

4723-27-01

Definitions.

As used in this chapter:

- (A) "Active certificate" means the certificate held by an individual who has fulfilled all the requirements of the board for initial certification or for certification renewal.
- (B) "Approved drug" means a drug approved by the federal food and drug administration (FDA).
- (C) "As-needed medication" means any medication that is not scheduled to be administered at a routine time, but is given in response to a resident's complaint or expression of discomfort or other indication of a specified condition.
- (D) "Board" means the Ohio board of nursing.
- (E) "~~Board-approved examination~~[Examination](#)" means the written examination and clinical skills examination offered by a testing organization [or a medication aide training program](#) approved by the board.
- (F) "Certificate" means the certificate issued to a medication aide by the board in accordance with section 4723.651 of the Revised Code.
- (G) "Certified medication aide" means a person who holds a current, valid certificate as a medication aide issued by the board of nursing under section 4723.651 of the Revised Code.
- (H) "Contact hour" means sixty minutes of continuing education, ~~as provided in paragraph (F) of rule 4723-14-01 of the Administrative Code~~ [which may be determined by rounding to the next quarter hour](#).
- ~~(I) "Curriculum" means the standard minimum curriculum to be used in a board-approved training program for medication aides in accordance with rule 4723-27-08 of the Administrative Code.~~
- ~~(J) "Delegation" means the transfer of responsibility for the administration of prescription medication from a registered nurse, or a licensed practical nurse acting at the direction of a registered nurse, to a certified medication aide.~~
- ~~(K)~~[\(I\)](#) "Didactic" means the component of an educational program that includes lecture, verbal instruction, or other means of exchanging theoretical information between instructor and students, typically in a classroom setting.

~~(H)~~(J) "Direction" means communicating a plan of care to a licensed practical nurse. Direction by a registered nurse is not meant to imply the registered nurse is supervising the licensed practical nurse in an employment context.

~~(M)~~(K) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.

~~(N)~~(L) "Inactive certificate" means the status of the certificate of an individual who has ~~made a request in writing~~ requested that the board place the certificate on inactive status. An individual with an inactive certificate does not hold a current, valid certificate.

~~(O)~~(M) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.

~~(P)~~(N) "Laboratory experience" means a component of classroom instruction consisting of a simulated clinical experience, in which the student is provided the opportunity to practice skills in the administration of medication while observed by a nurse.

~~(Q)~~(O) "Lapsed certificate" means a certified medication aide has failed to fulfill all requirements of certificate renewal and has not requested that the board place the certificate on inactive status.

~~(R)~~(P) "Licensed practical nurse" or "L.P.N." means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse.

~~(S)~~(Q) "Medication" means a drug as defined in division (E) of section 4729.01 of the Revised Code.

~~(T)~~(R) "Medication aide training program" means the formal program of study approved by the board and required for certification as a certified medication aide in accordance with sections 4723.61 to 4723.69 of the Revised Code and this chapter.

~~(U) "Medication error" means a failure to follow the prescriber's instructions when administering a prescription medication, including:~~

~~(1) Administration of an outdated medication;~~

~~(2) Administration of the wrong medication;~~

~~(3) Administration of the wrong dose of a medication;~~

- ~~(4)~~ Failure to administer the medication as ordered;
- ~~(5)~~ Administration of the medication by the wrong route;
- ~~(6)~~ Administration of the medication to the wrong resident;
- ~~(7)~~ Failure to prepare, store, or administer a medication in accordance with instructions of the manufacturer or the pharmacist;
- ~~(8)~~ Administration of medication without nurse delegation or not in accordance with nurse delegation;
- ~~(9)~~ Administration of medication using the wrong technique or method.

~~(V)~~(S) "Nasogastric tube" means a tube that is passed through the nose and down through the nasopharynx and esophagus into the stomach.

~~(W)~~(T) "Nurse" means a registered nurse or a licensed practical nurse.

~~(X)~~(U) "Nursing home" means a home as defined by division (A)(6) of section 3721.01 of the Revised Code.

~~(Y)~~(V) "Nursing home administrator" means the individual, licensed under Chapter 4751. of the Revised Code, who is responsible for planning, organizing, directing, and managing the operation of a nursing home.

~~(Z)~~(W) "Oral gastric tube" means a tube that is passed through the mouth and down through the nasopharynx and esophagus into the stomach.

~~(AA)~~(X) "Oral medication" means any medication that is prescribed to be taken by mouth.

~~(BB)~~(Y) "Pediatric" means a resident under eighteen years of age.

~~(CC)~~(Z) "Pharmacist" means an individual licensed under Chapter 4729. of the Revised Code to practice pharmacy.

