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SENATE BILL 6382

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Keiser, Parlette, and McAuliffe

Read first time 01/19/12. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to creating a medication assistant endorsement for  
2 certified nursing assistants who work in nursing homes; amending RCW  
3 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.120, 18.88A.130, 18.88A.150,  
4 and 18.130.040; reenacting and amending RCW 18.88A.020; adding a new  
5 section to chapter 18.88A RCW; creating a new section; and providing an  
6 effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 18.88A.020 and 2010 c 169 s 2 are each reenacted and  
9 amended to read as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter.

12 (1) "Alternative training" means a nursing assistant-certified  
13 program meeting criteria adopted by the commission under RCW 18.88A.087  
14 to meet the requirements of a state-approved nurse aide competency  
15 evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of  
16 the federal social security act.

17 (2) "Approved training program" means a nursing assistant-certified  
18 training program approved by the commission to meet the requirements of  
19 a state-approved nurse aide training and competency evaluation program

1 consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social  
2 security act. For community college, vocational-technical institutes,  
3 skill centers, and secondary school as defined in chapter 28B.50 RCW,  
4 nursing assistant-certified training programs shall be approved by the  
5 commission in cooperation with the board for community and technical  
6 colleges or the superintendent of public instruction.

7 (3) "Commission" means the Washington nursing care quality  
8 assurance commission.

9 (4) "Competency evaluation" means the measurement of an  
10 individual's knowledge and skills as related to safe, competent  
11 performance as a nursing assistant.

12 (5) "Department" means the department of health.

13 (6) "Health care facility" means a nursing home, hospital, hospice  
14 care facility, home health care agency, hospice agency, or other entity  
15 for delivery of health care services as defined by the commission.

16 (7) "Medication assistant" means a nursing assistant-certified with  
17 a medication assistant endorsement issued under section 2 of this act  
18 who is authorized, in addition to his or her duties as a nursing  
19 assistant-certified, to administer certain medications and perform  
20 certain treatments in a licensed nursing home under the supervision of  
21 a licensed registered nurse under section 2 of this act.

22 (8) "Nursing assistant" means an individual, regardless of title,  
23 who, under the direction and supervision of a registered nurse or  
24 licensed practical nurse, assists in the delivery of nursing and  
25 nursing-related activities to patients in a health care facility. The  
26 two levels of nursing assistants are:

27 (a) "Nursing assistant-certified," an individual certified under  
28 this chapter; and

29 (b) "Nursing assistant-registered," an individual registered under  
30 this chapter.

31 ((+8)) (9) "Secretary" means the secretary of health.

32 NEW SECTION. Sec. 2. A new section is added to chapter 18.88A RCW  
33 to read as follows:

34 (1) Beginning July 1, 2013, the secretary shall issue a medication  
35 assistant endorsement to any nursing assistant-certified who meets the  
36 following requirements:

1 (a) Ongoing certification as a nursing assistant-certified in good  
2 standing under this chapter;

3 (b) Completion of a minimum number of hours of documented work  
4 experience as a nursing assistant-certified in a long-term care setting  
5 as defined in rule by the commission;

6 (c) Successful completion of an education and training program  
7 approved by the commission by rule, such as the model medication  
8 assistant-certified curriculum adopted by the national council of state  
9 boards of nursing. The education and training program must include  
10 training on the specific tasks listed in subsection (2) of this section  
11 as well as training on identifying tasks that a medication assistant  
12 may not perform under subsection (4) of this section;

13 (d) Passage of an examination approved by the commission by rule,  
14 such as the medication aide competency examination available through  
15 the national council of state boards of nursing; and

16 (e) Continuing competency requirements as defined in rule by the  
17 commission.

18 (2)(a) Subject to subsection (3) of this section, a medication  
19 assistant may perform the following additional tasks:

20 (i) The administration of medications orally, topically, and  
21 through inhalation;

22 (ii) The performance of simple prescriber-ordered treatments,  
23 including blood glucose monitoring, noncomplex clean dressing changes,  
24 pulse oximetry reading, and oxygen administration, to be defined by the  
25 commission by rule; and

26 (iii) The documentation of the tasks in this subsection (2) on  
27 applicable medication or treatment forms.

