

45:11-45

LEGISLATIVE HISTORY CHECKLIST
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(Home Health Care)

NJSA: 45:11-45

LAWS OF: 1997 **CHAPTER:** 66

BILL NO: A2130

SPONSOR(S): Wright and others

DATE INTRODUCED: June 3, 1996

COMMITTEE: **ASSEMBLY:** Health
SENATE: Health

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** September 26, 1996
SENATE: February 20, 1997

DATE OF APPROVAL: April 7, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[Second Reprint]
ASSEMBLY, No. 2130

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblywomen WRIGHT, VANDERVALK, Assemblymen
Asselta, Garrett and Felice

1 AN ACT concerning home health care and supplementing P.L.1991,
2 c.377 (C. 45:11-45 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Notwithstanding the provisions of any other law to the contrary,
8 a home health care agency licensed pursuant to P.L.1971, c.136
9 (C.26:2H-1 et seq.)², a health care service firm registered pursuant to
10 N.J.A.C.13:45B-14.1 et seq., a Medicare-certified hospice program²
11 or ²**[its] the²** employees ²of the agency, firm or program² who are
12 registered professional nurses may purchase, store or transport for the
13 purpose of administering to their home health patients the following
14 noncontrolled drugs: sterile saline solution, sterile water,
15 adrenalin/epinephrine, ¹**[benedryl, and]** diphenhydramine
16 hydrochloride,¹ heparin flush solution and ¹any other noncontrolled
17 drug approved by the New Jersey Board of Nursing, in consultation
18 with the State Board of Medical Examiners and the New Jersey Board
19 of Pharmacy¹. Such drugs shall only be administered pursuant to ¹**[a**
20 **standing order]** protocols utilized¹ by a health care professional
21 licensed to prescribe drugs in New Jersey.

22 The New Jersey Board of Nursing, in consultation with the ¹State
23 Board of Medical Examiners and the¹ New Jersey Board of Pharmacy,
24 may adopt rules and regulations establishing minimum standards for
25 the purchase, storage, handling, use and disposal of such drugs
26 pursuant to this act.

27

28 2. This act shall take effect on the 60th day after enactment.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted June 20, 1996.

² Senate SHH committee amendments adopted November 7, 1996.

1

2

3 Allows home health care agencies to possess and administer certain
4 noncontrolled prescription drugs.

ASSEMBLY, No. 2130

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblywomen WRIGHT, VANDERVALK, Assemblymen
Asselta and Garrett

1 AN ACT concerning home health care and supplementing P.L.1991,
2 c.377 (C. 45:11-45 et seq.).

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Notwithstanding the provisions of any other law to the
8 contrary, a home health care agency licensed pursuant to P.L.1971,
9 c.136 (C.26:2H-1 et seq.) or its employees who are registered
10 professional nurses may purchase, store or transport for the purpose
11 of administering to their home health patients the following
12 noncontrolled drugs: sterile saline solution, sterile water,
13 adrenalin/epinephrine, benedryl and heparin flush solution. Such drugs
14 shall only be administered pursuant to a standing order by a health care
15 professional licensed to prescribe drugs in New Jersey.

16 The New Jersey Board of Nursing, in consultation with the New
17 Jersey Board of Pharmacy, may adopt rules and regulations
18 establishing minimum standards for the purchase, storage, handling,
19 use and disposal of such drugs pursuant to this act.

20
21 2. This act shall take effect on the 60th day after enactment.

22
23
24 STATEMENT

25
26 This bill would permit home health agency nurses to carry various
27 noncontrolled prescription drugs without a specific patient
28 prescription. These drugs include sterile saline solution, sterile water,
29 adrenalin/epinephrine, benedryl and heparin flush solution which are
30 often needed by home care nurses for both routine and emergency use.
31 The bill would enable home health agencies to stock such medications
32 and allow their nurses to carry and use them in situations where a
33 health care professional has prescribed their use. Several states,
34 including New Hampshire, Connecticut, Massachusetts, Maine, Texas,

1 Michigan, Arkansas, California and New Mexico, have passed similar
2 legislation permitting home health agency nurses to carry saline
3 solution and sterile water.

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8 Allows home health care agencies to possess and administer certain
9 noncontrolled prescription drugs.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2130

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1996

The Assembly Health Committee reports favorably Assembly Bill No.2130 with committee amendments.

As amended by the committee, this bill would permit a home health care agency or its employees who are registered professional nurses to carry various noncontrolled prescription drugs without a specific patient prescription. These drugs include sterile saline solution, sterile water, adrenalin/epinephrine, diphenhydramine hydrochloride and heparin flush solution, which are often needed by home care nurses for both routine and emergency use. The bill would enable home health care agencies to stock such medications and allow their nurses to carry and use them in situations where a health care professional has prescribed their use.

Several states, including New Hampshire, Connecticut, Massachusetts, Maine, Texas, Michigan, Arkansas, California and New Mexico, have passed similar legislation permitting home health care agency nurses to carry saline solution and sterile water.

The committee amendments substitute the generic term, "diphenhydramine hydrochloride" for "benedryl." The latter is the trade name for an antihistamine used to treat allergic conditions, such as hay fever and rhinitis, and in cough mixtures.

The amendments also permit registered professional nurses who are employed by home health care agencies to carry and use, in addition to those noncontrolled drugs specified in the bill, other noncontrolled drugs approved by the New Jersey Board of Nursing, in consultation with the State Board of Medical Examiners and the New Jersey Board of Pharmacy.

The amendments further provide that the drugs covered by the bill are to be administered pursuant to protocols utilized, rather than a standing order, by a health care professional licensed to prescribe drugs in New Jersey.

Finally, the amendments require that the Board of Nursing consult with the Board of Medical Examiners, as well as the Board of Pharmacy, in establishing minimum standards for the purchase, storage, handling, use and disposal of the specified drugs covered by this bill.

SENATE HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2130

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 1996

The Senate Health Committee reports favorably Assembly Bill No. 2130 (1R) with committee amendments.

As amended by committee, this bill would permit a licensed home health care agency, registered health care service firm or Medicare-certified hospice program, or the agency, firm or program's employees who are registered professional nurses to carry various noncontrolled prescription drugs without a specific patient prescription. These drugs include sterile saline solution, sterile water, adrenalin/epinephrine, diphenhydramine hydrochloride and heparin flush solution, which are often needed by home care nurses for both routine and emergency use. The bill would enable home health care agencies and health care service firms to stock such medications and allow their nurses to carry and use them in situations where a health care professional has prescribed their use.

Several states, including New Hampshire, Connecticut, Massachusetts, Maine, Texas, Michigan, Arkansas, California and New Mexico, have passed similar legislation permitting home health care nurses to carry saline solution and sterile water.

The committee amended the bill to include health care service firms and Medicare-certified hospice programs, as well as home health care agencies, under the provisions of the bill. Health care service firms are registered by the Division of Consumer Affairs in the Department of Law and Public Safety. These firms employ individuals, including registered professional nurses, for the purpose of assigning the employed individuals to provide health care services either directly in the home or at a caregiving facility. Medicare-certified hospice programs also employ registered professional nurses who provide care to patients in their homes.

As amended, this bill is identical to Senate Bill No. 1518 (SCA)(Sinagra), which the committee also reported favorably on this date.