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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 668 Session of  
2023

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INTRODUCED BY J. WARD, COLLETT, SCHWANK, BOSCOLA, COMMITTA,  
HAYWOOD, BREWSTER, CAPPELLETTI, BAKER AND ROBINSON,  
MAY 2, 2023

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REFERRED TO HEALTH AND HUMAN SERVICES, MAY 2, 2023

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AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An  
2 act relating to health care; prescribing the powers and  
3 duties of the Department of Health; establishing and  
4 providing the powers and duties of the State Health  
5 Coordinating Council, health systems agencies and Health Care  
6 Policy Board in the Department of Health, and State Health  
7 Facility Hearing Board in the Department of Justice;  
8 providing for certification of need of health care providers  
9 and prescribing penalties," providing for certified  
10 medication aides; and imposing duties on the Department of  
11 Education.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The act of July 19, 1979 (P.L.130, No.48), known  
15 as the Health Care Facilities Act, is amended by adding a  
16 chapter to read:

17 CHAPTER 8-C

18 CERTIFIED MEDICATION AIDES

19 Section 801-C. Definitions.

20 The following words and phrases when used in this chapter  
21 shall have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

1 "Certified medication aide." An individual certified under  
2 section 804-C.

3 "Department." The Department of Education of the  
4 Commonwealth.

5 "Instructor." An individual trained to certify medication  
6 aides under section 804-C.

7 "Long-term care nursing facility." As defined in section  
8 802.1.

9 "Medication aide training program." The program developed by  
10 the department under section 804-C(a) for certification as a  
11 medication aide.

12 Section 802-C. Requirements.

13 (a) Qualifications.--To be a certified medication aide, an  
14 individual must:

15 (1) Be a nurse aide with a valid listing on the  
16 Pennsylvania Nurse Aide Registry.

17 (2) Have at least one year of consecutive experience  
18 working as a nurse aide in a single long-term care nursing  
19 facility.

20 (3) Have successfully completed the medication aide  
21 training program and met the requisite training and  
22 competency evaluation requirements.

23 (b) Certification by instructor.--To practice as a certified  
24 medication aide, an individual must meet the qualifications  
25 under subsection (a) and be certified by an instructor as  
26 provided under section 804-C.

27 Section 803-C. Administration of medication.

28 (a) Permissible medication delivery.--A certified medication  
29 aide may administer oral, transdermal, ophthalmic, otic, rectal,  
30 vaginal, inhaled, enteral or topical medication to a resident of

1 a long-term care nursing facility.

2 (b) Impermissible medication delivery.--A certified  
3 medication aide may not:

4 (1) Administer a controlled substance under section 4 of  
5 the act of April 14, 1972 (P.L.233, No.64), known as The  
6 Controlled Substance, Drug, Device and Cosmetic Act.

7 (2) Administer medications by gastronomy or jejunostomy  
8 tubes.

9 (3) Add fluid to established gastronomy or jejunostomy  
10 tube feedings or change established tube feeding bags.

11 (4) Accept verbal or telephone orders for medication  
12 from a licensed health care professional who is authorized to  
13 independently diagnose and treat.

14 (5) Administer medication by the following routes:

15 (i) Central lines.

16 (ii) Colostomy.

17 (iii) Intramuscular.

18 (iv) Intrathecal.

19 (v) Intravenous.

20 (vi) Nasogastric.

21 (vii) Nonmetered inhaler.

22 (viii) Subcutaneous injection.

23 (ix) Intradermal.

24 (x) Urethral.

25 (xi) Epidural.

26 (xii) Endotracheal.

27 (6) Administer the following kinds of medications:

28 (i) Barium and other diagnostic contrast media.

29 (ii) Chemotherapeutic agents, except oral  
30 maintenance chemotherapy.

1       (7) Administer medication by, nor assume responsibility  
2       for, medication pumps, including client-controlled analgesia.

3       (8) Act as a clinical teaching associate to a student in  
4       a medication aide training program.

5 Section 804-C. Medication aide training program and  
6       certification.

7       (a) Development.--The department shall develop a medication  
8       aide training program for an individual to become a certified  
9       medication aide, which may be offered by a long-term care  
10       nursing facility. The department shall include input from  
11       industry stakeholders on the development and implementation of  
12       the program. The program under this section must:

13       (1) Include a minimum of 40 hours of classroom and  
14       clinical training, exclusive of testing or instructor  
15       evaluation of whether the individual is competent.

