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HOUSE BILL 474
Committee Substitute Favorable 4/26/11
Third Edition Engrossed 4/28/11
Senate Health Care Committee Substitute Adopted 5/12/11

Short Title: Protect Adult Care Home Residents.

(Public)

Sponsors:

Referred to:

March 28, 2011

A BILL TO BE ENTITLED

AN ACT TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES, STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS, AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL STANDARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131D-4.5(1) reads as rewritten:

"(1) Establishing minimum medication administration standards for adult care homes. The rules shall include the minimum staffing and training requirements for medication aides and standards for professional supervision of adult care homes' medication controls. The requirements shall (i) include compliance with G.S. 131D-4.5B and (ii) be designed to reduce the medication error rate in adult care homes to an acceptable level. The requirements shall include, but need not be limited to, all of the following:

- a. Training for medication aides, including periodic refresher training.
- b. Standards for management of complex medication regimens.
- c. Oversight by licensed professionals.
- d. Measures to ensure proper storage of medication."

SECTION 2. G.S. 131D-4.5(3) reads as rewritten:

"(3) Establishing minimum training and education qualifications for supervisors in adult care homes and specifying the safety responsibilities of supervisors. The minimum training qualifications shall include compliance with G.S. 131D-4.5C."

SECTION 3. Article 1 of Chapter 131D of the General Statutes is amended by adding two new sections to read:

§ 131D-4.4A. Adult care home infection prevention requirements.

(a) As used in this section, "adult care home staff" means any employee of an adult care home involved in direct resident care.

(b) In order to prevent transmission of HIV, hepatitis B, hepatitis C, and other bloodborne pathogens, each adult care home shall do all of the following, beginning January 1, 2012:



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- 1 (1) Implement a written infection control policy consistent with the federal
2 Centers for Disease Control and Prevention guidelines on infection control
3 that addresses at least all of the following:
4 a. Proper disposal of single-use equipment used to puncture skin,
5 mucous membranes, and other tissues, and proper disinfection of
6 reusable patient care items that are used for multiple residents.
7 b. Sanitation of rooms and equipment, including cleaning procedures,
8 agents, and schedules.
9 c. Accessibility of infection control devices and supplies.
10 d. Blood and bodily fluid precautions.
11 e. Procedures to be followed when adult care home staff is exposed to
12 blood or other body fluids of another person in a manner that poses a
13 significant risk of transmission of HIV, hepatitis B, hepatitis C, or
14 other bloodborne pathogens.
15 f. Procedures to prohibit adult care home staff with exudative lesions or
16 weeping dermatitis from engaging in direct resident care that
17 involves the potential for contact between the resident, equipment, or
18 devices and the lesion or dermatitis until the condition resolves.
19 (2) Require and monitor compliance with the facility's infection control policy.
20 (3) Update the infection control policy as necessary to prevent the transmission
21 of HIV, hepatitis B, hepatitis C, and other bloodborne pathogens.
22 (4) Designate one on-site staff member for each noncontiguous facility who is
23 knowledgeable about the federal Centers for Disease Control and Prevention
24 guidelines on infection control to direct the facility's infection control
25 activities and ensure that all adult care staff is trained in the facility's
26 infection control policy. Beginning October 1, 2013, any nonsupervisory
27 staff member designated to direct the facility's infection control activities
28 shall complete the infection control course developed by the Department
29 pursuant to G.S. 131D-4.5C.

30 **"§ 131D-4.4B. Guidelines for reporting suspected communicable disease outbreaks.**

31 The Department shall develop guidelines prescribing the manner in which an adult care
32 home is to report a suspected communicable disease outbreak within the facility to the local
33 health department."

34 **SECTION 4.** G.S. 131D-2.11(a) reads as rewritten:

35 "(a) State Inspection and Monitoring. – The Department shall ensure that adult care
36 homes required to be licensed by this Article are monitored for licensure compliance on a
37 regular basis. All facilities licensed under this Article and adult care units in nursing homes are
38 subject to inspections at all times by the Secretary. The Division of Health Service Regulation
39 shall inspect all adult care homes and adult care units in nursing homes on an annual basis.
40 Beginning July 1, 2012, the Division of Health Service Regulation shall include as part of its
41 inspection of all adult care homes a review of the facility's compliance with G.S. 131D-4.4A(b)
42 and safe practices for injections and any other procedures during which bleeding typically
43 occurs. In addition, the Department shall ensure that adult care homes are inspected every two
44 years to determine compliance with physical plant and life-safety requirements."

45 **SECTION 5.** Article 1 of Chapter 131D of the General Statutes is amended by
46 adding two new sections to read:

47 **"§ 131D-4.5B. Adult care home medication aides; training and competency evaluation**
48 **requirements.**

49 (a) By January 1, 2012, the Division of Health Service Regulation shall develop a
50 mandatory, annual in-service training program for adult care home medication aides on
51 infection control, safe practices for injections and any other procedures during which bleeding

1 typically occurs, and glucose monitoring. Each medication aide who successfully completes the
2 in-service training program shall receive partial credit, in an amount determined by the
3 Department, toward the continuing education requirements for adult care home medication
4 aides established by the Commission pursuant to G.S. 131D-4.5.

5 (b) Beginning October 1, 2013, an adult care home is prohibited from allowing staff to
6 perform any unsupervised medication aide duties unless that individual has previously worked
7 as a medication aide during the previous 24 months in an adult care home or successfully
8 completed all of the following:

9 (1) A five-hour training program developed by the Department that includes
10 training and instruction in all of the following:

11 a. The key principles of medication administration.

12 b. The federal Centers for Disease Control and Prevention guidelines on
13 infection control and, if applicable, safe injection practices and
14 procedures for monitoring or testing in which bleeding occurs or the
15 potential for bleeding exists.

16 (2) A clinical skills evaluation consistent with 10A NCAC 13F .0503 and 10A
17 NCAC 13G .0503.

18 (3) Within 60 days from the date of hire, the individual must have completed the
19 following:

20 a. An additional 10-hour training program developed by the
21 Department that includes training and instruction in all of the
22 following:

23 1. The key principles of medication administration.

24 2. The federal Centers of Disease Control and Prevention
25 guidelines on infection control and, if applicable, safe
26 injection practices and procedures for monitoring or testing in
27 which bleeding occurs or the potential for bleeding exists.

28 b. An examination developed and administered by the Division of
29 Health Service Regulation in accordance with subsection (c) of this
30 section.

31 (c) By October 1, 2012, the Division of Health Service Regulation shall develop and
32 administer an examination for individuals seeking employment as a medication aide in an adult
33 care home.

34 "**§ 131D-4.5C. Adult care home supervisors; infection control training requirements.**

35 By December 1, 2011, the Department shall develop a mandatory, annual course for adult
36 care home supervisors on federal Centers for Disease Control and Prevention guidelines on
37 infection control. Each supervisor that successfully completes the mandatory infection control
38 course shall receive credit, in an amount determined by the Department, toward the continuing
39 education requirements for adult care home supervisors established by the Commission
40 pursuant to G.S. 131D-4.5."

41 **SECTION 6.** This act is effective when it becomes law.