

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE DRS15116-LN-114\* (3/3)

Short Title: Med Administration/Unlicensed Personnel.

(Public)

Sponsors: Senator Purcell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN LICENSED FACILITIES OR PROVIDERS  
OF MEDICATION ADMINISTRATION SERVICES TO UTILIZE UNLICENSED  
HEALTH CARE PERSONNEL TO PERFORM THE TECHNICAL ASPECTS OF  
MEDICATION ADMINISTRATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 16 of Chapter 131E of the General Statutes is amended  
by adding the following new section to read:

**"§ 131E-270. Use of unlicensed health care personnel to perform technical aspects  
of medication administration.**

(a) Facilities licensed and medication administration services provided under  
Articles 5, 6, and 10 of this Chapter may utilize unlicensed health care personnel to  
perform the technical aspects of medication administration consistent with  
G.S. 90-171.20(7) and (8), and G.S. 90-171.43.

(b) The Commission shall adopt rules to implement this section. Rules adopted  
by the Commission shall include:

(1) Training and competency evaluation of medication aides as provided  
for under this section.

(2) Requirements for listing under the Medication Aide Registry as  
provided for under G.S. 131E-271.

(3) Requirements for supervision of medication aides by licensed health  
professionals or appropriately qualified supervisory personnel  
consistent with Articles 5, 6, 10, and 16 of this Chapter."

**SECTION 2.** Article 9C of Chapter 90 of the General Statutes is amended  
by adding the following new section to read:

**"§ 90-171.56. Medication aide requirements.**

The Board of Nursing shall do the following:

- 1           (1) Establish standards for faculty requirements for medication aide
- 2           training; and
- 3           (2) Provide ongoing review and evaluation, and recommend changes, for
- 4           faculty and medication aide training requirements to support safe
- 5           medication administration and improve client, resident, and patient
- 6           outcomes."

7           **SECTION 3.** G.S. 131D-4.5 is amended by adding the following new  
 8 subdivision to read:

9           "(9) For facilities licensed and medication administration services provided  
 10           under this Article, authorizing utilization of unlicensed health care  
 11           personnel to perform the technical aspects of medication  
 12           administration. The rules shall be consistent with the requirements of  
 13           Article 9A of Chapter 90 of the General Statutes and shall include the  
 14           following:

- 15           a. Training and competency evaluation of medication aides as
- 16           provided for under G.S. 131E-270.
- 17           b. Requirements for listing under the Medication Aide Registry as
- 18           provided for under G.S. 131E-271.
- 19           c. Requirements for supervision of medication aides by licensed
- 20           health professionals or appropriately qualified supervisory
- 21           personnel consistent with this Chapter and Articles 5, 6, 10, and
- 22           16 of Chapter 131E of the General Statutes."

23           **SECTION 4.** G.S. 122C-26 reads as rewritten:

24           "**§ 122C-26. Powers of the Commission.**

25           In addition to other powers and duties, the Commission shall exercise the following  
 26 powers and duties:

- 27           (1) Adopt, amend, and repeal rules consistent with the laws of this State
- 28           and the laws and regulations of the federal government to implement
- 29           the provisions and purposes of this Article;
- 30           (2) Issue declaratory rulings needed to implement the provisions and
- 31           purposes of this Article;
- 32           (3) Adopt rules governing appeals of decisions to approve or deny
- 33           licensure under this Article;
- 34           (4) Adopt rules for the waiver of rules adopted under this Article; and
- 35           (5) Adopt rules applicable to facilities licensed under this Article:
  - 36           a. Establishing personnel requirements of staff employed in
  - 37           facilities;
  - 38           b. Establishing qualifications of facility administrators or
  - 39           directors;
  - 40           c. Establishing requirements for death reporting including
  - 41           confidentiality provisions related to death reporting; ~~and~~
  - 42           d. Establishing requirements for patient advocates; and
  - 43           e. Authorizing facilities and medication administration service
  - 44           providers to utilize unlicensed health care personnel to perform

1 the technical aspects of medication administration. The rules  
 2 shall be consistent with the requirements of Article 9A of  
 3 Chapter 90 of the General Statutes and shall include the  
 4 following:

- 5 1. Training and competency evaluation of medication aides as  
 6 provided for under G.S. 131E-270.
- 7 2. Requirements for listing under the Medication Aide Registry as  
 8 provided for under G.S. 131E-271.
- 9 3. Requirements for supervision of medication aides by licensed  
 10 health professionals or appropriately qualified supervisory  
 11 personnel consistent with this Chapter and Articles 5,6, 10, and  
 12 16 of Chapter 131E of the General Statutes."

13 **SECTION 5.** G.S. 148-19 is amended by adding the following new  
 14 subsection to read:

15 "(e) The Secretary of Correction shall adopt rules authorizing utilization of  
 16 unlicensed health care personnel to perform the technical aspects of medication  
 17 administration to prisoners. The rules shall be consistent with the requirements of  
 18 Article 9A of Chapter 90 of the General Statutes and shall include the following:

- 19 (1) Training and competency evaluation of medication aides as provided  
 20 for under G.S. 131E-270.
- 21 (2) Requirements for listing under the Medication Aide Registry as  
 22 provided for under G.S. 131E-271.
- 23 (3) Requirements for supervision of medication aides by licensed health  
 24 professionals or appropriately qualified supervisory personnel  
 25 consistent with Articles 5, 6, 10, and 16 of Chapter 131E of the  
 26 General Statutes."

27 **SECTION 6.** G.S. 115C-47 is amended by adding the following new  
 28 subdivision to read:

29 "**§ 115C-47. Powers and duties generally.**

30 In addition to the powers and duties designated in G.S. 115C-36, local boards of  
 31 education shall have the power or duty:

- 32 ...
- 33 (45) To adopt policies and procedures authorizing schools that operate  
 34 programs under G.S. 115C-307(c) to utilize unlicensed health care  
 35 personnel to perform the technical aspects of medication  
 36 administration to students. The policies and procedures shall be  
 37 consistent with the requirements of Article 9A of Chapter 90 of the  
 38 General Statutes and shall include the following:
    - 39 a. Training and competency evaluation of medication aides as  
 40 provided for under G.S. 131E-270.
    - 41 b. Requirements for listing under the Medication Aide Registry as  
 42 provided for under G.S. 131E-271.
    - 43 c. Requirements for supervision of medication aides by licensed  
 44 health professionals or appropriately qualified supervisory

1                                    personnel consistent with Articles 5, 6, 10, and 16 of Chapter  
2                                    131E of the General Statutes."

3                    **SECTION 7.** Article 16 of Chapter 131E of the General Statutes is amended  
4 by adding the following new section to read:

5 **"§ 131E-271. Medication Aide Registry.**

6            (a) The Department shall establish and maintain a Medication Aide Registry  
7 containing the names of all health care personnel in North Carolina who have  
8 successfully completed a medication aide training program that has been approved by  
9 the North Carolina Board of Nursing and successfully passed a State-administered  
10 medication aide competency exam."

11            **SECTION 8.** This act becomes effective October 1, 2005. The North  
12 Carolina Board of Nursing and the Department of Health and Human Services shall  
13 report on the implementation of this act to the House of Representatives Appropriations  
14 Subcommittee on Health and Human Services, the Senate Appropriations Committee on  
15 Health and Human Services, and the Fiscal Research Division not later than March 1,  
16 2006, and annually thereafter.