~~(DD)~~(AA) "Physician" means an individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry.

~~(EE)~~(BB) "Professional boundaries" means the limits of the professional relationship that

allow for a safe therapeutic relationship between the resident and the certified medication aide.

~~(FF)~~(CC) "Prescriber" has the same meaning as in division (I) of section 4729.01 of the Revised Code.

~~(GG)~~(DD) "Prescription" means a written, electronic, or oral order, issued by a licensed health professional authorized to prescribe drugs, for any drug, including an over the counter drug to be used by a particular resident.

~~(HH)~~(EE) "Rectal medication" means any medication that is prescribed to be administered by rectal insertion.

~~(HH)~~(FF) "Registered nurse" or "R.N." means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a registered nurse.

~~(JJ)~~(GG) "Representative of the board" means an employee or member of the board, or another individual designated by the board to act on its behalf.

~~(KK)~~(HH) "Resident" means an individual who lives in, and receives services from, a nursing home or residential care facility.

~~(LL)~~(II) "Residential care facility" means a home as defined by division (A)(7) of section 3721.01 of the Revised Code.

~~(MM)~~(JJ) "Residential care facility administrator" means the person responsible for the daily operation of a residential care facility.

~~(NN)~~(KK) "~~Site-visit~~Survey" means an announced or unannounced ~~visit to~~ survey of a medication aide training program by a representative of the board to determine whether the program meets or maintains the minimum standards required by the board.

~~(OO)~~(LL) "Universal and standard precautions" are infection prevention practices that apply to all patients, regardless of suspected or confirmed infection status, in any setting in which healthcare is delivered, and include but are not limited to the following:

- (1) Practices used to mitigate exposure to disease-causing agents when exposure-prone activity occurs;

- (2) Hand hygiene;
- (3) Disinfection and sterilization of equipment;
- (4) Appropriate handling and disposal of needles and other sharp instruments; and
- (5) Appropriate use of personal protective equipment, including wearing and disposal of gloves and other protective barriers or devices.

~~(PP)~~(MM) "Successful completion of a medication aide training program" means that a student has satisfactorily completed a board approved training program as set forth in rule 4723-27-08 of the Administrative Code, and has passed a ~~board approved~~ examination.

~~(QQ)~~(NN) "Supervised clinical practice" means a task or activity planned to provide ~~medication—aide~~ students with the opportunity to administer prescription medications in a nursing home or residential care facility setting in which the student is supervised by a nurse as part of a medication aide training program approved by the board under section 4723.66 of the Revised Code and this chapter.

~~(RR)~~(OO) "Telecommunication" means the process of transmitting or receiving information over a distance by any electronic or electromagnetic medium. Information may take the form of voice, video, or data.

~~(SS)~~(PP) "Topical medication" means any prescribed medication that is applied to intact skin.

~~(TT)~~(QQ) "Vaginal medication" means any medication that is prescribed to be administered by vaginal insertion.

4723-27-02

Standards of safe medication administration by a certified medication aide.

- (A) A certified medication aide shall administer prescription medications only ~~at the delegation of~~ with the supervision of a nurse according to section 4723.67 of the Revised Code, ~~Chapter 4723-13 of the Administrative Code~~, and this chapter, to residents of nursing homes and residential care facilities.
- (B) Except as provided in paragraphs (C) and (D) of this rule, a certified medication aide ~~to whom the task of medication administration is delegated~~, may administer the following types of prescription medications:
- (1) Oral medications;
 - (2) Topical medications;
 - (3) Medications administered as nasal spray, or as drops, or ointment to a resident's eye, ear, or nose;
 - (4) Rectal and vaginal medications; or
 - (5) Inhalants delivered by inhalers, nebulizers, or aerosols, that allow for a single dose of a fixed, pre-measured amount of medication.
- (C) A certified medication aide shall not administer medications in the following categories:
- ~~(1) Medications containing a schedule II controlled substance, as defined in section 3719.01 of the Revised Code;~~
 - ~~(2)~~(1) Medications, including inhalants delivered by inhalers, nebulizers, or aerosols, requiring dosage calculations;
 - ~~(3)~~(2) Medications that are not approved drugs;
 - ~~(4)~~(3) Medications being administered as part of clinical research; or
 - ~~(5)~~(4) Oxygen.
- (D) A certified medication aide shall not administer medications by any of the following methods:

- (1) Injection, except for insulin as provided in paragraph (E);
- (2) Intravenous therapy procedures;
- (3) Splitting pills for purposes of changing the dose being given; or
- (4) Through jejunostomy, gastrostomy, nasogastric, or oral gastric tubes.

