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House Bill 4885 (Substitute H-1 as passed by the House)
House Bill 4923 (as passed by the House)
Sponsor: Representative Donovan McKinney (H.B. 4885)
Representative Joseph Aragona (H.B. 4923)
House Committee: Regulatory Reform
Senate Committee: Health Policy

Date Completed: 11-7-23

INTRODUCTION

The bills would require the Department of Licensing and Regulatory Affairs (LARA) to administer a medication aide training and permit program. They would allow LARA to grant registrations to practice as a medication aide if the applicant met specified requirements, such as holding a registration to engage in practice as a nurse aide and having worked as such in a nursing home or skilled nursing facility for at least 2,000 hours in the two prior years. They would allow LARA to grant a permit as a medication aide training program to an applicant if the applicant demonstrated that the curriculum was consistent with other medication aide training programs, among other requirements. The Department also could grant registration to out-of-State applicants if certain requirements were met. Additionally, the bills would prescribe initial and biennial registration fees as provided in the table below, and they would increase registration fees for nurse aids and nurse aid trainers.

Registration or Permit	Initial and Biennial Renewal Fee
Medication aide	\$64
Medication aide trainer	\$80
Medication aide training program (per site)	\$500
Examination fee	\$125

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on LARA. House Bill 4885 (H-1) would require LARA to establish and administer registration, training, and permit programs for medication aides and medication aide trainers. The amount of revenue generated by the new fees would depend on the number of individuals who register or apply for a permit. The bill also would increase the registration and permit fees for nurse aides and nurse aide trainers from \$20 to \$30 and \$40 to \$50, respectively.

The name of the Nurse Aide Registration Fund would change to the "Nurse Aide and Medication Aide Registration Fund." Revenue from fees would be deposited into the Fund and used for the regulation and administration of the nurse aide and medication aide programs. It is unclear if these fee levels would be sufficient to fully cover the costs of the new programs and related regulatory activities; it is possible that one or more additional FTEs would be required. The average cost of an FTE is approximately \$137,500 per year. Promulgation of rules related to the bill would be sufficiently funded by existing appropriations.

MCL 333.21907 et al. (H.B. 4885)
MCL 333.21903 & 333.21905 (H.B. 4923)

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CONTENT

House Bill 4885 (H-1) would amend Part 219 (Nurse Aide Training and Registration Program) of the Public Health Code to do the following:

- **Require LARA to administer a medication aide training and permit program as established in rules promulgated by LARA.**
- **Rename the "Nurse Aide Registration Fund" as the "Nurse Aide and Medication Aide Registration Fund".**
- **Modify certain rulemaking provisions.**
- **Prohibit an individual from engaging in practice as a medication aide unless the individual held a registration to engage in that practice.**
- **Prohibit a person from offering a medication aide training program or providing training or instruction to a medication aide candidate unless the person held a permit to offer that training program or provide that training or instruction.**
- **Allow LARA to grant a registration to engage in practice as a medication aide or a permit as a medication aide trainer or a medication aide training program if certain requirements were met.**
- **Require LARA to grant a registration to an out-of-State applicant if specified requirements were met.**
- **Prescribe initial and renewal application fees for a registration to practice as a medication aide and for a permit to conduct training or instruction of a medication aide candidate.**

House Bill 4923 would amend Part 219 of the Public Health Code to define terms used in House Bill 4885 (H-1).

The bills are tie-barred, and each bill would take effect 90 days after its enactment.

House Bill 4923

"Medication aide" would mean a nurse aide who holds a registration to engage in practice as a medication aide. A medication aide would not be a health professional licensed under Article 15 (Occupations), a registered dietitian, or someone who volunteered to provide nursing or nursing-related services without pay.

"Medication aide trainer" would mean an individual who holds a permit to provide training to a medication aide candidate who is enrolled in a medication aide training program.

"Medication aide training program" would mean an instructional program provided at a qualified educational institution that prepares a nurse aide with the knowledge and ability to engage in practice as a medication aide and that is offered by a person who holds a permit. As used in this term, "qualified education institution" would mean a degree- or certificate- granting public or private college or university, junior college, or community college.

"Practice as a medication aide" would mean administering regularly scheduled medications to residents of a nursing home or skilled nursing facility while under the supervision of a registered professional nurse licensed under Article 15 (Occupations). Practice as a medication aide would not be the practice of nursing as that term is defined in Section 17201 and would not include administering controlled substances, administering medications in injectable forms, the initial administration of

medications, or the administration of as needed medications including pro re nata medications.¹

House Bill 4885 (H-1)

Department Requirements

Part 219 of the Code requires LARA to administer a nurse aide training and registration program in the State in conformance with Part 219, 42 USC 1396r, and 42 CFR Part 483 and 488. The bill would refer to "nurse aide training and *permit* program".

Additionally, the bill would require LARA to administer a medication aide training and permit program as established in rules promulgated by LARA.

Part 219 prescribes certain initial and renewal fees for a registration to practice as a nurse aide and a permit to conduct training or instruction of a nurse aide candidate. Under the bill, the fees prescribed in Part 219 would be payable to LARA or its contractor when an application for an initial or renewal registration or permit was submitted to the Department. If an application for registration or permit were denied, or if a registration or permit were revoked before its expiration date, LARA could not refund the fees paid to the Department.

