

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

1

SENATE BILL 662\*

Short Title: Med Administration/Unlicensed Personnel. (Public)

Sponsors: Senators Purcell; Albertson, Dannelly, Dorsett, Forrester, Lucas, and Malone.

Referred to: Health Care.

March 17, 2005

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

