROTOCOL BY THE PRESCRIBING HEALTH CARE PROFESSIONAL THAT IDENTIFIES THE FACTORS FOR DETERMINING THE NEED FOR THE ADMINISTRATION OF THE MEDICATION.

(2) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING THE MEDICALLY ACCEPTABLE PROCEDURES AND STANDARDS TO BE FOLLOWED BY CHILD CARE PROVIDERS ADMINISTERING ROUTINE MEDICATIONS TO CHILDREN CARED FOR IN FAMILY CHILD CARE HOMES.

SECTION 2. 26-6-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

26-6-102. Definitions. As used in this article, unless the context otherwise requires:

(1.7) "CHILD CARE PROVIDER", AS USED IN SECTION 26-6-119, MEANS A LICENSEE, OR AN AFFILIATE OF A LICENSEE, WHEN THE LICENSEE HOLDS A LICENSE TO OPERATE A FAMILY CHILD CARE HOME PURSUANT TO THIS PART 1.

(8.5) "ROUTINE MEDICATIONS", AS USED IN SECTION 26-6-119, MEANS ANY PRESCRIBED ORAL, TOPICAL, OR INHALED MEDICATION, OR UNIT DOSE EPINEPHRINE, THAT IS ADMINISTERED PURSUANT TO SECTION 26-6-119.

SECTION 3. 12-38-125 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-38-125. Exclusions - repeal. (1) No provision of this article shall be construed to prohibit:

(1) THE ADMINISTRATION OF MEDICATIONS BY CHILD CARE PROVIDERS TO CHILDREN CARED FOR IN FAMILY CHILD CARE HOMES PURSUANT TO SECTION 26-6-119, C.R.S.

SECTION 4. 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: March 26, 2002