Nurse Aide Permit & Registration Renewal

Part 219 specifies that a registration or permit is renewable if the applicant pays the prescribed fee, submits an application for renewal to LARA on a form and in a manner LARA prescribes, and demonstrates to LARA that the applicant has met the requirements for renewal in promulgated rules. Under the bill, the promulgated rules would include any requirement for the successful completion of continuing education.

Additionally, the bill would increase the biennial fee for an applicant for registration to practice as a nurse aide or a permit to conduct training or instruction of a nurse aide candidate, or renewal of a that registration or a permit, to the following biennial fees:

- Increase, from \$20 to \$30, for a nurse aide.
- Increase, from \$40 to \$50, for a nurse aide trainer.

Medication Aides

The bill would add Section 21920 to Part 219, which would prohibit an individual from engaging in practice as a medication aide unless the medication aide held a registration to engage in practice as a medication aide.

A person could not offer a medication aide training program or provide training or instruction to a medication aide candidate unless the person held a permit to offer that training program or provide that training or instruction.

The Department could grant a registration to engage in practice as a medication aide to an applicant who met all the following requirements:

¹ Under Section 17021, "practice of nursing" means the systematic application of substantial specialized knowledge and skill, derived from the biological, physical, and behavioral sciences, to the care, treatment, counsel, and health teaching of individuals who are experiencing changes in the normal health processes or who require assistance in the maintenance of health and the prevention or management of illness, injury, or disability.

- Submitted an application on a form and in a manner prescribed by LARA.
- Paid the prescribed fee.
- Demonstrated to LARA that the applicant held a current registration to engage in practice as a nurse aide and that the applicant had worked as a nurse aide in a nursing home or skilled nursing facility for at least 2,000 hours during the two-year period immediately preceding the date of the application.
- Demonstrated to LARA that the applicant had successfully completed a medication aide training program and a competency examination approved by the Department.
- Met the requirements for registration in rules promulgated under the Code.

The Department could grant a permit as a medication aide trainer to an applicant who met all the following requirements:

- Submitted an application on a form and in a manner prescribed by LARA.
- Paid the prescribed fee.
- Was a registered professional nurse licensed under Article 15 who met the requirements for a permit in rules promulgated under the Code.

The Department could grant a permit as a medication aide training program to an applicant that met all the following requirements:

- Submitted an application on a form and in a manner prescribed by LARA.
- Paid the prescribed fee.
- Met the requirements for a permit in rules promulgated under the Code.
- Demonstrated to LARA that the applicant's curriculum was consistent with other medication aide training programs, as provided by rules promulgated by the Department under Part 219; however, a medication aide training program would have to incorporate the National Council of State Boards of Nursing medication assistant-certified model curriculum.

The Department could grant registration to an applicant who was from another state if the applicant demonstrated to the Department that the applicant had successfully completed a medication aide training program from Indiana, Ohio, or Wisconsin, and the applicant passed a LARA-approved competency examination.

If a medication aide did not renew the registration, the medication aide could not engage in practice as a medication aide until the registration was renewed by the Department. If a medication aide trainer did not renew the permit, the medication aide trainer could not provide training to a nurse aide candidate until the permit was renewed by the Department. If an individual did not renew its permit as a medication aide training program, it could not provide instruction to a medication aide candidate until the permit was renewed by the Department.

An applicant for registration to practice as a medication aide or a permit to conduct training or instruction of a medication aide candidate, or renewal of that registration or permit, would have to pay the fees in the table below.

Registration or Permit	Initial and Biennial Renewal Fee
Medication aide	\$64
Medication aide trainer	\$80
Medication aide training program (per site)	\$500
Examination fee	\$125

Rulemaking

Currently, the Code allows LARA to promulgate and enforce rules to implement Part 219. The rules may include rules establishing requirements for surveying a nurse aide training program, investigating allegations against a nurse aide in a health facility or agency or another setting where a nurse aide engages in the practice as a nurse aide, investigating allegations against a nurse aide trainer or nurse aide training program, and enforcing Part 219. The rules also may establish eligibility requirements to renew a registration or permit under Part 219, competency requirements, and examination requirements for registration. Rules promulgated under Part 219 that are applicable to health facilities or agencies must be uniform to the extent as is reasonable.

Instead, under the bill, LARA could promulgate and enforce rules to implement Part 219. The rules could include the following:

- Requirements for surveying a nurse aide training.
- Requirements for investigating allegations against a nurse aide and taking action against the nurse aide.
- Requirements for investigating allegations and taking action against a nurse aide trainer or nurse aide training program.
- Requirements for enforcing Part 219.
- Eligibility requirements to grant and renew a registration or permit under Part 219.
- Competency requirements.
- Examination requirements for registration.
- Requirements for renewal.
- Requirements for surveying a medication aide training program, requirements for investigating allegations against a medication aide in a nursing home or skilled nursing facility where a medication aide engaged in the practice of a medication aide and taking action against a medication aide, and requirements for investigating allegations and taking action against a medication aide trainer or medication aide training program.

Rules promulgated under Part 219 that were applicable to nursing homes or skilled nursing facilities would have to be uniform to the extent reasonable.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bills are similar to House Bill 4316 from the 2021-2022 Legislative Session. House Bill 4316 passed the House and was reported from the Senate Committee on Health Policy and Human Services but received no further action.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.