

Fact Sheet: Senate Bill 1138 *An Act Relative to Home Health Aides*

“There was more RN involvement in care, and less unlicensed and unregulated practice with Nurse Delegation. Rather than bring higher risk tasks into the settings, Nurse Delegation has actually enhanced the quality and intensity of supervision.”

-Nurse Delegation Study, mandated by Washington State Legislature, 1998

Purpose: This bill seeks to refine the Commonwealth’s Nurse Practice Act (NPA) to allow nurses to delegate the task of administering certain medications to home health aides in the home setting.

The Home Care Alliance has submitted this legislation to create a medication administration delegation model that will:

- **Recognize** changing scope of work that can be safely provided by paraprofessionals with appropriate nurse oversight
- **Prepare** for the increasingly aging population, growth in number of clients living at home with medical conditions that are stable and predictable, and shortage of nurses.
- **Remove barriers** to home based services by addressing identified needs that it may not be possible to have a nurse perform daily
- **Establish** more clarity on where authority and responsibilities lie
- **Provide guidance** for professional staff and agencies and utilize nursing skills most effectively

~An Act Relative to Home Health Aides would increase the efficiency of care by helping home health patients manage their prescription medications. According to the New England Healthcare Institute (NEHI), patients who fail to adhere to their medication regimens cost the nation’s healthcare system \$290 billion annually.

~Delegation models have been successfully implemented in Oregon and Washington, and a nurse delegation pilot project in New Jersey is currently underway.

Bill Summary: Amends Section 80B of Chapter 112 as well as Section 9 of Chapter 94 C of the Massachusetts General Laws, adding language onto the definition of professional nursing and the administering and dispensing of controlled substances in the course of professional practice. The proposal:

- Allows the administering of certain medication to a home health patient by a trained and certified home health aide.
- Requires that home health agencies provide training and establish documentation protocols according to the nurse delegation model and to regulations that will be drafted by the Board of Registration in Nursing and the Department of Public Health with nursing input
- Stipulates that any licensed nurse who delegates a task in compliance with the adopted rules *shall not* be subject to disciplinary action by the Board of Nursing for the performance of a person to whom the nursing activity or task is assigned.

Contact: James Fuccione, Home Care Alliance of Massachusetts
jfuccione@thinkhomecare.org ~ (617) 482-8830