28 (b) The commission may limit by rule the duties, within the scope  
29 of practice of a nursing assistant-certified, that a nursing assistant-  
30 certified may perform while functioning as a medication assistant.

31 (3) A medication assistant may only perform the additional tasks in  
32 subsection (2) of this section:

33 (a) In a licensed nursing home; and

34 (b) Under the direct supervision of a designated registered nurse  
35 who is on-site and immediately accessible during the medication  
36 assistant's shift. The registered nurse shall assess the resident  
37 prior to the medication assistant administering medications or

1 treatments and determine whether it is safe to administer the  
2 medications or treatments. The judgment and decision to administer  
3 medications or treatments is retained by the registered nurse.

4 (4) A medication assistant may not:

5 (a) Accept telephone or verbal orders from a prescriber;

6 (b) Calculate medication dosages;

7 (c) Inject any medications;

8 (d) Perform any sterile task;

9 (e) Administer medications through a tube;

10 (f) Administer any Schedule I, II, or III controlled substance; or

11 (g) Perform any task that requires nursing judgment.

12 (5) Nothing in this section requires a licensed nursing home to  
13 employ a nursing assistant-certified with a medication assistant  
14 endorsement.

15 (6) A medication assistant is responsible and accountable for his  
16 or her specific functions.

17 (7) A medication assistant's employer may limit or restrict the  
18 range of functions permitted under this section, but may not expand  
19 those functions.

20 **Sec. 3.** RCW 18.88A.040 and 1991 c 16 s 4 are each amended to read  
21 as follows:

22 (1) No person may practice or represent himself or herself as a  
23 nursing assistant-registered by use of any title or description without  
24 being registered by the department pursuant to this chapter.

25 (2) After October 1, 1990, no person may by use of any title or  
26 description, practice or represent himself or herself as a nursing  
27 assistant-certified without applying for certification, meeting the  
28 qualifications, and being certified by the department pursuant to this  
29 chapter.

30 (3) After July 1, 2013, no person may practice, or represent  
31 himself or herself by any title or description, as a medication  
32 assistant without a medication assistant endorsement issued under  
33 section 2 of this act.

34 **Sec. 4.** RCW 18.88A.050 and 2010 c 169 s 5 are each amended to read  
35 as follows:

1 In addition to any other authority provided by law, the secretary  
2 has the authority to:

3 (1) Set all nursing assistant certification, registration,  
4 medication assistant endorsement, and renewal fees in accordance with  
5 RCW 43.70.250 and to collect and deposit all such fees in the health  
6 professions account established under RCW 43.70.320;

7 (2) Establish forms, procedures, and the competency evaluation  
8 necessary to administer this chapter;

9 (3) Hire clerical, administrative, and investigative staff as  
10 needed to implement this chapter;

11 (4) Issue a nursing assistant registration to any applicant who has  
12 met the requirements for registration;

13 (5) After January 1, 1990, issue a nursing assistant certificate to  
14 any applicant who has met the training, competency evaluation, and  
15 conduct requirements for certification under this chapter;

16 (6) Issue a medication assistant endorsement to any applicant who  
17 has met the requirements of section 2 of this act;

18 (7) Maintain the official record for the department of all  
19 applicants and persons with registrations (~~and~~), certificates, and  
20 medication assistant endorsements under this chapter;

21 (~~(7)~~) (8) Exercise disciplinary authority as authorized in  
22 chapter 18.130 RCW;

23 (~~(8)~~) (9) Deny registration to any applicant who fails to meet  
24 requirement for registration as a nursing assistant;

25 (~~(9)~~) (10) Deny certification to applicants who do not meet the  
26 training, competency evaluation, and conduct requirements for  
27 certification as a nursing assistant; and

28 (11) Deny medication assistant endorsement to applicants who do not  
29 meet the requirements of section 2 of this act.