(E) A medication aide may administer insulin to a resident by injection, but only if both of the following are satisfied:

- (1) The medication aide satisfies training and competency requirements established by the aide's employer.
- (2) The insulin is injected using an insulin pen device that contains a dosage indicator.

~~(E)~~(F) In addition to the prohibitions in paragraphs (C) and (D) of this rule, a certified medication aide shall not:

- (1) Receive, transcribe or alter a medication order;
- (2) Administer the initial dose of a medication ordered for a resident;
- (3) Administer medications to a person other than a resident of a nursing home or residential care facility as provided in paragraph (A) of this rule;
- (4) Administer any medication without the task having been delegated by a nurse;
- (5) Administer medications to pediatric residents; or

~~(6) Access schedule II controlled substances.~~

~~(F)~~(G) A certified medication aide shall maintain knowledge of the duties, responsibilities, and accountabilities of a certified medication aide and shall act in accordance with the laws pertaining to the administration of medication by a certified medication aide as set forth in Chapter 4723. of the Revised Code and the rules adopted under that chapter.

~~(G)~~(H) A certified medication aide shall display the title "certified medication aide" or "CMA" at all times when administering medications to residents of a nursing home

or residential care facility.

~~(H)~~(I) A certified medication aide shall demonstrate competence and accountability in the task of medication administration, including appropriate recognition, referral, and consultation with the ~~delegating~~ supervising nurse.

~~(H)~~(J) Immediately after administering a medication, a certified medication aide shall accurately document in the resident's record, the following information:

- (1) The name of the medication and the dosage administered;
- (2) The route of administration;
- (3) The date and time of administration;
- (4) The name of the certified medication aide administering the medication; and
- (5) Refusal by a resident to comply with medication administration.

~~(H)~~(K) A certified medication aide shall implement measures to promote a safe environment for nursing home or residential care facility residents.

~~(K)~~(L) A certified medication aide shall take measures to ensure the safety of the resident including but not limited to:

- (1) Reporting to a nurse in a timely manner all of the following:

~~(a) The potential need of a resident for the administration of an as-needed medication, as evidenced by an expression of discomfort from the resident or other indication;~~

~~(b)~~(a) Refusal by a resident to comply with medication administration;

~~(e)~~(b) Any deviation from the ~~delegated~~ medication administration record;

~~(d)~~(c) Any unanticipated reaction by the resident to the medication administration; or

~~(e)~~(d) Anything about the condition of a resident that should cause concern to the certified medication aide.

- (2) Preparing and storing medications in accordance with instructions of the manufacturer or the pharmacist;
- (3) Removing medications only from a dispensed and properly labeled container that includes all of the following:
 - (a) Medication name;
 - (b) Medication dose;
 - (c) Name of the resident to whom the medication is dispensed, unless:
 - (i) The medication is a contingency drug stored and supplied in accordance with Chapter 4729-17 of the Administrative Code and is supplied to the certified medication aide by the delegating nurse; or
 - (ii) Medication that is available over the counter and bears the original manufacturer's label and has been purchased and prescribed for the resident;
 - (d) Expiration date of the medication;
- (4) Verifying the identity of the resident to whom the medication is to be administered;
- (5) Witnessing the resident swallowing an oral medication that is to be ingested, or otherwise taking a medication in accordance with its prescribed route;
- (6) Immediately documenting and reporting deviations from the medication administration record errors to a supervising nurse;
- (7) Utilizing only the medication delivery process currently in use in the nursing home or residential care facility; and
- ~~(8) Administering medications in accordance with standards set forth in the medication aide training curriculum established according to division (B)(6) of section 4723.69 of the Revised Code and this chapter.~~

~~(L)~~(M) A certified medication aide shall not accept a resident care assignment that would

interrupt or conflict with the administration of medications or the performance of other tasks and activities that are directly related to the administration of medications. A certified medication aide may perform other resident care activities during such times that the certified medication aide is not engaged in, or scheduled to be engaged in, the administration of medications.

~~(M)~~(N) A certified medication aide shall maintain the confidentiality of resident information obtained in the course of the certified medication aide's duties and responsibilities, shall access resident information only for purposes of resident care or for otherwise fulfilling the aide's assigned job responsibilities, and shall not disseminate resident information for purposes other than resident care or for otherwise fulfilling the aide's assigned job responsibilities through social media, texting, emailing, or any other form of communication.

~~(N)~~(O) A certified medication aide to whom the administration of medication has been assigned ~~delegated~~ shall not assign ~~delegate~~ the task of medication administration to any other person.

~~(O)~~(P) A certified medication aide shall not falsify any resident record or any other document prepared or utilized in the course of, or in conjunction with, the administration of medications.

~~(P)~~(Q) A certified medication aide shall delineate, establish, and maintain professional boundaries with each resident.

