



Amendment to HB 484

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to medication administration by licensed nursing assistants and relative  
4 to exemptions from regulation for certain nursing care and attendant care  
5 services.  
6

7 Amend the bill by replacing all after the enacting clause with the following:

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9 1 Nurse Practice Act; Scope of Practice; Licensed Nursing Assistants. Amend RSA 326-B:14, II  
10 to read as follows:

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

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

16 *(a) The LNA holds a currently valid certificate of medication administration; or*

17 *(b) A licensed nurse delegates the task of medication administration to the LNA*

18 *who is employed in the home care, residential care, or adult day care setting. The board,*  
19 *in consultation with the commissioner of health and human services or a designee, shall*  
20 *adopt rules under RSA 541-A establishing standards for such delegation of medication*  
21 *administration which include, but are not limited to, limitations on the number of*  
22 *delegations per assistive personnel, training and competency requirements, documentation*  
23 *requirements, and medication administration error reporting requirements.*

24 2 New Chapter; Nursing Care and Consumer Directed Attendant Care Services. Amend RSA by  
25 inserting after chapter 332-J the following new chapter:

26

CHAPTER 332-K

27 NURSING CARE AND CONSUMER DIRECTED ATTENDANT CARE SERVICES

28 332-K:1 Nursing Care and Consumer Directed Attendant Care Services; Care by Unlicensed  
29 Persons. No provision of Title XXX shall prohibit the following care:

30 I. Nursing care provided by family and friends.

31 II. Consumer directed attendant care services directed by or on behalf of an individual with a  
32 disability of any age who requires assistance with such services in order to live in his or her home  
33 and community, including a residential care facility.



1 III. For the purpose of this section:

2 (a) "Attendant care services" means assistance with any of the following:

3 (1) Activities of daily living;

4 (2) Instrumental activities of daily living; or

5 (3) Health maintenance activities.

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

10 3 Effective Date. This act shall take effect 60 days after its passage.



2015-0647h

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.