30 **Sec. 5.** RCW 18.88A.060 and 2010 c 169 s 6 are each amended to read  
31 as follows:

32 In addition to any other authority provided by law, the commission  
33 may:

34 (1) Determine minimum nursing assistant education requirements and  
35 approve training programs;

36 (2) Approve education and training programs and examinations for  
37 medication assistants as provided in section 2 of this act;

1        (3) Define the prescriber-ordered treatments a medication assistant  
2 is authorized to perform under section 2 of this act;

3        (4) Prepare, grade, and administer, or determine the nature of, and  
4 supervise the grading and administration of, the competency evaluation  
5 for applicants for nursing assistant certification, using the same  
6 competency evaluation for all applicants, whether qualifying to take  
7 the competency evaluation under an approved training program or  
8 alternative training;

9        ~~((+3))~~ (5) Establish forms and procedures for evaluation of an  
10 applicant's alternative training under criteria adopted pursuant to RCW  
11 18.88A.087;

12        ~~((+4))~~ (6) Define and approve any experience requirement for  
13 nursing assistant certification;

14        ~~((+5))~~ (7) Adopt rules implementing a continuing competency  
15 evaluation program for nursing assistants; and

16        ~~((+6))~~ (8) Adopt rules to enable it to carry into effect the  
17 provisions of this chapter.

18        **Sec. 6.** RCW 18.88A.120 and 1996 c 191 s 74 are each amended to  
19 read as follows:

20        Applications for registration ~~((and))~~ certification, and  
21 medication assistant endorsement shall be submitted on forms provided  
22 by the secretary. The secretary may require any information and  
23 documentation that reasonably relates to the need to determine whether  
24 the applicant meets the criteria for registration ~~((and))~~ certification, and medication assistant endorsement credentialing  
25 provided for in this chapter and chapter 18.130 RCW. Each applicant  
26 shall comply with administrative procedures, administrative  
27 requirements, and fees determined by the secretary under RCW 43.70.250  
28 and 43.70.280.

30        **Sec. 7.** RCW 18.88A.130 and 1996 c 191 s 75 are each amended to  
31 read as follows:

32        Registrations ~~((and))~~ certifications, and medication assistant  
33 endorsements shall be renewed according to administrative procedures,  
34 administrative requirements, and fees determined by the secretary under  
35 RCW 43.70.250 and 43.70.280.

1       **Sec. 8.** RCW 18.88A.150 and 1991 c 16 s 7 are each amended to read  
2 as follows:

3       The uniform disciplinary act, chapter 18.130 RCW, governs  
4 unregistered (~~(or)~~), uncertified, or unendorsed practice, issuance of  
5 certificates (~~(and)~~), registrations, and medication assistant  
6 endorsements, and the discipline of persons registered or with  
7 certificates under this chapter. The secretary shall be the  
8 disciplinary authority under this chapter.

9       **Sec. 9.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read  
10 as follows:

11       (1) This chapter applies only to the secretary and the boards and  
12 commissions having jurisdiction in relation to the professions licensed  
13 under the chapters specified in this section. This chapter does not  
14 apply to any business or profession not licensed under the chapters  
15 specified in this section.

16       (2)(a) The secretary has authority under this chapter in relation  
17 to the following professions:

18       (i) Dispensing opticians licensed and designated apprentices under  
19 chapter 18.34 RCW;

20       (ii) Midwives licensed under chapter 18.50 RCW;

21       (iii) Ocularists licensed under chapter 18.55 RCW;

22       (iv) Massage operators and businesses licensed under chapter 18.108  
23 RCW;

24       (v) Dental hygienists licensed under chapter 18.29 RCW;

25       (vi) East Asian medicine practitioners licensed under chapter 18.06  
26 RCW;

27       (vii) Radiologic technologists certified and X-ray technicians  
28 registered under chapter 18.84 RCW;

29       (viii) Respiratory care practitioners licensed under chapter 18.89  
30 RCW;