~~(Q)~~(R) At all times when a certified medication aide is administering medications to residents in a nursing home or residential care facility the certified medication aide shall:

- (1) Take reasonable measures to assure the privacy of the resident; and
- (2) Treat each resident with courtesy, respect, and with full recognition of dignity and individuality.

~~(R)~~(S) A certified medication aide shall not:

- (1) Engage in behavior that causes or may cause physical, verbal, mental, or emotional abuse to a resident; or
- (2) Engage in behavior toward a resident that may reasonably be interpreted as physical, verbal, mental, or emotional abuse.

~~(S)~~(T) A certified medication aide shall not misappropriate a resident's property or:

- (1) Engage in behavior to seek or obtain personal gain at the expense of a resident or that may reasonably be interpreted as behavior to seek or obtain personal gain at the expense of a resident; or
- (2) Engage in behavior that constitutes inappropriate involvement in the personal relationships of a resident or that may reasonably be interpreted as inappropriate involvement in the personal relationships of a resident.

For purposes of this paragraph, the resident is always presumed incapable of giving free, full, or informed consent to the behaviors by the certified medication aide set forth in this paragraph.

~~(T)~~(U) A certified medication aide shall not:

- (1) Engage in sexual conduct with a resident or conduct that may reasonably be interpreted as sexual; or
- (2) Engage in any verbal behavior that is seductive or sexually demeaning to a resident, or that may reasonably be interpreted as seductive, or sexually demeaning to a resident.

For purposes of this paragraph, the resident is always presumed incapable of giving free, full, or informed consent to sexual activity with a certified medication aide.

~~(U)~~(V) A certified medication aide shall not make any false, misleading or deceptive statements, or submit or cause to be submitted any false, misleading, or deceptive information, or documentation to:

- (1) The board or any representative of the board;
- (2) Current employers;
- (3) Prospective employers for positions requiring certification as a medication aide;
- (4) Facilities in which, or organizations for whom, the medication aide is working a temporary or agency assignment;
- (5) Other members of the client's health care team; or

(6) Law enforcement personnel.

~~(V)~~(W) For purposes of paragraphs ~~(P)~~Q, ~~(Q)~~R, ~~(R)~~S, ~~(S)~~T, and ~~(T)~~U of this rule, a certified medication aide shall not use social media, texting, emailing, or other forms of communication with, or about, a resident, for non-health care purposes or for purposes other than fulfilling the aide's assigned job responsibilities.

4723-27-03

Delegation Supervision of medication administration to certified medication aides.

- (A) A registered nurse or a licensed practical nurse acting at the direction of a registered nurse, who provides nursing care to residents in nursing homes or residential care facilities, may delegate supervise the task of medication administration to by a certified medication aide according to section 4723.67 of the Revised Code; ~~Chapter 4723-13 of the Administrative Code~~, and this chapter.
- (B) A registered nurse may ~~delegate~~ supervise the administration of medications to a certified medication aide only if the registered nurse holds a current, valid license issued under Chapter 4723. of the Revised Code that is not subject to restrictions relating to the administration of medications imposed under section 4723.28 of the Revised Code, or imposed by agreement entered under section 4723.282 or 4723.35 of the Revised Code.
- (C) A licensed practical nurse, acting at the direction of a registered nurse, may ~~delegate~~ supervise the administration of medications ~~to by~~ a certified medication aide only if ~~all of the following apply: the licensed practical nurse holds a current, valid license issued under Chapter 4723. of the Revised Code that is not subject to restrictions relating to the administration of medications imposed under section 4723.28 of the Revised Code, or imposed by agreement entered under to section 4723.282 or 4723.35 of the Revised Code.~~
- ~~(1) The registered nurse at whose direction the licensed practical nurse is delegating the administration of medications is authorized to delegate the administration of medications to a certified medication aide according to paragraph (B) of this rule;~~
- ~~(2) The licensed practical nurse is authorized to administer medications according to division (F)(3) of section 4723.01 of the Revised Code; and~~
- ~~(3) The licensed practical nurse holds a current, valid license issued under Chapter 4723. of the Revised Code that is not subject to restrictions relating to the administration of medications imposed under section 4723.28 of the Revised Code, or imposed by agreement entered under to section 4723.282 or 4723.35 of the Revised Code.~~
- ~~(D) A nurse who delegates to a certified medication aide responsibility for the administration of prescription medications to residents in nursing homes or residential care facilities shall not withdraw the delegation on an arbitrary basis or for any purpose not related to resident safety.~~
- ~~(E)~~ (D) ~~Prior to delegating~~ When supervising the task of medication administration to a certified medication aide, a nurse shall evaluate the following:

- (1) The resident and the medication needs of the resident, including:
 - (a) The resident's mental and physical stability;
 - (b) The medication to be administered;
 - (c) The timeframe during which the medication is to be administered;
 - (d) The route or method by which the medication is to be administered; and
- (2) The ability of the certified medication aide to safely administer the medication being ~~delegated~~administered.

