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**RULE**

**Department of Health and Hospitals  
Office of the Secretary  
Bureau of Health Services Financing**

Medication Attendants Certified  
(LAC 48:I.10080-10091)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted LAC 48:I.10080-10091 as authorized by R.S. 37:1026.1-37:1026.9. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 3. Health Standards**

**Chapter 100. Nurse Aide Training and Competency Evaluation Program**

**Subchapter G. Medication Attendant Certified**

**§10080. Definitions**

*Abuse*—

1. the willful infliction of injury;
2. unreasonable confinement;
3. intimidation; or
4. punishment with resulting physical harm, pain, or mental anguish.

*Department*—the Louisiana Department of Health and Hospitals (DHH).

*LBP*—the Louisiana Board of Pharmacy.

*LSBN*—the Louisiana State Board of Nursing.

*LSBPNE*—the Louisiana State Board of Practical Nurse Examiners.

*Licensed Nurse*—a licensed registered nurse or a licensed practical nurse.

*Licensed Practical Nurse*—a person licensed by the LSBPNE to practice practical nursing in Louisiana.

*Medication Attendant Certified (MAC)*—a person certified by DHH to administer medications to nursing facility residents, hereafter referred to as a medication attendant certified.

*Nurse Aide*—an individual who has completed a nurse aide training and competency evaluation program (NATCEP) approved by the state as meeting the requirements of 42 Code of Federal Regulations (CFR), §§483.151-483.154, or has been determined competent as provided in 42 CFR, §483.150(a) and (b), and is listed as certified and in good standing on Louisiana's nurse aide registry.

*Nursing Home*—an institution licensed pursuant to R.S. 40:2009.1-2009.10.

*Pilot*—a program administered by the Department of Health and Hospitals to authorize the certification of medication attendants on a trial basis to perform certain functions in nursing homes licensed and in good standing with DHH and who agree to comply with established criteria to measure the outcome of the program.

*Registered Nurse (RN)*—a person licensed by the LSBN to practice professional nursing in Louisiana.

*Registered Pharmacist*—an individual currently licensed by the Louisiana Board of Pharmacy to practice pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1413 (July 2008).

**§10081. General Provisions**

A. The Department of Health and Hospitals (DHH) implements a three-year pilot project which establishes provisions for the use of medication attendants certified in licensed nursing facilities. The department shall also develop and maintain a registry of individuals who have, at a minimum, successfully completed a state-approved medication attendant certified training course and competency evaluation, and criminal background check.

B. The medication attendant certified registry will contain the following items:

1. a list of individuals who have successfully completed a medication attendant certified training curriculum and competency evaluation. Each individual listed will have the following information maintained on the registry:

- a. name;

- b. address;
- c. Social Security number;
- d. phone number;
- e. place of employment;
- f. date of employment;
- g. date employment ceased;
- h. state certification number;
- i. documentation of any investigation including codes for specific findings of:
  - i. abuse;
  - ii. neglect;
  - iii. extortion;
  - iv. exploitation and misappropriation of property; and
  - v. an accurate summary of findings after action on findings are final and after any appeal is ruled upon or the deadline for filing an appeal has expired; and
- j. information relative to training and registry status which will be available through procedures established by the department.

C. Employers must use the registry to determine if a prospective hire is a medication attendant certified and if there is a finding that he/she has abused or neglected an individual being supported or misappropriated the individual's property or funds.

D. A certificate holder must notify the department within 30 days after changing his or her address or name.

E. A medication attendant certified or his or her employer, if aware, must immediately notify the department of any arrest in any state.

F. A person who holds a valid license, registration or certificate as a medication attendant issued by another state may also be certified in Louisiana if the transferring state's training program is at least 100 hours or more and the applicant passes the state competency examination.

1. The applicant must submit a request for reciprocity to the registry.

2. The application must include a current copy of the rules of the other state governing its licensing and regulation of medication aides, a copy of the legal authority (law, act, code, or other) for the state's licensing program, and a certified copy of the license or certificate for which the reciprocal certificate is requested.

