

CHAPTER 83
FORMERLY
HOUSE BILL NO. 111
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITED LAY ADMINISTRATION OF MEDICATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1902, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1902 Definitions.

~~(e) "Assistance with medications" means a situation where a designated care provider functioning in a setting authorized by § 1921 of this title, who has taken a Board approved medication training program, or a designated care provider who is otherwise exempt from the requirement of having to take the Board approved self-administration with medication training programs, assists the patient in the self-administration of a medication other than by injection, provided that the medication is in the original container, with a proper label and directions. The designated care provider may hold the container for the patient, assist with the opening of the container and assist the patient in taking the medication.~~

(h) "Limited Lay Administration of Medications (LLAM)" means a process by which LLAM trained unlicensed assistive personnel, functioning in a setting authorized by §1932 of this title, gives a prescribed medication to clients/patients/residents/students as ordered by a licensed practitioner authorized to prescribe medications or gives a nonprescription medication pursuant to the Delacare regulations.

(i) "LLAM trained unlicensed assistive personnel (UAP)" means an individual who has successfully completed the Board of Nursing approved LLAM course, including the core course and any program specific specialized training modules required.

Section 2. Amend §1921, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1921 Applicability of chapter.

(a) This chapter shall not apply to the following situations:

~~(10) Residential child care facilities regulated by the State under Title 31 where designated child care providers, who have successfully completed a Board approved medication training program, assist children in the taking of medication, other than by injection, provided that the medication is in the original container, properly labeled. An annual report by the Administrator of the Program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on "Assistance with Self Administration";~~

(10) Administration of prescription or nonprescription medications, other than by injection, by child care providers who have successfully completed a state-approved medication training program, to children in child care homes or child care centers regulated by the State under §§ 341-344 of Title 31; provided the medication and written permission for the administration of the particular medication has been obtained from the child's parent or legal guardian and further provided the medication is in its original container, properly labeled. Properly labeled medication shall include instructions for administration of the medication;

~~(12) Foster homes, group homes or adult day habilitation centers for individuals who are developmentally disabled regulated by the State under Chapter 55 of Title 16 where designated care providers, who have successfully completed a Board approved medication training program, assist developmentally disabled clients in the taking of medication, other than by injection, provided that the medication is in the original container, properly labeled. An annual report by the Administrator of the Program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on "Assistance with Self Administration";~~

~~(13)~~ (11) Nursing services rendered by a graduate of a State Board of Nursing approved school of professional or practical nursing working under supervision, pending results of the first licensing examination. The Board shall establish the procedure and extent to which subsequent examinations may be taken and the length of time and the character of nursing service which may be rendered pending subsequent examinations;

~~(14)~~ ~~Group homes for individuals who have psychiatric disabilities regulated by the State under Chapter 11 of Title 16 and other community support programs certified by the Division of Substance Abuse and Mental Health, where designated care providers, who have successfully completed a Board approved medication training program, assist individuals who have psychiatric disabilities in the taking of medication, other than by injection, provided that the medication is in the original container, properly labeled. An annual report by the Administrator of the Program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on "Assistance with Self Administration";~~

~~(15)~~ (12) The practice of any currently licensed registered nurse or licensed practical nurse of another state who provides or attends educational programs or provides consultative services within this State not to exceed 14 days in any calendar year. Neither the education nor consultation may include the provision of patient care, the direction of patient care or the affecting of patient care policies.

~~(16)~~ ~~Assisted living agencies serving elderly persons and adults with physical disabilities regulated by the State under Chapter 11 of Title 16, where designated care providers, who have successfully completed a board approved medication training program, assist individuals residing in licensed assisted living facilities in the taking of medication, other than by injection, provided that the medication is in the original container, and properly labeled. An annual report by the Administrator of the Program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on "Assistance with Self Administration";~~

~~(17)~~ (13) Educators, coaches, or persons hired or contracted by schools serving students in kindergarten through grade 12 who assist students with medications that are self-administered during school field trips and approved school activities outside the traditional school day or off-campus that have completed a Board of Nursing approved training course developed by the Delaware Department of Education;

~~(18)~~ (14) Attendants providing basic and ancillary services defined and regulated by the Department of Health and Social Services in conformity with the Community-Based Attendant Services Act, Chapter 94 of Title 16;

~~(19)~~ (15) A competent individual who does not reside in a medical facility or a facility regulated pursuant to Chapter 11 of Title 16, may delegate to unlicensed persons performance of health care acts, unless of a nature excluded by the Board through regulations, provided:

a. The acts are those individuals could normally perform themselves but for functional limitations;
and

b. The delegation decision is entirely voluntary.

c. Nothing contained herein shall diminish any legal or contractual entitlement to receive health care services from licensed or certified personnel;

~~(20)~~ ~~The providing of assistance with the self administration of medications to residents of group homes established for individuals with AIDS, provided that persons providing such assistance have successfully completed a medication training program approved by the Board. An annual report by the administrator of the program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on "Assistance with Self Administration".~~

(16) The limited lay administration of medications pursuant to § 1932 of this title.
Section 3. Amend Chapter 19, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1932 Limited Lay Administration of Medications.

(a) Individuals who have successfully completed a Board-approved limited lay administration of medications training program may administer prescription or nonprescription medications to patients/residents/clients in the following settings:

(1) Residential child care facilities and Day Treatment Programs regulated by the State under Title 31.

(2) All residential or day services for persons with intellectual disabilities regulated by the State under Chapter 79 of Title 29 and Chapter 11 of Title 16.

(3) Group homes for persons with psychiatric disabilities regulated by the State under Chapter 11 of Title 16 and other community support programs certified by the Division of Substance Abuse and Mental Health.

(4) Assisted living facilities regulated by the State under Chapter 11 of Title 16.

(5) Group homes established for persons with AIDS regulated by the State under Chapter 11 of Title 16.

(b) Medications must be in the original container and properly labeled.

(c) An annual report to the Board of Nursing, on a form developed by the Board of Nursing, must be submitted no later than August 1 of each year indicating compliance with the guidelines as set forth in the approved LLAM training program.

Approved July 10, 2015