~~(F)~~(E) When ~~delegating~~ supervising the task of medication administration to a certified medication aide, the nurse shall communicate the following:

- (1) The residents to whom the certified medication aide shall administer medications;
- (2) The medications the certified medication aide shall administer;
- (3) The timeframes during which the medications are to be administered; and
- (4) Any special instructions concerning the administration of medications to specific residents.

~~(G) A nurse who is on-site may delegate the administration of as-needed medications to a certified medication aide if:~~

- ~~(1) A registered nurse has completed a nursing assessment of the resident to whom the as-needed medication is to be administered;~~
- ~~(2) A nursing regimen based on the nursing assessment is established that contains interventions including the administration of the as-needed medication according to the medication order;~~
- ~~(3) The nurse determines the resident's need for the medication based on information collected from sources that include but are not limited to:~~
 - ~~(a) Direct observation of the resident;~~

- ~~(b) The nursing regimen established for the resident;~~
- ~~(c) The resident's record; and~~
- ~~(4) The nurse determines the as-needed medication may be safely administered by the certified medication aide.~~
- ~~(H) If a nurse is not on site, the nurse may delegate the administration of as-needed medications to a certified medication aide if:~~
 - ~~(1) A registered nurse has completed a nursing assessment of the resident to whom the as-needed medication is to be administered;~~
 - ~~(2) A nursing regimen based on the nursing assessment is established that contains interventions including the administration of the as-needed medication according to the medication order;~~
 - ~~(3) A nurse is immediately available by telecommunication and determines the resident's need for the medication based on but not limited to the following:~~
 - ~~(a) Current knowledge of the resident's health status and the resident's nursing regimen;~~
 - ~~(b) The resident's record; and~~
 - ~~(c) Data conveyed by the certified medication aide who is directly engaged in the administration of medications to the resident.~~
 - ~~(4) The as-needed medication is available for over the counter purchase; and~~
 - ~~(5) The nurse determines the as-needed medication may be safely administered by the certified medication aide.~~
- ~~(H)~~(F) In a nursing home or residential care facility that utilizes certified medication aides, a nurse remains responsible for all of the following:
 - (1) Reviewing the medication delivery process to assure there have been no errors in stocking or preparing the medications;
 - (2) Accepting, transcribing, and reviewing resident medication orders;
 - (3) Monitoring residents to whom medications are administered for side effects or changes in health status; and

- (4) Reviewing documentation completed by a certified medication aide, including the medication administration record.

~~(H)~~(G) A nurse shall supervise the certified medication aides as follows:

- (1) In a nursing home, a nurse shall provide on-site supervision of a certified medication aide.
- (2) In a residential care facility, supervision of a certified medication aide shall be provided by a nurse who is either on-site or is immediately and continuously available through some form of telecommunication.

~~(K) A nurse may not delegate the administration of prescription medications in the following categories, by the following routes, or under the following circumstances, to a certified medication aide:~~

- ~~(1) Medications containing a schedule II controlled substance, as defined in section 3719.01 of the Revised Code;~~
- ~~(2) Medications, including inhalants delivered by inhalers, nebulizers, or aerosols, requiring dosage calculations;~~
- ~~(3) Medications that are not approved drugs;~~
- ~~(4) Medications being administered as part of clinical research;~~
- ~~(5) Administration of medications via injection;~~
- ~~(6) Administration of medications via intravenous therapy procedures;~~
- ~~(7) Administration of medications via splitting pills for purposes of changing the dose being given;~~
- ~~(8) Administration of medications through jejunostomy, gastrostomy, nasogastric, or oral gastric tubes;~~
- ~~(9) Administration of medications to pediatric residents;~~
- ~~(10) Administration of the initial dose of any medication ordered for a resident;~~
- ~~(11) Administration of oxygen.~~

~~(L) A registered nurse or a licensed practical nurse acting at the direction of a registered nurse, who delegates the administration of medications to a certified medication aide according to section 4723.67 of the Revised Code and this chapter, shall not be~~

~~liable in damages to any person or government entity in a civil action for injury, death, or loss to person or property that allegedly arises from an action or omission of the certified medication aide in the administration of the medications.~~

4723-27-04

Medication aide certification.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

(A) To be issued a medication aide certificate the following requirements must be met:

