

*****Proposed Revisions - September 18, 2023*****

5123:2-6-01 5123-6-01 Definitions of terms used in Chapter 5123:2-6 5123-6 of the Administrative Code.

The following definitions ~~shall~~ apply to this chapter:

- (A) "Adult services" has the same meaning as in section 5126.01 of the Revised Code.
- (B) "Annually" means within a three hundred sixty-five-day span of time.
- (C) "Business day" means a day of the week, excluding Saturday, Sunday, or a legal holiday as defined in section 1.14 of the Revised Code.
- (D) "Certified home and community-based services provider" means a person or government entity certified under section 5123.045 of the Revised Code.
- (E) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code.
- (F) "Contact hour" has the same meaning as in Chapter 4723-14 of the Administrative Code.
- (G) "County board" means a county board of developmental disabilities.
- (H) "Delegable nursing task" means a nursing task, which a licensed nurse has determined meets the provisions listed in Chapter 4723-13 of the Administrative Code.
- (I) "Delegating nurse" means the licensed nurse who transfers the responsibility for performance of selected nursing tasks and/or medication administration to developmental disabilities personnel who have been trained and/or certified to do so, while retaining accountability of outcome. The delegating nurse determines the level of supervision required to ensure adequate oversight of developmental disabilities personnel to perform nursing tasks and/or administer medication. The delegating nurse is not necessarily the same nurse as the nurse who trains developmental disabilities personnel to perform or administer the functions set forth in paragraphs (KK)(1) to (KK)(8) of this rule.
- (J) "Department" means the Ohio department of developmental disabilities.
- (K) "Department-approved curriculum" means the standards for instruction, training, and performance approved by the Ohio department of developmental disabilities.
- (L) "Developmental disabilities personnel" means the workers who provide specialized services to individuals with developmental disabilities:
 - (1) Through direct employment with the Ohio department of developmental disabilities or a county board;
 - (2) Through an entity under contract with the Ohio department of developmental disabilities or a county board;
 - (3) Through direct employment or being under contract with private entities, including

*****Proposed Revisions - September 18, 2023*****

private entities that operate residential facilities; or

- (4) As an independent provider.
- (M) "Director" means the director of the Ohio department of developmental disabilities or ~~his~~
~~or her~~ the director's designee.
- (N) "Drug" has the same meaning as in section 4729.01 of the Revised Code.
- (O) "Employer oversight" means the monitoring of developmental disabilities personnel and ensuring developmental disabilities personnel perform health-related activities and administer medication in accordance with this chapter.
- (P) "Family support services" has the same meaning as in section 5126.01 of the Revised Code.
- (Q) "Health-related activities" means only:
 - (1) Taking vital signs (i.e., temperature, pulse, respiration, and blood pressure);
 - (2) Application of clean dressings that do not require health assessment;
 - (3) Basic measurement of bodily intake and output;
 - (4) Oral suctioning;
 - (5) Use of glucometers;
 - (6) External urinary catheter care;
 - (7) Emptying and replacing ostomy bags;
 - (8) ~~Pulse~~ Obtaining pulse oximetry reading;
 - (9) Use of continuous positive airway pressure machines, including biphasic positive airway machines;
 - (10) Application of percussion vests;
 - (11) Use of cough assist devices and insufflators;
 - (12) Application of prescribed compression hosiery; and
 - (13) Collection of specimens by noninvasive means.
- (R) "Independent provider" has the same meaning as in section 5123.16 of the Revised Code.
- (S) "Individual" means a person with a developmental disability.
- ~~(T) "Individual plan" or "individual service plan" means the written description of services, supports, and activities to be provided to an individual.~~

Proposed Revisions - September 18, 2023

- (T) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual and includes an "individual program plan" as that term is used in 42 C.F.R. 483.440 in effect on the effective date of this rule.
- (U) "Individual-specific training" means training provided to developmental disabilities personnel by a licensed nurse or by an employer of developmental disabilities personnel through employer oversight, which ~~shall address~~ addresses:
- (1) The unique needs of the individual being served;
 - (2) A summary of the individual's relevant health care information; and
 - (3) Implementation of the individual's health care plan as part of the ~~individual plan or~~ individual service plan.
- (V) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.
- (W) "Licensed nurse" means a registered nurse or a licensed practical nurse who holds a current valid license to practice nursing in Ohio pursuant to Chapter 4723. of the Revised Code.
- (X) "Major unusual incident" has the same meaning as in rule ~~5123:2-17-02~~ 5123-17-02 of the Administrative Code.
- (Y) "Medicaid" has the same meaning as in section 5162.03 of the Revised Code.
- (Z) "Medication/treatment error" means:
- (1) Wrong prescribed medication/treatment administered or performed;
 - (2) Medication/treatment administered or performed at the wrong time;
 - (3) Medication/treatment administered or performed by a route not prescribed or in the case of over-the-counter medication, not as indicated by the manufacturer;
 - (4) Incorrect dose or amount of medication/treatment administered or performed;
 - (5) Expired medication/treatment administered or performed;
 - (6) Contaminated medication/treatment administered or performed;
 - (7) Improperly stored medication/treatment administered or performed;
 - (8) Medication/treatment, other than over-the-counter medication authorized in accordance with section 5123.42 of the Revised Code, administered or performed without corresponding order from a licensed health professional authorized to prescribe drugs;
 - (9) Not performing or administering a prescribed medication/treatment during the prescribed time, including failure to ensure the medication/treatment, equipment, or