3. The department may contact the issuing agency to verify the applicant's status with the agency.

G. When issued, an initial certificate is valid for 12 months from the date of issue. The registry will renew the certificate if:

1. a certificate holder has completed four hours of continuing education focusing on medication administration prior to expiration of the certificate; and

2. a certificate holder has worked at least 400 hours per year in a licensed nursing facility.

H. The department shall deny renewal of the certificate of a medication attendant certified who is in violation of this Chapter at the time of the application renewal.

I. A person whose certificate has expired may not engage in activities that require a certificate until the certificate has been renewed.

J. A medication attendant certified must function under the direct supervision of a licensed nurse on duty at the nursing facility. A certificate holder must:

1. function in accordance with applicable laws and rules relating to administration of medication and operation of a nursing facility; and

2. comply with the department's rules applicable to personnel used in a nursing facility.

K. Persons employed as medication attendants certified in a nursing facility must comply with the requirements relating to nurse aides as set forth in the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, the department's rule governing the Standards for Payment for Nursing Homes and Minimum Licensure Standards for Nursing Homes or subsequent amendments. Requirements are met if the individual is:

1. a student enrolled in an accredited school of practical nursing or program for the education of vocational nurses who is administering medications as part of the student's clinical experience; or

2. a trainee in a medication assistant training program approved by the department under this Chapter who is administering medications as part of the trainee's clinical experience.

L. While on duty, a MAC's sole function shall be to administer medications to residents. Persons employed as medication attendants in a nursing facility may not be assigned additional responsibilities. If medication administration has been completed, they may assist in other areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1413 (July 2008).

### **§10082. General Requirements**

- A. Prior to application for a certificate under this Chapter, all persons must:
1. be proficient in reading, writing, speaking, and understanding the English language at a minimum eighth grade level as evidenced by the following COMPASS scores:
    - a. reading, 64;
    - b. writing, 25; and
    - c. pre-algebra, 31;
  2. be a citizen of the United States;
  3. be at least 18 years of age;
  4. complete a required health and physical examination;
  5. be a graduate of high school or have a general equivalency diploma;
  6. be currently employed in a facility as a certified nurse aide on the first official day of an applicant's medication attendant training program or be a graduate of a nursing program; and
  7. successfully pass a statewide criminal history background check and verification of the results sent to the training entity.
- B. A medication attendant certified may not administer medication to a resident in a nursing facility unless he/she:
1. holds a current certificate issued by the department under this Chapter and acts under the supervision of a person who holds a current license under state law which authorizes the licensee to administer medication; or
  2. is currently enrolled in a state approved training course and is acting under the direct supervision of faculty.
- C. All medication attendant training and competency evaluation programs must be approved by the department.
- D. Training and competency evaluation programs may be provided by the Louisiana Community and Technical College System (LCTCS) during the three year pilot project.
- E. Each training and competency evaluation program must:
1. maintain qualified, approved registered nurses and licensed practical nurses for classroom and clinical instruction;
  2. protect the integrity of the competency evaluations by keeping them secure;
  3. utilize a pass rate of at least 80 percent for each individual student; and
  4. assure the curriculum meets state requirements.
- F. Clinical instruction must be conducted in an approved nursing facility with a ratio of no more than 5:1 under the direct supervision of the instructor.
- G. Training programs that do not meet the minimum standards and cannot provide an acceptable plan for correcting deficiencies will be eliminated from participation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1414 (July 2008).

### **§10083. Trainee Responsibilities**

- A. Each medication attendant trainee should be clearly identified as a trainee during all clinical portions of the training. Identification should be recognizable to residents, family members, visitors and staff.
- B. Trainees must take the competency evaluation (through skills demonstration and written examination) within 30 days after completion of the training program. Trainees will be given a maximum of two opportunities within 90 days following completion of the training program to successfully complete the competency evaluation program.
- C. If a trainee fails to successfully complete the competency evaluation program, he or she must re-enroll in a training program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008).

### **§10084. Training Curriculum**

- A. The goal of the medication attendant training and competency evaluation program is the provision of safe, effective and timely administration of medication to residents by medication attendants who are able to:
1. communicate and interact competently on a one-to-one basis with residents as part of the team implementing resident care;
  2. demonstrate sensitivity to the resident's emotional, social and mental health needs through skillful, directed interactions;
  3. exhibit behavior to support and promote the rights of residents; and

4. demonstrate proficiency in the skills related to medication administration.

