

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1420

6
7 S.P. 466

In Senate, April 6, 1983

8 Submitted by the Department of Human Services pursuant to Joint Rule
9 24.

10 Referred to the Committee on Health and Institutional Services. Sent
down for concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

11 Cosponsors: Representative Melendy of Rockland and Representative
Pines of Limestone.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Laws Governing the
18 Administration of Medications in Group Home
19 Intermediate Care Facilities for the
20 Mentally Retarded.
21

22 Be it enacted by the People of the State of Maine as
23 follows:

24 Sec. 1. 22 MRSA §42, sub-§1-A, as enacted by PL
25 1977, c. 497, §2, is amended to read:

26 1-A. Administration of medication. The adminis-
27 tration of medication in boarding care facilities,
28 drug treatment centers, day care facilities, chil-
29 dren's homes and nursery schools and group home
30 intermediate care facilities for the mentally
31 retarded shall be in accordance with rules and regu-
32 lations established by the department. In other
33 facilities licensed or approved by the department,
34 excluding those facilities licensed under section
35 1811, other than group home intermediate care facili-

1 ties for the mentally retarded, the department may
2 establish rules and regulations for the administra-
3 tion of medication as it deems necessary. In estab-
4 lishing rules and regulations for each type of facili-
5 ty, the department shall consider, among other fac-
6 tors, the general health of the persons likely to
7 receive medication, the number of persons served by
8 the facility and the number of persons employed at
9 the facility who might be involved in the administra-
10 tion of medication. Any rules and regulations for the
11 administration of medication shall be established in
12 accordance with the administrative code as provided
13 in Maine Administrative Procedure Act, Title 5, chap-
14 ter 375.

15 Sec. 2. 22 MRSA §1812-B, as enacted by PL 1977,
16 c. 497, §3, is amended to read:

17 §1812-B. Hospitals and nursing homes

18 The administration of medication in facilities
19 licensed under section 1811, except group home inter-
20 mediate care facilities for the mentally retarded,
21 may be delegated to unlicensed personnel when such
22 personnel have received appropriate training and
23 instruction and the programs of training and instruc-
24 tion have been approved by the State Board of Nurs-
25 ing. The administration of medication in group home
26 intermediate care facilities for the mentally
27 retarded may be performed by unlicensed personnel
28 when these personnel have received appropriate train-
29 ing and instruction and the programs of training and
30 instruction have been approved by the department.
31 Delegation of the administration of medication shall
32 not require the personal presence of the delegating
33 professional nurse at the place where this service is
34 performed, unless such that personal presence is
35 necessary to assure that medications are safely ad-
36 ministered. The board shall issue such rules and
37 ~~regulations~~ concerning delegation as it deems neces-
38 sary to insure the highest quality of health care to
39 the patient. The department shall issue such rules as
40 it deems necessary to insure the highest quality of
41 health care to residents of group home intermediate
42 care facilities for the mentally retarded.

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STATEMENT OF FACT

Group home intermediate care facilities for the mentally retarded did not exist when Title 22, section 42, subsection 1-A and Title 22, section 1812-B were first enacted. Residents are admitted to group home intermediate care facilities for the mentally retarded only upon certification by a physician that the individual is not in need of nursing care. Daily supervision of group home staff by a licensed nurse is not required. Department of Human Services' regulations require 8 hours each month of licensed nurse consultation for each facility. Federal regulations under the Medicaid program require that these homes continue to be licensed under Title 22, section 1811. This bill removes the requirement of medication training course approval by the State Board of Nursing for personnel in this specific category of facilities and replace it with a requirement of approval by the Department of Human Services, which is appropriate under the circumstances.

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