

IN THE SENATE

SENATE BILL NO. 1262

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO NURSING; AMENDING SECTION 54-1406A, IDAHO CODE, TO REQUIRE THAT  
2 ALL APPLICANTS FOR ORIGINAL CERTIFICATION OR CERTIFICATION REINSTATE-  
3 MENT AS A CERTIFIED MEDICATION ASSISTANT SUBMIT TO A FINGERPRINT-BASED  
4 CRIMINAL HISTORY CHECK AND TO PROVIDE REQUIREMENTS RELATING TO SUCH  
5 CRIMINAL HISTORY CHECK.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 54-1406A, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 54-1406A. CERTIFIED MEDICATION ASSISTANT (MA-C). (1) Effective July  
11 1, 2008, an individual registered as a nursing assistant, without substanti-  
12 ated charges, on the nursing assistant registry currently maintained by the  
13 Idaho department of health and welfare, may, with additional education and  
14 training as set forth in rule as established by the board, become a certified  
15 medication assistant (MA-C) permitted to administer medications as pre-  
16 scribed by an authorized provider within the parameters set forth in rule. A  
17 licensed nurse shall supervise the certified medication assistant.

18 (2) The board shall adopt rules regarding the certification of cer-  
19 tified medication assistants, including rules applicable to education,  
20 training and other qualifications for certification that will ensure that  
21 the certified medication assistant is competent to perform safely within the  
22 range of authorized functions.

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

25 (4) The board is authorized to impose and collect initial application  
26 and two (2) year renewal fees, as well as reinstatement fees, not to exceed  
27 one hundred dollars (\$100), as determined by board rule. Fees collected  
28 pursuant to this section shall be deposited in the state board of nursing  
29 account for the administration of examinations, evaluations and investiga-  
30 tions of applicants, issuance of certifications, evaluation of education  
31 and training programs, duplication and verification of records, and other  
32 administrative expenses.

33 (5) The board shall adopt by rule an application process. ~~and~~

34 (a) The application process shall include conducting a state and fed-  
35 eral criminal background checks on all applicants seeking certifica-  
36 tion pursuant to this section.

37 (b) All applicants for original certification or for certification re-  
38 instatement shall submit to a fingerprint-based criminal history check  
39 of both the Idaho central criminal database and the federal bureau of  
40 investigation criminal history database. All such applicants shall  
41 submit a full set of their fingerprints and any relevant fees directly  
42 to the Idaho board of nursing for forwarding to the appropriate law

1 enforcement agency for processing. Criminal background reports re-  
 2 ceived by the board from the Idaho state police and the federal bureau  
 3 of investigation shall be used only for licensing decisions and handled  
 4 and disposed of in a manner consistent with requirements imposed by the  
 5 Idaho state police and the federal bureau of investigation.

6 (c) Upon meeting all requirements and upon the successful completion of  
 7 additional education, training and competency assessment prescribed by  
 8 rule, an applicant shall be certified as a certified medication assis-  
 9 tant (MA-C).

10 (6) A person may not use the title "certified medication assistant" or  
 11 the abbreviation "MA-C" unless such person has been duly certified pursuant  
 12 to this section.

13 (7) The board shall adopt rules governing the approval of education and  
 14 training programs for certified medication assistants.

15 (8) The board shall set forth in rule criteria for acceptable certified  
 16 medication assistant competency evaluations.

17 (9) (a) For any one (1) or a combination of grounds for discipline as  
 18 set forth in paragraph (b) of this subsection, the board shall have the  
 19 authority to:

20 (i) File a letter of concern if the board believes there is insuf-  
 21 ficient evidence to support direct action against a certified med-  
 22 ication assistant;

23 (ii) Deny certification or recertification, suspend, revoke,  
 24 place on probation, reprimand, limit, restrict, condition or ac-  
 25 cept the voluntary surrender of a certificate issued pursuant to  
 26 this section if a certified medication assistant commits an act  
 27 that constitutes grounds for discipline;

28 (iii) Refer criminal violations of this section to the appropriate  
 29 law enforcement agency;

30 (iv) Impose a civil penalty of not more than one hundred dollars  
 31 (\$100) per violation; and

32 (v) Recover costs of investigation and disciplinary proceedings,  
 33 including attorney's fees.

34 (b) Grounds for discipline shall include:

35 (i) Substance abuse or dependency;

36 (ii) Client abandonment, neglect or abuse;

37 (iii) Fraud or deceit, which may include, but is not limited to:

38 (A) Filing false credentials;

39 (B) Falsely representing facts on an application for ini-  
 40 tial certification, renewal or reinstatement; and

41 (C) Giving or receiving assistance in taking the competency  
 42 evaluation;

43 (iv) Boundary violations;

44 (v) Performance of unsafe client care;

45 (vi) Performing acts beyond the range of authorized functions or  
 46 beyond those tasks delegated under the provisions of this section;

47 (vii) Misappropriation or misuse of property;

48 (viii) Obtaining money or property of a client, resident or other  
 49 person by theft, fraud, misrepresentation or duress committed

1           during the course of employment as a certified medication assis-  
2           tant;  
3           (ix) Criminal conviction of a misdemeanor that directly relates  
4           to or affects the functions of a certified medication assistant or  
5           conviction of any felony as set forth in rule;  
6           (x) Failure to conform to the standards of a certified medication  
7           assistant;  
8           (xi) Putting clients at risk of harm; and  
9           (xii) Violating the privacy or failing to maintain the confiden-  
10          tiality of client or resident information.  
11          (10) The board shall comply with the provisions of the Idaho administra-  
12          tive procedure act, chapter 52, title 67, Idaho Code, in taking any disci-  
13          plinary action against a certified medication assistant and shall maintain  
14          records of any such disciplinary action, which records shall be available  
15          for public inspection to the same extent as records regarding disciplinary  
16          proceedings against nurses and as otherwise consistent with chapter 3, title  
17          9, Idaho Code.  
18          (11) The board shall notify the Idaho nursing assistant registry of any  
19          disciplinary action taken against a certified medication assistant pursuant  
20          to this section.