

CHAPTER 259

PROFESSIONS AND OCCUPATIONS

SENATE BILL 05-155

BY SENATOR(S) Tochtrop, Entz, Johnson, Jones, Kester, Mitchell, Teck, Spence, and Wiens;
also REPRESENTATIVE(S) Jahn, Berens, Boyd, Larson, Merrifield, Paccione, Stafford, and Todd.

AN ACT

**CONCERNING THE REGULATION OF MEDICATION ADMINISTRATION BY CERTIFIED NURSE AIDES, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. Part 1 of article 38.1 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-38.1-110.5. Medication aides - training - scope of duties - rules - repeal.

(1) PRIOR TO A CERTIFIED NURSE AIDE OBTAINING AUTHORITY AS A MEDICATION AIDE TO ADMINISTER MEDICATIONS IN A NURSING FACILITY, THE CERTIFIED NURSE AIDE SHALL MEET THE FOLLOWING PREREQUISITES:

- (a) POSSESSION OF A HIGH SCHOOL DIPLOMA OR A GENERAL EQUIVALENCY DIPLOMA;
- (b) ATTAINMENT OF EIGHTEEN YEARS OF AGE;
- (c) THE ABILITY TO READ AND COMPREHEND ENGLISH AND;
- (d) AT LEAST TWO THOUSAND HOURS WORKING AS A CERTIFIED NURSE AIDE IN A NURSING FACILITY.

(2) IN ADDITION TO MEETING THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, AN APPLICANT FOR MEDICATION AIDE AUTHORITY SHALL SUCCESSFULLY COMPLETE EDUCATION IN THE FOLLOWING COURSES THAT ARE INTENDED TO PROVIDE TRAINING AND EXPERIENCE IN MEDICATION ADMINISTRATION:

- (a) TRAINING COURSES OFFERED IN A PRACTICAL NURSING OR LICENSED

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

PSYCHIATRIC TECHNICIAN EDUCATIONAL PROGRAM CONDUCTED BY AN EDUCATIONAL OR HEALTH CARE INSTITUTION THAT INCLUDE THE FOLLOWING TOPICS AND NUMBERS OF CREDIT HOURS:

- (I) FOUR CREDIT HOURS IN BIOLOGY, ANATOMY, AND PHYSIOLOGY;
- (II) ONE CREDIT HOUR IN PHARMACOLOGY CALCULATIONS;
- (III) TWO CREDIT HOURS IN PHARMACOLOGY; AND
- (IV) ONE CREDIT HOUR IN HEALTH ASSESSMENT.

(b) TWO CREDIT HOURS IN A MEDICATION ADMINISTRATION PRACTICUM AT THE FACILITY WHERE THE APPLICANT IS EMPLOYED UNDER THE SUPERVISION OF A LICENSED STAFF MEMBER AT THE FACILITY.

(3) (a) AFTER DEMONSTRATING TO THE BOARD THAT THE CERTIFIED NURSE AIDE HAS COMPLIED WITH THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, A CERTIFIED NURSE AIDE SHALL APPLY TO THE BOARD TO TAKE A MEDICATION ADMINISTRATION EXAMINATION APPROVED BY THE BOARD. IF THE CERTIFIED NURSE AIDE PASSES THE EXAMINATION, THE BOARD SHALL GRANT THE CERTIFIED NURSE AIDE AUTHORITY TO PERFORM THE FOLLOWING TASKS, IN A NURSING FACILITY ONLY:

(I) MEASUREMENT AND DOCUMENTATION OF VITAL SIGNS PRIOR TO ADMINISTERING MEDICATIONS;

(II) ADMINISTRATION OF ROUTINELY PRESCRIBED ORAL MEDICATIONS, WHICH THE MEDICATION AIDE HAS PERSONALLY PREPARED, INCLUDING THE CRUSHING AND ADMINISTERING OF MEDICATIONS IF SUCH PREPARATION IS APPROPRIATE ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS AND A PHYSICIAN'S ORDER, AND EXCLUDING COUMADIN AND ITS DERIVATIVES AND ANY SCHEDULED DRUGS; AND

(III) DOCUMENTATION OF ANY MEDICATIONS PERSONALLY ADMINISTERED BY THE MEDICATION AIDE.

(b) A MEDICATION AIDE SHALL REPORT MEDICATION ADMINISTRATION ERRORS IMMEDIATELY TO HIS OR HER SUPERVISOR.

(4) THE BOARD SHALL PROMULGATE RULES REGARDING THE SUPERVISION REQUIREMENTS FOR A MEDICATION AIDE, THE REQUIREMENTS FOR A REGISTERED NURSE TO PERFORM A PATIENT ASSESSMENT BEFORE A MEDICATION AIDE ADMINISTERS MEDICATIONS TO THE PATIENT, AND REQUIREMENTS FOR A REGISTERED NURSE TO REVIEW MEDICATIONS TO BE ADMINISTERED BY A MEDICATION AIDE.

(5) THE ADMINISTRATION OF MEDICATIONS BY MEDICATION AIDES SHALL NOT ALTER ANY REQUIREMENT OR LIMITATION APPLICABLE TO THE DELEGATION OF NURSING TASKS PURSUANT TO SECTION 12-38-132.