B. Each medication attendant training program shall provide all trainees with a nursing facility orientation that is not included in the required minimum 100 hours of core curriculum. The orientation program shall include, but is not limited to:

1. an explanation of the facility's organizational structure;
2. the facility's policies and procedures;
3. discussion of the facility's philosophy of care;
4. a description of the resident population; and
5. employee rules.

C. Core Curriculum. The curriculum content for the training program must include material which provides a basic level of knowledge and demonstrable skills for each individual completing the program. The content should include the needs of populations which may be served by an individual nursing facility.

1. The core curriculum must be a minimum of 100 hours in length with a minimum of 40 clinical hours.

2. Each unit objective must be behaviorally-stated for each topic of instruction. Each objective must state performance criteria which are measurable and will serve as the basis for the competency evaluation.

D. Minimum Curriculum. The training program must be developed and conducted to ensure that each medication attendant, at a minimum, is able to demonstrate competency in the following areas including, but not limited to:

1. the basic principles of medication administration and the responsibilities of the medication attendant including:

- a. the role and functions of a MAC;
- b. the professional relationship between the MAC and the residents and their families; and
- c. prohibited functions or duties;

2. definition of nurse delegation;

3. definition of the basic terms used in medication administration, including identification of the abbreviations used in medication orders and on the medication administration records;

4. review of the various forms of medications;

5. methods of medication administration including:

- a. proper positioning of resident for various medication administrations; and
- b. the value of good body alignment prior to and after medication administration;

6. requirements for proper storage and security of medications;

7. proper methods for disposal of drugs;

8. infection control;

9. basic anatomy and physiology;

10. the functions of the gastrointestinal, musculoskeletal, integumentary, nervous, sensory, renal and urinary, reproductive, cardiovascular, respiratory, and endocrine systems;

a. description of the common disorders associated with these systems; and

b. the effect of aging on these systems;

11. definition of pharmacology including:

a. medication classifications,

b. a description of a controlled drug and how administration of these drugs differ;

c. the cycle of a drug in the body; and

d. side effects of medications;

12. the safe administration of all forms of oral medication including;

a. a description of the difference among all forms of oral medication; and

b. special precautions observed when administering timed-release capsules, enteric-coated tablets and oral suspensions;

13. appropriate procedures to follow when the resident is NPO, dysphagic, refuses the medication, vomits the medication, or has allergies;

14. application of topical medications and the standard precautions utilized in administering a topical medication;

15. the safe instillation of ophthalmic drops and ointments;

16. the safe administration of nose drops;

17. proper technique for administration of inhalant medications including:

a. a description of when the MAC may administer an inhalant;

18. the safe administration of a rectal suppository;

19. the safe administration of a vaginal medication;
20. developing proficiency in measuring liquid medications in a medicine cup or syringe;
21. measuring apical pulse and/or blood pressure (B/P) prior to medication administration;
22. the importance of the "chain of command;"
23. developing effective communication and interpersonal skills;
24. maintaining communication with the licensed nurse including:
  - a. a description of the situations that must be reported to the nurse;
25. the purpose of the clinical record and the importance of timely, clear and complete documentation in the medication administration record;
26. methods for avoiding medication errors:
  - a. reporting and documentation requirements when medication errors occur;
27. a resident's rights related to medication administration;
28. a discussion of the "rights" of medication administration;
29. the application and certification; and
30. violations of the laws and rules that may result in disciplinary action and/or loss of certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1415 (July 2008).

#### **§10085. Competency Evaluation**

A. A competency evaluation must be developed and conducted to ensure that each trainee, at a minimum, is able to demonstrate competencies taught in each part of the training curriculum.

B. Written examinations will be provided by the training entity or organizations approved by the department. The examination will reflect the content and emphasis of the training curriculum and will be developed in accordance with accepted educational principles.