*****Proposed Revisions - September 18, 2023*****

supplies needed to administer or perform the medication/treatment are available at the prescribed time;

- (10) Not documenting a medication/treatment that was administered or performed;
 - (11) Administration or performance of prescribed medication/treatment by developmental disabilities personnel without certification or whose certification has expired;
 - (12) Administration of over-the-counter medication authorized in accordance with section 5123.42 of the Revised Code by developmental disabilities personnel without required training; and
 - (13) Administration or performance of medication/treatment without nursing delegation when nursing delegation is required.
- (AA) "Mentally alert" means the ability of an individual to cognitively understand and communicate specific information pertaining to ~~his or her~~ the individual's health, safety, and medication.
- (BB) "Metabolic glycemic disorders" means medical conditions specifically related to metabolism of glucose such as diabetes, pre-diabetes, and metabolic syndrome.
- (CC) "Metered dose inhaled medication" means a pre-measured medication administered by inhalation using a hand-held dispenser or aerosol nebulizer.
- (DD) "Nursing delegation" means the process established in rules adopted by the Ohio board of nursing pursuant to Chapter 4723. of the Revised Code under which a registered nurse or licensed practical nurse acting at the direction of a registered nurse transfers responsibility for the performance of a particular nursing activity, task, or prescribed medication administration to another person who is not otherwise authorized to perform the activity, task, or prescribed medication administration.
- (EE) "Nursing task" means those activities that constitute the practice of nursing as a licensed nurse and may include but is not limited to, assistance with activities that are performed to maintain or improve an individual's wellbeing when the individual is unable to perform those activities for himself or herself.
- (FF) "Oral prescribed medication" means any prescribed medication that can be ingested through the mouth.
- (GG) "Over-the-counter medication" means a drug that may be sold and purchased without a prescription, but that unless specifically authorized in division (B)(1)(c) of section 5123.42 of the Revised Code, requires a prescription for administration by unlicensed personnel to a person who is not able to self-administer.
- (HH) "Prescribed medication" means a drug that is to be administered according to the instructions of a licensed health professional authorized to prescribe drugs.
- (II) "Qualified intellectual disability professional" has the same meaning as in 42 C.F.R.

*****Proposed Revisions - September 18, 2023*****

483.430 in effect on the effective date of this rule.

- (JJ) "Quality assessment registered nurse" means a registered nurse who is a registered nurse instructor or registered nurse trainer employed by or under contract with a county board and who assists with consultation and quality assessment oversight as set forth in rule ~~5123:2-6-07~~ [5123-6-07](#) of the Administrative Code.
- (KK) "Registered nurse instructor" means a registered nurse who is certified by the Ohio department of developmental disabilities in accordance with rule ~~5123:2-6-04~~ [5123-6-04](#) of the Administrative Code to plan, develop, coordinate, and deliver the registered nurse train-the-trainer program to prepare other registered nurses to train developmental disabilities personnel to:
- (1) Perform health-related activities;
 - (2) Administer oral prescribed medication;
 - (3) Administer topical prescribed medication;
 - (4) Administer topical over-the-counter musculoskeletal medication;
 - (5) Administer oxygen and metered dose inhaled medication;
 - (6) Administer prescribed medication through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled;
 - (7) Administer prescribed insulin through subcutaneous injection, inhalation, and insulin pump; and
 - (8) Administer prescribed medication for the treatment of metabolic glycemic disorders through subcutaneous injection.
- (LL) "Registered nurse trainer" means a registered nurse who is certified by the Ohio department of developmental disabilities in accordance with rule ~~5123:2-6-04~~ [5123-6-04](#) of the Administrative Code to train developmental disabilities personnel to perform or administer the functions set forth in paragraphs (KK)(1) to (KK)(8) of this rule.
- (MM) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.
- (NN) "Service and support administrator" means a person, regardless of title, employed by or under contract with a county board to perform the functions of service and support administration and who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.
- (OO) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code.
- (PP) "Task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of ~~his or her~~ professional practice.
- (QQ) "Topical over-the-counter musculoskeletal medication" means an over-the-counter

*****Proposed Revisions - September 18, 2023*****

medication that is applied topically or passes through the skin to provide relief from discomfort in the muscles, joints, or bones.

- (RR) "Topical prescribed medication" means any prescribed medication that is applied to the outer skin and drops applied to the eye, ear, or nose. "Topical prescribed medication" may include transdermal prescribed medication or vaginal or rectal suppositories.
- (SS) "Unusual incident" has the same meaning as in rule ~~5123:2-17-02~~ [5123-17-02](#) of the Administrative Code.
- (TT) "Vagus nerve stimulator" has the same meaning as "vagal nerve stimulator" as that term is used in section 5123.42 of the Revised Code.