(6) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

(b) PRIOR TO SUCH REPEAL, THE TRAINING, EDUCATION, AND FUNCTIONS OF MEDICATION AIDES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 2. The introductory portion to 12-38.1-111 (1), Colorado Revised Statutes, is amended, and the said 12-38.1-111 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-38.1-111. Grounds for discipline. (1) The board may suspend, revoke, or deny any certification to practice as a nurse aide OR ANY AUTHORITY TO PRACTICE AS A MEDICATION AIDE or issue a letter of admonition upon proof that such person:

(p) HAS WILLFULLY OR NEGLIGENTLY ACTED IN A MANNER INCONSISTENT WITH THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE;

(q) HAS WILLFULLY OR NEGLIGENTLY PRACTICED AS A MEDICATION AIDE IN A MANNER THAT DOES NOT MEET GENERALLY ACCEPTED STANDARDS FOR SUCH PRACTICE; OR

(r) HAS WILLFULLY OR NEGLIGENTLY VIOLATED ANY ORDER OR RULE OF THE BOARD PERTAINING TO THE PRACTICE OR AUTHORIZATION AS A MEDICATION AIDE.

SECTION 3. 12-38.1-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-38.1-111. Grounds for discipline. (4) AN EMPLOYER OF A MEDICATION AIDE SHALL REPORT CONDUCT THAT CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO THIS SECTION TO THE BOARD AND ANY DISCIPLINARY ACTION TAKEN BY THE EMPLOYER AGAINST A MEDICATION AIDE OR THE RESIGNATION OF A MEDICATION AIDE IN LIEU OF A DISCIPLINARY ACTION RESULTING FROM SUCH CONDUCT.

SECTION 4. 24-34-104 (41), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (41) The following agencies, functions, or both, shall terminate on July 1, 2010:

(r) THE TRAINING, EDUCATION, AND FUNCTIONS OF MEDICATION AIDES PURSUANT TO SECTION 12-38.1-110.5, C.R.S.

SECTION 5. Repeal. 12-38.1-104 (3) (a), Colorado Revised Statutes, is repealed as follows:

12-38.1-104. Application for certification - fee. (3) (a) ~~Every applicant seeking certification pursuant to this section shall submit a criminal history record check that shall be conducted within the ninety-day period prior to submittal of the application and paid for as prescribed by the board. The board shall use the information resulting from each criminal history record check to determine whether an applicant is qualified for certification pursuant to this section.~~

SECTION 6. Repeal. 12-38.1-105 (1) (c), Colorado Revised Statutes, is repealed as follows:

12-38.1-105. Application for certification by competency evaluation.

(1) Every applicant for certification by competency evaluation shall pay the required application fee and shall submit written evidence that said applicant:

~~(c) Has had a criminal history background check conducted within the ninety-day period prior to submittal.~~

SECTION 7. Repeal. 12-38.1-106 (1) (e), Colorado Revised Statutes, is repealed as follows:

12-38.1-106. Application for certification by endorsement. (1) Every applicant for certification by endorsement shall pay the required application fee, shall submit the information required by the board in the manner and form specified by the board, and shall submit written evidence that said applicant:

~~(e) Has had a criminal history background check conducted within the ninety-day period prior to submittal.~~

SECTION 8. Repeal. 12-38-108 (1) (l) (I) (A) and (1) (l) (I) (C), Colorado Revised Statutes, are repealed as follows:

12-38-108. Powers and duties of the board. (1) The board has the following powers and duties:

~~(l) (I) (A) To require criminal history record checks as evidence of criminal convictions on applicants for certification as nurse aides pursuant to section 12-38.1-104;~~

~~(C) To study new technology regarding criminal background checks for the purpose of conducting statewide and national fingerprint-based criminal history record checks on nurse aide certification applicants. On or before September 1, 2003, the board shall report and make recommendations to the health care task force created in section 26-15-107, C.R.S., regarding the feasibility of requiring nurse aides to submit to statewide and national fingerprint-based criminal history record checks in order to obtain certification pursuant to article 38.1 of this title.~~

SECTION 9. Repeal. 24-34-104 (39) (b) (XXII), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (39) (b) The following agencies, functions, or both, shall terminate on July 1, 2008:

~~(XXII) The training, education, and functions of medication aides pursuant to section 12-38.1-110.5, C.R.S.~~

SECTION 10. Appropriation - Adjustment to 2005 Long Bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the

division of registrations cash fund created pursuant to section 24-34-105, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, division of registrations, for the fiscal year beginning July 1, 2005, the sum of twenty-one thousand three hundred twenty-two dollars (\$21,322) for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2005, the sum of seven hundred thirty-nine dollars (\$739), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

(3) For implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2005 shall be adjusted as follows: The cash funds appropriation to the department of public safety, Colorado bureau of investigation, Colorado crime information center, identification, for program costs, is decreased by fifteen thousand four hundred thirteen dollars (\$15,413). Said sum shall be from fingerprint and name check processing fees collected by the department.

SECTION 11. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 2, 2005