

Medication Administration Rule Revision to Address Workforce Crisis July 2021

Summary of Information for Committee Consideration of Ohio Revised Code:

5123.41 Definitions

As used in this section and sections [5123.42](#) to [5123.47](#) of the Revised Code:

(A) "Adult services" has the same meaning as in section [5126.01](#) of the Revised Code.

(B) "Certified supported living provider" means a person or government entity certified under section [5123.161](#) of the Revised Code.

(C) "Drug" has the same meaning as in section [4729.01](#) of the Revised Code.

(D) "Family support services" has the same meaning as in section [5126.01](#) of the Revised Code.

(E) "Health-related activities" means the following:

- (1) Taking vital signs;
- (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 cleaning;
- (7) Emptying and replacing ostomy bags;
- (8) Collection of specimens by noninvasive means;
- (9) Pulse oximetry reading;
- (10) Use of continuous positive airway pressure machines;
- (11) Application of percussion vests;
- (12) Use of cough assist devices and insufflators;
- (13) Application of prescribed compression hosiery.

(F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section [4729.01](#) of the Revised Code.

(G) "Metered dose inhaled medication" means a premeasured medication administered by inhalation using a hand-held dispenser or aerosol nebulizer.

(H) "Developmental disabilities personnel" means the employees and the workers under contract who provide specialized services to individuals with developmental disabilities. "Developmental disabilities personnel" includes those who provide the services as follows:

(1) Through direct employment with the department of developmental disabilities or a county board of developmental disabilities;

(2) Through an entity under contract with the department of developmental disabilities or a county board of developmental disabilities;

(3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities.

(I) "Nursing delegation" means the process established in rules adopted by the 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 the performance of a particular nursing activity or task to another person who is not otherwise authorized to perform the activity or task.

(J) "Over-the-counter medication" means a drug that may be sold and purchased without a prescription.

(K) "Prescribed medication" means a drug that is to be administered according to the instructions of a licensed health professional authorized to prescribe drugs.

(L) "Residential facility" means a facility licensed under section [5123.19](#) of the Revised Code.

(M) "Specialized services" has the same meaning as in section [5123.50](#) of the Revised Code.

(N) "Topical over-the-counter musculoskeletal medication" means an over-the-counter medication that is applied topically or passes through the skin to provide relief from discomfort in the muscles, joints, or bones.

Section 5123.42 – See Medication Administration Reference Grid for Summary

Section 5123.421 – DODD must accept complaints and investigate.

Section 5123.422 – Immunity for personnel who are following curriculum methods.

Section 5123.42 - Training courses for administration of prescribed medications and performance of health-related activities.

(A) The department of developmental disabilities shall develop courses for the training of developmental disabilities personnel in the administration of medications and performance of health-related activities pursuant to the authority granted under section [5123.42](#) of the Revised Code. The department may develop separate or combined training courses for the administration of prescribed medications, administration of over-the-counter medications, and performance of health-related activities. Training in the administration of prescribed medications through gastrostomy and jejunostomy tubes, the administration of insulin, the administration of medications for the treatment of metabolic glyceimic disorders, the activation of a vagal nerve stimulator, and the administration of epinephrine through an autoinjector may be developed as separate courses or included in a course providing training in the administration of other prescribed medications.

(B)(1) The department shall adopt rules in accordance with section [5123.46](#) of the Revised Code that specify the content and length of the training courses developed under this section. The rules may include any other standards the department considers necessary for the training courses.

(2) In adopting rules that specify the content of a training course or part of a training course that trains developmental disabilities personnel in the administration of prescribed medications, the department shall ensure that the content includes all of the following:

(a) Infection control and universal precautions;

(b) Correct and safe practices, procedures, and techniques for administering prescribed medications;

(c) Assessment of drug reaction, including known side effects, interactions, and the proper course of action if a side effect occurs;

(d) The requirements for documentation of medications administered to each individual;

- (e) The requirements for documentation and notification of medication errors;
- (f) Information regarding the proper storage and care of medications;
- (g) Information about proper receipt of prescriptions and transcription of prescriptions into an individual's medication administration record;
- (h) Course completion standards that require successful demonstration of proficiency in administering prescribed medications;
- (i) Any other material or course completion standards that the department considers relevant to the administration of prescribed medications by developmental disabilities personnel.

Section 5123.441 | Certificates to provide training courses. – Requires certificates

(C) Certificates issued to developmental disabilities personnel are valid for one year and may be renewed. Certificates issued to registered nurses are valid for two years and may be renewed.

To be eligible for renewal, developmental disabilities personnel and registered nurses shall meet the applicable continued competency requirements and continuing education requirements specified in rules adopted under division (D) of this section. In the case of registered nurses, continuing nursing education completed in compliance with the license renewal requirements established under Chapter 4723. of the Revised Code may be counted toward meeting the continuing education requirements established in the rules adopted under division (D) of this section.

(D) In accordance with section [5123.46](#) of the Revised Code, the department shall adopt rules that establish all of the following:

- (1) Requirements that developmental disabilities personnel and registered nurses must meet to be eligible to take a training course, including having sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;
- (2) Standards that must be met to receive a certificate, including requirements pertaining to an applicant's criminal background;
- (3) Procedures to be followed in applying for a certificate and issuing a certificate;

(4) Standards and procedures for renewing a certificate, including requirements for continuing education and, in the case of developmental disabilities personnel who administer prescribed medications, standards that require successful demonstration of proficiency in administering prescribed medications;

(5) Any other standards or procedures the department considers necessary to administer the certification program.

Section 5123.451 | Registry listing personnel and registered nurses holding valid certificates.

The department of developmental disabilities shall establish and maintain a registry that lists all developmental disabilities personnel and registered nurses holding valid certificates issued under section [5123.45](#) of the Revised Code. The registry shall specify the type of certificate held and any limitations that apply to a certificate holder. The department shall make the information in the registry available to the public in computerized form or any other manner that provides continuous access to the information in the registry.

Section 5123.452 | Adjudication orders. – ability of DODD to refuse or revoke certifications for cause

Section 5123.46 | Rules adopted in conjunction with board of nursing and the Ohio nurses association.

All rules adopted under sections [5123.41](#) to [5123.45](#) and section [5123.452](#) of the Revised Code shall be adopted in consultation with the board of nursing, the Ohio nurses association, the state medical board, and the Ohio society for respiratory care. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Section 5123.47 | Authorizing in-home worker to perform health care tasks.

Family Delegation Law