- (1) The applicant must be at least eighteen years of age;
- (2) The applicant must have a high school diploma or a high school equivalence diploma as described in section 5107.40 of the Revised Code;
- ~~(3) If the applicant is to function as a certified medication aide in a nursing home, the applicant must be a nurse aide who satisfies the requirements of division (A)(1), (A)(2), (A)(3), (A)(4), (A)(5), (A)(6), or (A)(8) of section 3721.32 of the Revised Code;~~
- ~~(4) If the applicant is to function as a certified medication aide in a residential care facility the applicant must be either:~~
 - ~~(a) A nurse aide who satisfies the requirements of division (A)(1), (A)(2), (A)(3), (A)(4), (A)(5), (A)(6), or (A)(8) of section 3721.32 of the Revised Code; or~~
 - ~~(b) The applicant must have at least one year of direct care experience in a residential care facility;~~
- ~~(5)~~(3) The applicant must submit a completed "Medication Aide Application";
- ~~(6) The board must receive the results of a criminal records check conducted according to section 4723.091 of the Revised Code;~~
- ~~(7)~~(4) The board must receive written verification that the applicant has successfully completed an approved medication aide training program, and documentation indicating applicant passed ~~a board-approved~~ an examination: ~~The minimum passing grade on the written component of a board-approved examination shall be eighty per cent. A student must successfully complete each of the skills evaluation tasks included in the clinical component of a board-approved examination in order to pass;~~ and
- ~~(8)~~(5) The applicant shall submit to the board the fee ~~for a medication aide certificate required by paragraph (A)(1) of rule 4723-27-10 of the Administrative Code~~ of fifty dollars.

~~(B)~~ The holder of a medication aide certificate who is not a state tested nurse aide but who qualifies for a medication aide certificate under paragraph (A)(4)(b) of this rule, may only function as a certified medication aide in residential care facilities.

~~(1)~~ If the certificate holder has, following certification, satisfied the requirements of division (A)(1), (A)(2), (A)(3), (A)(4), (A)(5), (A)(6), or (A)(8) of section 3721.32 of the Revised Code, the holder may submit documentation to the board and a written request that the holder's certification be amended to allow the holder to function as a medication aide in nursing home facilities or residential care facilities.

~~(2)~~ If the board determines that the certificate holder has submitted valid documentation, the board shall amend website verification to reflect the amended status of the certificate holder.

~~(B)~~ Medication aide certificates shall be renewed biennially according to rule 4723-27-05 of the Administrative Code, and shall be valid from May first of even numbered years until April thirtieth of the following even numbered year.

~~(C)~~ If a medication aide certificate is issued by the board on or after February first of an even numbered year, the certificate shall be valid, unless the certificate is made inactive or if disciplinary action has rendered it invalid, through April thirtieth of the next even numbered year.

~~(D)~~ An individual who holds a current, valid medication aide certificate issued by the board under section 4723.651 of the Revised Code and this chapter, may use the title "~~medication aide certified~~" "certified medication aide" or "CMA." ~~and the initials "MA-C."~~

~~(E)~~ If an applicant fails to meet the requirements for certification within one year of receipt of their application, the application is void and the fee forfeited. The application form shall state the circumstances under which this forfeiture may occur.

4723-27-05

Renewal of a medication aide certificate.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

(A) Medication aide certificates shall be renewed biennially on or before April thirtieth of even numbered years.

(1) The board shall provide access to an on-line "Medication Aide Renewal Application," or an application by mail, upon request, to every holder of a current, valid certificate, except when the board is aware that the individual may be ineligible for certificate renewal ~~for any reason, including those reasons set forth in section 4723.092 of the Revised Code.~~

(2) To renew a medication aide certificate, a holder of a current, valid certificate shall ~~complete the continuing education requirements set forth in rule 4723-27-06 of the Administrative Code and~~ submit:

(a) A completed "Certified Medication Aide Renewal Application"; ~~and~~

(b) The renewal fee ~~required by rule 4723-27-10 of the Administrative Code~~ of fifty dollars; and

(c) Documentation that the applicant successfully completed eight contact hours of continuing education that included at least the following:

(i) One hour directly related to this chapter and any rules adopted under it;

(ii) One hour directly related to establishing and maintaining professional boundaries;

(iii) Six hours related to medications or the administration of prescription medications.

(B) A certified medication aide with a current, valid certificate who does not intend to practice as a medication aide in Ohio may request that the certificate be placed on inactive status at any time by submitting to the board a written statement or electronic request asking that the certificate be placed on inactive status.

(C) If a medication aide certificate is not renewed by April thirtieth of each even numbered year and the certificate holder fails by that time to request that the certificate be placed on inactive status, the certificate shall lapse.

