

VIRGINIA ACTS OF ASSEMBLY -- 2009 RECONVENED SESSION

CHAPTER 837

An Act to amend and reenact § 54.1-3042 of the Code of Virginia, relating to medication aide training programs, to delay enforcement of § 54.1-3041 relating to registration of medication aides, and to temporarily amend the provisions of subsection L of § 54.1-3408.

[S 1032]

Approved April 8, 2009

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3042 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3042. Application for registration by competency evaluation.

A. Every applicant for registration as a medication aide by competency evaluation shall pay the required application fee and shall submit written evidence that the applicant:

1. Has not committed any act that would be grounds for discipline or denial of registration under this article; ~~and~~

2. ~~Has met the criteria for registration including successful completion of an education or training program approved by the Board.~~ *Has successfully completed a staff training program in direct care approved by the Department of Social Services or an approved nurse aide education program;*

3. *Has successfully completed an education or training program approved by the Board that shall include one of the following:*

a. *A medication aide education or training program approved by the Board that shall be 68 hours combined classroom instruction and clinical skills practice curriculum; or*

b. *A nursing education program preparing for registered nurse or practical nurse licensure; and*

4. *Has successfully completed a competency evaluation consisting of both a clinical evaluation of minimal competency and a written examination as specified by the Board.*

B. The Board shall (i) make the written examination available in both electronic and non-electronic format, (ii) provide sufficient locations for the administration of any written examination required for registration under this section, to ensure adequate access to the written examination for all applicants, (iii) establish a procedure pursuant to which an examination shall be offered at or near the location of an education or training course, upon the request of five or more applicants, provided that the security of the examination and the integrity of the administration of the examination are ensured and that any additional costs are born by the requesting applicants, and (iv) provide written notice to applicants of the results of any competency examination completed by the applicants within seven days of completion of the examination.

C. Any applicant under this section who has provided to the Board evidence of successful completion of the education or training course required for registration may act as a medication aide on a provisional basis for no more than 120 days before successfully completing any required competency evaluation. However, upon notification of failure to successfully complete the written examination after three attempts, an applicant shall immediately cease acting as a medication aide.

D. Any applicant under this section who shall apply by endorsement from any state or the District of Columbia that requires registration of medication aides who has met the requirements of registration in such jurisdiction may be deemed eligible to sit for the competency evaluation required pursuant to this section, subject to approval of the Board.

2. That, notwithstanding the provisions of the fourth enactments of Chapters 924 and 610 of the Acts of Assembly of 2005, the provisions of § 54.1-3041 of the Code of Virginia that require medication aides to be registered by the Board of Nursing shall not be enforced until August 1, 2009.

3. That the Board shall convene a task force to review and revise as necessary the curriculum for education and training of medication aides. The task force shall complete its work and present its recommendations to the Board no later than March 31, 2009. Any changes to the curriculum shall be implemented and available no later than May 1, 2009.

4. That until August 1, 2009, the Board of Nursing shall accept as evidence of successful completion of the education and training requirement pursuant to subsection A of § 54.1-3042 of the Code of Virginia evidence of completion of an abbreviated course submitted by any applicant under this section who has at least one year of employment experience as a medication aide and that such abbreviated course shall only be available to applicants who met this minimum employment experience requirement in an assisted living facility on December 31, 2008.

5. That, notwithstanding the provisions of § 54.1-3408, any person may, until August 1, 2009, administer drugs that would normally be self-administered to residents of an assisted living facility licensed by the Department of Social Services when the person (i) has satisfactorily completed a

training program for the administration of such drugs which is approved by the Board of Nursing, and (ii) administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping.

6. That the provisions of this Act are effective retroactive to December 31, 2008, and an emergency exists and this act is in force from its passage.