C. The entity responsible for the training and competency evaluation must report to the registry the names of all individuals who have satisfactorily completed the curriculum after the training is completed. Within 15 days after a medication attendant certified has successfully completed the training and competency evaluation, the training entity shall notify the registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008).

#### **§10086. Authorized Duties**

A. The medication attendant certified may perform certain duties and functions under the direct supervision of a licensed nurse. These authorized duties will apply to medication attendant trainees under the supervision of the clinical instructor. The ratio of medication attendants certified to licensed nurses shall not exceed two medication attendants to one licensed nurse at any given time.

B. Medication attendants certified may:

1. observe and report to the licensed nurse a resident's adverse reaction to a medication;
2. administer medications which require vital signs only with direct authorization from the licensed nurse prior to administration;
3. take and record vital signs prior to the administration of medication that could affect or change the vital signs;
4. in an emergency only, administer oxygen at 2 liters per minute per nasal cannula and immediately after the emergency, verbally notify the licensed nurse on duty and appropriately document the action and notification;
5. administer regularly prescribed medication only after personally preparing (setting up) the medications to be administered;
6. deliver and administer certain prescribed medications ordered by an authorized prescriber by the following methods:
  - a. orally;
  - b. topically (to intact skin only);
  - c. drops and sprays for the eye, ear or nose;
  - d. vaginally;
  - e. rectally;
  - f. transdermally;
  - g. by metered dose oral inhalation; or
  - h. sublingually;

7. record medications administered in the resident's chart and/or medication administration record;
8. chart medication effects and side effects;
9. administer medications which require vital signs, only with direct authorization from the licensed nurse prior to administration:
  - a. the results of the vital signs must be documented in the clinical record;
10. administer pro re nata (prn), as needed medications only with direct authorization of the licensed nurse;
11. measure prescribed liquid medication only if verified by the licensed nurse prior to administration; and
12. crush prescribed medications only if ordered by the physician and verified by the licensed nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008).

#### **§10087. Prohibited Duties**

- A. Medication attendants certified shall not:
1. administer any controlled dangerous substances (schedules II through V) as set forth by the Drug Enforcement Agency or the Louisiana Board of Pharmacy;
  2. administer any medications by the following parenteral routes:
    - a. intramuscular;
    - b. intravenous;
    - c. subcutaneous; or
    - d. intradermal;
  3. administer any medication used for intermittent positive breathing (IPPB) treatments;
  4. administer an initial dose of a medication that has not been previously administered to a resident as determined by the clinical record;
  5. calculate medication doses for administration;
  6. administer medications or feedings by way of a tube inserted in a cavity of the body;
  7. receive or assume responsibility for writing any verbal or telephone order from an authorized prescriber;
  8. order new medications or medications whose directions have changed from the pharmacy;
  9. apply topical medications that involve the treatment of skin that is broken;
  10. steal, divert or otherwise misuse medication;
  11. violate any provision of this Chapter;
  12. procure or attempt to procure a certificate by fraudulent means;
  13. neglect to administer prescribed medications in a responsible and timely manner;
  14. perform a task involving the administration of a medication which requires:
    - a. an assessment of the patient's physical status;
    - b. an assessment of the need for the medication;
    - c. a calculation of the dose of the medication; or
    - d. the conversion of the dose;
  15. perform a task involving the administration of a medication if the patient is unstable or has changing nursing needs, unless the supervising nurse is able to monitor the patient and the effect of the medication on the patient; or
  16. administer medications if he/she is unable to do so with reasonable skill and safety to the resident if the resident is impaired by reason of excessive use of mood altering drugs, narcotics, chemicals or any other type of material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1416 (July 2008).

#### **§10088. Provider Participation and Responsibilities**

- A. A nursing facility must apply to the department to utilize medication attendants certified. Upon receipt of a facility's application, the department will review the facility's compliance history.
- B. If a facility is non-compliant with program regulations, the department shall take into consideration the findings that resulted in the facility's noncompliance before making a determination whether or not to allow the facility to utilize medication attendants certified. Emphasis shall be placed on deficiencies cited in the area of medication administration such as significant medication errors, medication error rates and repeat deficiencies.
- C. The department may deny a facility's request to use medication attendants if it is determined that, based upon the compliance history, the safety and well-being of residents would be jeopardized. If the facility is denied

participation, the facility may ask for a reconsideration and review of the circumstances which contributed to the denial.