16       (2) Be conducted by an approved instructor and utilize  
17       the State-approved written curriculum and test.

18       (3) Cover the following topics:

19           (i) The role, responsibilities and performance of  
20           the prescribing provider in the medication administration  
21           process.

22           (ii) The rights of the individual regarding  
23           accepting or refusing medications.

24           (iii) Principles of infection control as they relate  
25           to medication administration.

26           (iv) Categories of medications and their effects.

27           (v) Effective management of poisoning or medication  
28           overdose.

29           (vi) Storage and disposal of medications.

30           (vii) Communications with individuals or guardians,

1 if applicable, about the individual's medications.

2 (viii) The six principles of medication  
3 administration, including:

4 (A) The correct medication.

5 (B) The correct dosage of the medication.

6 (C) The medication to the correct individual.

7 (D) The medication at the correct time.

8 (E) The medication to the individual by the  
9 correct method.

10 (F) The accurate documentation.

11 (4) Include a medication aide training examination that  
12 requires the demonstration of the requisite knowledge and  
13 skills to serve as a certified medication aide.

14 (b) Certification.--An instructor shall issue certification  
15 to an individual to practice as a certified medication aide if  
16 the individual:

17 (1) Successfully completes the medication aide training  
18 program.

19 (2) Scores 80% or higher on the examination under  
20 subsection (a) (4).

21 (3) Demonstrates knowledge of the following pertaining  
22 to administering medications:

23 (i) The name of the medication.

24 (ii) The reason for the medication's use.

25 (iii) Any side effects or adverse reactions.

26 (iv) Any special instructions such as giving certain  
27 fluids, checking pulse rate or monitoring blood levels.

28 (4) Following direct observation by an instructor, has  
29 been found competent to be authorized to administer  
30 medications.

1 (c) Reauthorization.--A certified medication aide shall be  
2 reauthorized to administer medications at least every two years  
3 or by the last day of the 24th month from the date of the prior  
4 authorization. Reauthorization of a certified medication aide  
5 shall include:

6 (1) Annual completion of 12 hours of continuing  
7 education, clinical competency demonstration and a medication  
8 errors prevention course, which shall be developed by the  
9 department.

10 (2) A written reauthorization by an instructor.

11 (d) Authorization.--Authorization to practice as a certified  
12 medication aide shall be valid in any long-term care nursing  
13 facility.

14 (e) Suspension of medication aide training program.--

15 (1) A long-term care nursing facility's medication aide  
16 training program may be suspended for cause based on the  
17 adequacy and effectiveness of the medication aide training  
18 program.

19 (2) A long-term care nursing facility's medication aide  
20 training program may not be suspended based on surveys or  
21 operations of the long-term care nursing facility.

22 Section 805-C. Employment of certified medication aides.

23 (a) Authorization.--A long-term care nursing facility may  
24 employ a certified medication aide for the purpose of performing  
25 the technical aspects of the medication administration in  
26 accordance with this chapter.

27 (b) Competency review.--A long-term care nursing facility  
28 shall annually conduct a comprehensive clinical skills  
29 competency review of each certified medication aide employed by  
30 the long-term care nursing facility.

1 (c) Computation.--A certified medication aide employed by a  
2 long-term care nursing facility shall:

3 (1) Be included in computing the hours of direct  
4 resident care under 28 Pa. Code § 211.12 (relating to nursing  
5 services).

6 (2) Not be included in the computing of nurse aide  
7 ratios and licensed practical nurse ratios under 28 Pa. Code  
8 § 211.12.

9 Section 806-C. Annual report.

10 (a) Submission.--The department shall submit an annual  
11 report to:

12 (1) The chairperson and minority chairperson of the  
13 Aging and Youth Committee of the Senate.

14 (2) The chairperson and minority chairperson of the  
15 Aging and Older Adult Services Committee of the House of  
16 Representatives.

17 (3) The chairperson and minority chairperson of the  
18 Health and Human Services Committee of the Senate.

19 (4) The chairperson and minority chairperson of the  
20 Health Committee of the House of Representatives.

21 (b) Contents.--The report shall include:

22 (1) The number and location of medication aide training  
23 programs approved by the department.

24 (2) The number of nurse aides currently certified as  
25 medication aides.

26 (3) The number of approved instructors available to  
27 support the program.

28 (4) Pass rates for the training examination.

29 (5) Recertification rates.

30 (6) The number of hours of training each program

1       requires.

2       Section 2. This act shall take effect in 180 days.