

CHAPTER 239
HB 484 – FINAL VERSION

11Mar2015... 0647h
04/30/2015 1338s
11June2015... 2285EBA

2015 SESSION

15-0483
10/09

HOUSE BILL **484**

AN ACT relative to medication administration by licensed nursing assistants and relative to exemptions from regulation for certain nursing care and attendant care services.

SPONSORS: Rep. Suzanne Smith, Graf 8; Rep. Ford, Graf 3; Rep. LeBrun, Hills 32; Rep. Emerson, Ches 11; Sen. Reagan, Dist 17; Sen. Woodburn, Dist 1

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill clarifies the authority of licensed nurse assistants to administer medication and adds an exemption from regulation for nursing care and consumer directed attendant care services provided by unlicensed persons.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to medication administration by licensed nursing assistants and relative to exemptions from regulation for certain nursing care and attendant care services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 239:1 Nurse Practice Act; Scope of Practice; Licensed Nursing Assistants. Amend RSA 326-
2 B:14, II to read as follows:

3 II. An LNA is responsible for competency in the nursing assistant curriculum approved by
4 the board. [~~LNAs are authorized to administer medication when they hold a currently valid~~
5 ~~certificate of medication administration and under the circumstances established by the board~~
6 ~~through rules adopted pursuant to RSA 541-A.~~]

7 ***II-a. An LNA is authorized to administer medication if:***

8 ***(a) The LNA holds a currently valid certificate of medication administration; or***
9 ***(b) A licensed nurse delegates the task of medication administration to the LNA***
10 ***who is employed in the home care, hospice, residential care, or adult day care setting. The***
11 ***board, in consultation with the commissioner of health and human services or a designee,***
12 ***shall adopt rules under RSA 541-A establishing standards for such delegation of***
13 ***medication administration which include, but are not limited to, limitations on the***
14 ***number of delegations per assistive personnel, training and competency requirements,***
15 ***documentation requirements, and medication administration error reporting***
16 ***requirements.***

17 239:2 New Chapter; Nursing Care and Consumer Directed Attendant Care Services. Amend
18 RSA by inserting after chapter 332-J the following new chapter:

CHAPTER 332-K

NURSING CARE AND CONSUMER DIRECTED ATTENDANT CARE SERVICES

21 332-K:1 Nursing Care and Consumer Directed Attendant Care Services; Care by Unlicensed
22 Persons.

23 I. No provision of Title XXX shall prohibit the following care:

24 (a) Nursing care provided by family and friends.

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1 (b) Consumer directed attendant care services directed by or on behalf of an individual
2 with a disability of any age who requires assistance with such services in order to live in his or her
3 home and community, including a residential care facility.

4 II. For the purpose of this section:

5 (a) “Attendant care services” means assistance with any of the following:

6 (1) Activities of daily living;

7 (2) Instrumental activities of daily living; or

8 (3) Health maintenance activities.

9 (b) “Health maintenance activities” means activities that a licensed health care
10 professional determines could be performed by the individual if the individual were physically able
11 and may safely be performed in the home or community setting. Such activities include, but are not
12 limited to, bowel and bladder care, routine ostomy care, medication administration, and wound care.

13 239:3 Effective Date. This act shall take effect 60 days after its passage.

14
15 Approved: July 13, 2015

16 Effective Date: September 11, 2015