

House Bill 497 (AS PASSED HOUSE AND SENATE)

By: Representatives LaHood of the 175th, Williams of the 148th, Seabaugh of the 34th, Lumsden of the 12th, and Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 authorize the use of certified medication aides in penal institutions; to provide for a
3 definition; to provide requirements; to provide criteria; to provide for documentation; to
4 provide for oversight; to provide for ongoing training; to provide for statutory construction;
5 to provide for the certification of certified nurse aides; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
10 a new Code section to Chapter 2, relating to the Department of Community Health, to read
11 as follows:

12 "31-2-19.

13 (a) As used in this Code section, the term 'penal institution' means any place of
14 confinement for juvenile or adult individuals sentenced to a term of incarceration in a state
15 correctional institution.

16 (b) A penal institution or private vendor providing medical services to those confined in
17 a penal institution may employ certified medication aides for the purpose of performing the
18 technical aspects of administering certain medications in accordance with this Code
19 section.

20 (c) A penal institution or private vendor providing medical services to those confined in
21 a penal institution shall not employ an individual as a certified medication aide unless such
22 individual has met all of the qualifications in paragraph (3) of subsection (g) of Code
23 Section 31-7-12.2 and is listed in the medication aide registry established and maintained
24 by the department pursuant to paragraph (2) of subsection (g) of Code Section 31-7-12.2
25 and in good standing.

26 (d) The employer of a certified medication aide who administers medications in
27 accordance with this Code section in a penal institution shall annually conduct a
28 comprehensive clinical skills competency review of each certified medication aide
29 employed at a penal institution.

30 (e) A certified medication aide who meets the criteria established in this Code section shall
31 be permitted to perform the following tasks in a penal institution, in accordance with the
32 written instructions of a physician:

33 (1) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and rectal
34 medications;

35 (2) Administer insulin, epinephrine, and vitamin B12 pursuant to physician direction and
36 protocol;

37 (3) Administer medications via a metered dose inhaler;

38 (4) Conduct finger stick blood glucose testing following established protocol;

39 (5) Administer a commercially prepared disposable enema as ordered by a physician;
40 and

41 (6) Assist inmates in the supervision of self-administration of medications.

42 (f) A certified medication aide shall record in the medication administration record all
43 medications that such certified medication aide has personally administered to an inmate
44 of a penal institution and any refusal of an inmate to take a medication. A certified
45 medication aide shall observe the inmate to whom a medication has been administered and
46 shall report any changes in the condition of such inmate to a charge nurse.

47 (g) All medications administered by a certified medication aide in accordance with this
48 Code section shall be in unit or multidose packaging.

49 (h)(1) The employer of a certified medication aide who administers medications in a
50 penal institution in accordance with this Code section shall secure the services of a
51 licensed pharmacist to perform the following duties as part of the penal institution's peer
52 review, medical review, and quality assurance functions:

53 (A) Perform a quarterly review of the drug regimen of each inmate of the penal
54 institution and report any irregularities to the penal institution administrator;

55 (B) Remove for proper disposal any drugs that are expired, discontinued, in a
56 deteriorated condition, or when the inmate for whom such drugs were ordered is no
57 longer incarcerated at the penal institution;

58 (C) Establish or review policies and procedures for safe and effective drug therapy,
59 distribution, use, and control; and

60 (D) Monitor compliance with established policies and procedures for medication
61 handling and storage.

62 (2) If the certified medication aides used at a penal institution are the employees,
63 contractors, or agents of a private vendor that provides medical services to those confined
64 in a penal institution, such vendor shall be responsible for providing the licensed
65 pharmacist required by paragraph (1) of this subsection to perform such duties at no cost
66 to the penal institution.

67 (i)(1) The employer of a certified medication aide who administers medications in a
68 penal institution in accordance with this Code section shall ensure that each certified

69 medication aide receives ongoing medication training as prescribed by the department.
70 A registered professional nurse or licensed pharmacist shall conduct quarterly
71 unannounced medication administration observations and shall report any issues to the
72 penal institution administrator.

73 (2) If the certified medication aides used at a penal institution are the employees,
74 contractors or agents of a private vendor that provides medical services to those confined
75 in a penal institution, such vendor shall be responsible for providing the registered
76 professional nurse or licensed pharmacist required by paragraph (1) of this subsection to
77 perform such duties at no cost to the penal institution.

78 (j) Nothing in this Code section shall be construed to authorize certified medication aides
79 employed by a penal institution to administer any Schedule II controlled substance that is
80 a narcotic."

81 **SECTION 2.**

82 Said title is further amended by revising Code Section 31-7-12.8, relating to employer
83 sponsored certified nurse aide training and competency examination programs, as follows:
84 "31-7-12.8.

85 (a) The department shall certify an applicant for certification as a certified nurse aide who
86 meets the following qualifications:

87 (1) Has relevant professional or educational experience as determined by the department;
88 and

89 (2) Has achieved a minimum score, as established by rule of the department, on a
90 certified nurse aide competency examination consisting of a written portion and a
91 skills-demonstration portion, as approved by the department.

92 (b) The department shall approve employer based programs sponsored by or offered in
93 assisted living communities, private home care providers, personal care homes, or other
94 long-term care facilities licensed by the department for certified nurse aide training and

95 competency examination programs, in the same manner as such programs are approved in
96 nursing homes, as determined by the department. The department shall require all
97 employer based programs to meet the requirements set forth in 42 C.F.R. 483.152 and other
98 applicable laws and regulations."

99

SECTION 3.

100 All laws and parts of laws in conflict with this Act are repealed.