

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 385

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NURSES; REPEALING SECTION 54-1406A, IDAHO CODE, RELATING TO CER-
2 TIFIED MEDICATION ASSISTANTS; AND AMENDING CHAPTER 14, TITLE 54, IDAHO
3 CODE, BY THE ADDITION OF A NEW SECTION 54-1406A, IDAHO CODE, TO ESTAB-
4 LISH PROVISIONS REGARDING CERTIFIED MEDICATION ASSISTANTS.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section [54-1406A](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 2. That Chapter 14, Title 54, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 54-1406A, Idaho Code, and to read as follows:

12 54-1406A. CERTIFIED MEDICATION ASSISTANT. (1) The board shall issue a
13 certificate of medication assistance (MA-C) to an individual who:

14 (a) Is registered as a nursing assistant, without substantiated
15 charges, on the nursing assistant registry currently maintained by the
16 Idaho department of health and welfare;

17 (b) Has completed an MA-C program at an institution accredited by the
18 United States department of education;

19 (c) Has passed the medication aide certification exam approved by the
20 national council of state boards of nursing or other nationally recog-
21 nized nursing testing organization; and

22 (d) Has paid applicable fees.

23 (2) The board shall not require the examination required in paragraph
24 (1) (c) of this section for a person who is registered as a nursing assistant
25 pursuant to paragraph (1) (a) of this section on July 1, 2020.

26 (3) The board shall maintain a public registry of the names and ad-
27 dresses of all certified medication assistants.

28 (4) The board is authorized to impose and collect initial application
29 fees and two (2) year renewal fees, as well as reinstatement fees, and veri-
30 fication of records fees not to exceed, in total, one hundred dollars (\$100),
31 as determined by board rule. Fees collected pursuant to this section shall
32 be deposited in the state board of nursing account.

33 (5) A person may not use the title "certified medication assistant" or
34 the abbreviation "MA-C" unless such person has been duly certified pursuant
35 to this section.

36 (6) A certified MA-C is permitted to administer medications as dele-
37 gated by a licensed nurse.

38 (7) The board shall have the authority to administer discipline as set
39 forth in paragraph (a) of this subsection for any one (1) or a combination of
40 grounds for discipline as set forth in paragraph (b) of this subsection.

41 (a) Disciplinary action by the board shall include:

- 1 (i) Denying certification or recertification, suspending, re-
2 voking, placing on probation, reprimanding, limiting, restrict-
3 ing, conditioning, or accepting the voluntary surrender of a cer-
4 tificate issued pursuant to this section if a certified medication
5 assistant commits an act that constitutes grounds for discipline;
6 (ii) Referring criminal violations of this section to the appro-
7 priate law enforcement agency; and
8 (iii) Imposing a civil penalty of no more than one hundred dollars
9 (\$100) per violation.

10 (b) Grounds for discipline shall include:

- 11 (i) Substance abuse or dependency;
12 (ii) Client abandonment, neglect, or abuse;
13 (iii) Fraud or deceit, which may include but is not limited to:
14 1. Filing false credentials;
15 2. Falsely representing facts on an application for initial
16 certification, renewal, or reinstatement; and
17 3. Giving or receiving assistance in taking the exam re-
18 quired in paragraph (1) (c) of this section.
19 (iv) Boundary violations;
20 (v) Performance of unsafe client care;
21 (vi) Performing acts beyond the range of authorized functions or
22 beyond those tasks delegated under the provisions of this section;
23 (vii) Misappropriation or misuse of property;
24 (viii) Obtaining money or property of a client, resident, or other
25 person by theft, fraud, misrepresentation, or duress committed
26 during the course of employment as a certified medication assis-
27 tant;
28 (ix) Criminal conviction of a misdemeanor that directly relates
29 to or affects the functions of a certified medication assistant or
30 conviction of any felony as set forth in rule;
31 (x) Putting clients at risk of harm; and
32 (xi) Violating the privacy or failing to maintain the confiden-
33 tiality of client or resident information.

34 (8) The board shall comply with the provisions of the Idaho administra-
35 tive procedure act, chapter 52, title 67, Idaho Code, in taking any disci-
36 plinary action against a certified medication assistant and shall maintain
37 records of any such disciplinary action, which records shall be available
38 for public inspection to the same extent as records regarding disciplinary
39 proceedings against nurses and as otherwise consistent with chapter 1, title
40 74, Idaho Code. The assessment of costs and fees incurred in the investiga-
41 tion and prosecution or defense of a certified medication assistant shall be
42 governed by the provisions of section 12-117(5), Idaho Code.

43 (9) The board shall notify the Idaho nursing assistant registry of any
44 disciplinary action taken against a certified medication assistant pursuant
45 to this section.