(D) If a medication aide certificate is inactive or lapsed for two years or less, the board may reactivate or reinstate the certificate if the individual completes the ~~continuing education requirements~~contact hours set forth in ~~rule 4723-27-06 of the Administrative Code~~paragraph (A) and submits to the board within two years from the date the certificate was made inactive or lapsed the following:

- (1) A completed "Certified Medication Aide Reactivation and Reinstatement Application"; and
- (2) ~~The applicable fee set forth in paragraph (A) of rule 4723-27-10 of the Administrative Code~~The fee of one-hundred dollars.

(E) If a medication aide certificate is inactive or lapsed for more than two years, it shall not be reactivated or reinstated unless the applicant submits to the board all of the following:

- (1) A completed "Certified Medication Aide Reactivation and Reinstatement Application";
- (2) ~~The applicable fee set forth in paragraph (A) of rule 4723-27-10 of the Administrative Code~~The fee of one-hundred dollars; and
- (3) Written verification from an approved medication aide training program that the applicant has, within six months prior to submission of the application, successfully completed the medication aide training program.

(F) A certificate holder who has placed a medication aide certificate on inactive status is not required to pay a renewal fee unless the holder seeks to reactivate the certificate. If the certificate holder placed a certificate on inactive status on or after March first of the year in which the certificate was to be renewed, and then notifies the board on or before April thirtieth of the same renewal year of the intent to reactivate, the certificate holder must still pay the late processing fee required by paragraph (A)(3) of rule 4723-27-10 of the Administrative Code.

(G) During the time that an individual's certification as a medication aide is either inactive or lapsed, the holder may not administer medications as a certified medication aide.

~~(H) An individual who administers medications as a certified medication aide or represents to the public that the individual holds a current valid medication aide certificate, who has failed to renew a medication aide certificate issued under this chapter, or while the certificate is under suspension, inactive or lapsed, may be~~

~~subject to disciplinary action under rule 4723-27-09 of the Administrative Code.~~

⊕(H) A medication aide certificate holder who is a service member or veteran, as defined in rule 4723-2-01 of the Administrative Code, or who is the spouse or surviving spouse of a service member or veteran, may be eligible for a waiver of the late application fee and the reinstatement fee according to rule 4723-2-03 of the Administrative Code.

4723-27-06

Continuing education requirements.

- ~~(A) Except in the case of the first renewal of a medication aide certificate, during each certification period, a certified medication aide must obtain fifteen approved contact hours of continuing education that includes the following:~~
- ~~(1) One hour of continuing education must be directly related to Chapter 4723. of the Revised Code and the rules adopted under that chapter. To qualify, this continuing education must be approved by an OBN approver as defined in paragraph (K) of rule 4723-14-01 of the Administrative Code, or an OBN approved provider unit as defined in paragraph (B) of rule 4723-14-01 of the Administrative Code;~~
 - ~~(2) One hour of continuing education must be directly related to establishing and maintaining professional boundaries; and~~
 - ~~(3) At least ten hours of continuing education must be related to medications or medication administration consistent with the function of the certified medication aide.~~
- ~~(B) A certified medication aide shall verify completion of the continuing education required by this rule on the application for certificate renewal provided by the board, and at the discretion of the board, may be required to show proof of completion of the approved continuing education. Failure to so verify or provide such proof shall result in ineligibility to renew, reactivate, or reinstate a medication aide certificate until the continuing education requirements are met.~~
- ~~(C) A certified medication aide who earns in excess of the number of contact hours of continuing education for a single certification period shall not apply the excess hours to satisfy future continuing education requirements.~~
- ~~(D) The calculation of contact hours based on credit hours earned in an academic institution shall be made in accordance with paragraph (B) of rule 4723-14-04 of the Administrative Code.~~
- ~~(E) Educational activities that satisfy the requirements of this rule are the same as set forth in rule 4723-14-05 of the Administrative Code.~~
- ~~(F) The board may conduct a retrospective audit of any holder of a medication aide certificate to determine compliance with this rule. The audit shall be conducted according to rule 4723-14-07 of the Administrative Code. A certified medication aide shall retain proof of completion of approved continuing education for a period of six years.~~
- ~~(G) A certified medication aide who is ineligible to renew, reactivate, or reinstate a medication aide certificate due to failure to comply with the continuing education requirements, shall be required to verify completion of up to thirty contact hours of continuing education that meets the requirements of this rule, before being issued a~~

~~current certificate by the board. The continuing education shall be obtained within the forty-eight months immediately preceding the renewal, reactivation, or reinstatement of the certificate.~~

~~(H) A medication aide certificate holder who is engaged in active military duty may be eligible for an extension of time to complete continuing education as provided in rule 4723-2-04 of the Administrative Code.~~

4723-27-07

Medication aide training programs.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (G) of rule 4723-1-03 of the Administrative Code.]