D. The following information must be provided prior to acceptance in the pilot project:

1. the number of beds for the entire nursing facility and beds per unit;
2. the type of nursing facility;
3. the staffing levels per shift;
4. the turnover rate of staff;
5. a plan for orientation and utilization of medication attendants certified, including orientation of all staff to the role of medication attendants;
6. the number and type of medication errors in the year prior to the utilization of medication attendants certified;
7. a survey of patient satisfaction, including the patient's perception of receiving medications, prior to the utilization of medication attendants certified; and
8. a statement that the nursing home will utilize the medication attendants certified in accordance with the accepted rules and regulations and will provide evaluation information as indicated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008).

#### **§10089. Allegations of Medication Attendant Certified Wrong-Doing**

A. The department, through its Bureau of Appeals, has provided for a process of the review and investigation of all allegations of resident abuse, neglect or misappropriation of residents' property or funds by medication attendants certified.

B. In the event of an allegation of wrong-doing, medication attendants certified shall be bound by the department's established:

1. reporting requirements;
2. informal dispute resolution policies;
3. preliminary conference requirements; and
4. appeal and administrative hearing provisions:

a. the formal hearing shall be conducted according to formal hearing procedures set forth in the Administrative Procedure Act.

C. Through the formal hearing process, determinations will be made on both the certificate for medication attendant and the certificate for nurse aide practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008).

#### **§10090. Suspension, Revocation or Non-Renewal**

A. The department may revoke, suspend or refuse to renew a certificate or reprimand a certificate holder for a violation of this Chapter.

B. The following are grounds for disciplinary actions:

1. stealing, diverting or otherwise misusing medication;
2. procuring or attempting to procure a certificate by fraudulent means; or
3. violating any provision of this Chapter.

C. Prior to institution of formal proceedings to revoke or suspend a permit, the department shall give written notice to the certificate holder of the facts or conduct alleged to warrant revocation, suspension or rescission. The certificate holder shall be given an opportunity to show compliance with all requirements of this Chapter.

D. If denial, revocation or suspension of a certificate is proposed, the department shall give written notice that the certificate holder must submit a written request for a formal hearing within 30 days of receipt of the notice. If not, the right to a hearing shall be waived and the certificate shall be denied, revoked or suspended.

E. If the department suspends a MAC's certificate, the suspension shall remain in effect until the department:

1. determines that the reason for suspension no longer exists;
2. revokes the certificate; or
3. determines not to renew the certificate.

F. The department shall investigate prior to making a final determination on a suspended certificate. During the time of suspension, the suspended certificate holder must return his certificate to the department.

1. If a suspension overlaps a certificate renewal date, the suspended certificate holder shall be subject to the renewal procedures stated in §8603.G. However, the department shall not renew the certificate until it determines that the reason for suspension no longer exists.

G. If the department revokes or does not renew a certificate, a person may reapply for a certificate by complying with the provisions of this Chapter at the time of reapplication. The department may refuse to issue a certificate if the reason for revocation or non-renewal continues to exist.

1. If a certificate is revoked or not renewed, the certificate holder must immediately return the certificate to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1417 (July 2008).

**§10091. Evaluation of Pilot Program**

A. In order to evaluate the effectiveness of the medication attendant certified program and its impact on the quality of patient care in nursing homes, it is required that the education programs and nursing facilities that choose to participate in the pilot program must participate in the evaluation of all components of the program. They must utilize the appropriate evaluation forms designated by the department and within the required time frames. The completed forms must be submitted to the department.

B. The areas of evaluation and data to be collected are as follows:

1. education program;
2. level of student achievement;
3. student satisfaction surveys;
4. faculty satisfaction; and
5. nursing facility satisfaction surveys.

C. Medication Errors. Nursing facilities shall be required to maintain documentation of medication errors on an ongoing basis and shall submit this information to the department on a monthly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1026.1-37:1026.9.

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Alan Levine  
Secretary

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