



**Testimony of Patricia O'Brien**  
**Board President, Home Care Alliance of Massachusetts**  
**Before Joint Committee on Public Health**  
**On**  
**Senate Bill 860**  
*An Act Relative to Home Health Aides*

Chairwoman Fargo, Chairman Sanchez, and Members of the Joint Committee on Public Health, I want to thank you for the opportunity to testify in support of Senate Bill 860, *An Act to Relative to Home Health Aides*. My name is Patricia O'Brien. I serve as Executive Director of Hebrew Senior-Life Home Health Care in Canton, I am a registered nurse of 25 years, and I serve as Board President for the Home Care Alliance of Massachusetts.

The legislation before you would increase the efficiency and availability of home care at a time when the proportion of elderly in our population, including those who will need and want to be cared for at home, is drastically increasing. By responsibly refining the Massachusetts Nurse Practice Act, Senate Bill 860 would allow appropriate nurse delegation practices to include assignment and supervision of medication administration by home health aides in the home setting.

This bill permits the administration of certain medications - *in the home setting only* - to a home health patient by a trained and certified home health aide. Before this would occur, the home health agencies would need to provide training, certify competency skills and establish documentation protocols according to the nurse delegation model developed by the National Council of State Nursing Boards. Such regulations, according to the bill, will be drafted by the Board of Registration in Nursing in collaboration with the state's Department of Public Health and with nursing input.

While this is a creative solution to removing existing barriers that obstruct home health patients from getting better care, this bill, while progressive, is by no means unusual. In 1987, Oregon – a state that has been cited as a model for progressive community care policies - amended their nurse practice act to allow the delegation of tasks previously performed only in the home by home care nurses to unlicensed persons. Other amendments in that state have come in the two decades since as the program, and care delivery, has evolved. Washington also allows similar nurse delegation while New Jersey is currently running a statewide pilot program. ***The decision by the Home Care Alliance Board of Directors to recommend that the Nurse Practice Act be amended in Massachusetts has itself evolved cautiously and from closely studying need, practice and procedures put in place by these states.***

The bill before you was drafted in consultation with, and the support of, many other groups involved in efforts to implement our state's Community First policy. The

Alliance has presented this legislation to Massachusetts professional nursing organizations and we envision that, should this bill become law, all those groups will be actively engaged in drafting comprehensive regulations for the delegation process and the training of aides. Again, I remind you that have good models for such regulations from other states, some of which are attached to my testimony.

Results of a study on the issue, mandated by the Washington State Legislature said that there was more nurse involvement in care and less unlicensed and unregulated practice with nurse delegation. The study continued to state that “Rather than bring higher risk tasks into the settings, Nurse Delegation has actually enhanced the quality and intensity of supervision.”

In considering the merits of Senate Bill 860, the Committee should know that:

- This bill is proactive in recognizing the need to expand our abilities to provide care at home for an increasing population of elders with a shortage in the healthcare workforce
- This bill is intended to assure that nurses who are uniquely qualified to promote the health of home health patients are closely involved in the administration of medication. It is the individual nurse who remains responsible for determining, according to the stability of the patient and the competency of the aide, the appropriateness of delegating.
- This model is in keeping with the endorsed policy of the American Nurse Association and the National Council of State Nursing Boards, who jointly stated “There is more nursing to do than there are nurses to do it...More than ever, nurses need to work effectively with assistive personnel. The abilities to delegate, assign, and supervise are critical competencies for the 21<sup>st</sup> century nurse.”

The Home Care Alliance is committed to ensuring that home health patients in Massachusetts are getting quality home health care services in an efficient manner so that they can remain independent in their homes and communities. This sensible and responsible amendment to the state’s nurse practice will enhance that quality of care so home health patients can remain where they are most comfortable.

Patricia O’Brien  
Board of Directors President  
Home Care Alliance of Massachusetts