31       (ix) Hypnotherapists and agency affiliated counselors registered  
32 and advisors and counselors certified under chapter 18.19 RCW;

33       (x) Persons licensed as mental health counselors, mental health  
34 counselor associates, marriage and family therapists, marriage and  
35 family therapist associates, social workers, social work associates--  
36 advanced, and social work associates--independent clinical under  
37 chapter 18.225 RCW;

1 (xi) Persons registered as nursing pool operators under chapter  
2 18.52C RCW;

3 (xii) Nursing assistants registered or certified or medication  
4 assistants endorsed under chapter 18.88A RCW;

5 (xiii) Health care assistants certified under chapter 18.135 RCW;

6 (xiv) Dietitians and nutritionists certified under chapter 18.138  
7 RCW;

8 (xv) Chemical dependency professionals and chemical dependency  
9 professional trainees certified under chapter 18.205 RCW;

10 (xvi) Sex offender treatment providers and certified affiliate sex  
11 offender treatment providers certified under chapter 18.155 RCW;

12 (xvii) Persons licensed and certified under chapter 18.73 RCW or  
13 RCW 18.71.205;

14 (xviii) Denturists licensed under chapter 18.30 RCW;

15 (xix) Orthotists and prosthetists licensed under chapter 18.200  
16 RCW;

17 (xx) Surgical technologists registered under chapter 18.215 RCW;

18 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under  
19 chapter 28.230 RCW;

20 (xxii) Animal massage practitioners certified under chapter 18.240  
21 RCW;

22 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

23 (xxiv) Home care aides certified under chapter 18.88B RCW; and

24 (xxv) Genetic counselors licensed under chapter 18.290 RCW.

25 (b) The boards and commissions having authority under this chapter  
26 are as follows:

27 (i) The podiatric medical board as established in chapter 18.22  
28 RCW;

29 (ii) The chiropractic quality assurance commission as established  
30 in chapter 18.25 RCW;

31 (iii) The dental quality assurance commission as established in  
32 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
33 licenses and registrations issued under chapter 18.260 RCW;

34 (iv) The board of hearing and speech as established in chapter  
35 18.35 RCW;

36 (v) The board of examiners for nursing home administrators as  
37 established in chapter 18.52 RCW;



1 (vi) The optometry board as established in chapter 18.54 RCW  
2 governing licenses issued under chapter 18.53 RCW;

3 (vii) The board of osteopathic medicine and surgery as established  
4 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
5 18.57A RCW;

6 (viii) The board of pharmacy as established in chapter 18.64 RCW  
7 governing licenses issued under chapters 18.64 and 18.64A RCW;

8 (ix) The medical quality assurance commission as established in  
9 chapter 18.71 RCW governing licenses and registrations issued under  
10 chapters 18.71 and 18.71A RCW;

11 (x) The board of physical therapy as established in chapter 18.74  
12 RCW;

13 (xi) The board of occupational therapy practice as established in  
14 chapter 18.59 RCW;

15 (xii) The nursing care quality assurance commission as established  
16 in chapter 18.79 RCW governing licenses and registrations issued under  
17 that chapter;

18 (xiii) The examining board of psychology and its disciplinary  
19 committee as established in chapter 18.83 RCW;

20 (xiv) The veterinary board of governors as established in chapter  
21 18.92 RCW; and

22 (xv) The board of naturopathy established in chapter 18.36A RCW.

23 (3) In addition to the authority to discipline license holders, the  
24 disciplining authority has the authority to grant or deny licenses.  
25 The disciplining authority may also grant a license subject to  
26 conditions.

27 (4) All disciplining authorities shall adopt procedures to ensure  
28 substantially consistent application of this chapter, the Uniform  
29 Disciplinary Act, among the disciplining authorities listed in  
30 subsection (2) of this section.

31 NEW SECTION. **Sec. 10.** The department of health and the Washington  
32 nursing care quality assurance commission shall adopt any rules  
33 necessary to implement this act.

34 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act take

1 effect July 1, 2013.

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