(A) An applicant seeking approval from the board to provide a medication aide training program shall submit a "Medication Aide Training Program Application."

(1) Applications shall be accompanied by the fee ~~required by paragraph (A)(8) of rule 4723-27-10 of the Administrative Code~~ of fifty dollars.

(2) No applicant shall admit a student until the medication aide training program has been approved by the board.

(B) The application for approval of a medication aide training program shall contain the following information:

(1) The objectives and outcomes of the medication aide program;

(2) The program's organizational chart;

(3) The name and credentials of the program's registered nurse administrator;

(4) The name and credentials of all individuals serving as instructors in the program;

(5) A program curriculum that includes the number of hours to be spent on each topic area.

(C) To be approved by the board, a medication aide training program shall meet and maintain the following requirements:

(1) The medication aide training program shall include ~~a minimum of one hundred twenty~~ thirty clock hours of instruction ~~consisting of the following: in medication administration that includes both classroom and at least sixteen clock hours of supervised clinical practice.~~

~~(a) Not less than eighty clock hours of didactic and laboratory instruction relating to medication administration and meeting the minimum curriculum requirements specified in rule 4723-27-08 of the Administrative Code; and~~

~~(b) Not less than forty clock hours of supervised clinical practice as set forth in rule 4723-27-08 of the Administrative Code.~~

(2) The program shall include a mechanism for evaluating whether an individual's reading, writing, and mathematical skills are sufficient for the individual to be able to administer prescription medications safely.

~~(2) The medication aide training program shall employ or contract with one or more nurses who collectively shall satisfy all of the following requirements:~~

~~(a) A registered nurse who has held a current, valid Ohio license to practice registered nursing for a minimum of two years, to serve as the program administrator;~~

~~(b) A nurse who has had, within the past five years, at least one year of experience in providing nursing services as a registered nurse or licensed practical nurse in a nursing home or a residential care facility;~~

~~(c) A nurse with education or experience in adult instruction which may include completion of an approved train the trainer course or experience;~~

~~(d) A nurse who shall serve as supervisor of the clinical component; and~~

~~(e) A registered nurse who shall teach the didactic and laboratory component of the training program.~~

(3) The registered nurse program administrator shall direct and supervise all aspects of the training program and ensure that the program meets and maintains the requirements set forth in this rule, ~~and rule 4723-27-08 of the Administrative Code.~~

(4) The program shall disclose to all applicants at the time of admission the program's refund policy, the cost of the ~~board-approved~~ medication aide examination, the qualifications for certification as a medication aide, as set forth in section 4723.651 of the Revised Code, and that in order to be certified as a medication aide, an applicant will be tested to determine whether the applicant's reading, writing, and mathematical skills are sufficient to administer prescription medications safely.

(5) The supervised clinical practice component shall be provided in nursing homes that the Ohio department of health has found to be free from deficiencies related to the administration of medications in the two most recent annual surveys, or in residential care facilities that the Ohio department of health has

found to be free from deficiencies, related to the administration of medications and the provision of skilled nursing care, in the two most recent annual surveys.

- (6) A medication aide training program shall provide written certification, ~~on a form specified by the board, to a board approved examination service provider of a student's eligibility to take a board approved examination, according to rule 4723-27-08 of the Administrative Code~~ to the board :-

(a) that an applicant has completed the program and;

(b) that the applicant successfully passed an examination demonstrating their ability to administer prescription medication safely, unless the applicant utilized a testing organization separate from the program authorized by the board.

- (7) A medication aide training program shall maintain records including results of ~~a board approved~~ examination for each student for a period of six years following the date the student enrolled in the program.

~~(8) A medication aide training program shall engage in program evaluation that includes, but is not limited to, obtaining feedback from students, instructors, and employers of individuals who have successfully completed the medication aide training program.~~

- ~~(9)~~(8) A medication aide training program shall ensure an orderly transition between program administrators including providing written notification to the board within thirty days of the transition.

~~(10)~~(9) A medication aide training program shall close a program, if necessary, in an orderly manner including providing thirty days advance written notice to the board, current students, and program applicants of the following:

(a) Tentative date of the closing;

(b) The location where the program's student and other records will be retained; and

(c) The name, address, and other contact information of the custodian of all program records after the program is closed;

~~(11) A medication aide training program shall establish written policies and~~

~~procedures to meet the requirements of this rule and other policies deemed necessary for the training program. Such policies and procedures shall be available for review by the board upon request.~~

(12)(10) For individuals with experience in the armed forces of the United States, or in the national guard or in a reserve component, the program shall have a process in place to:

(a) Review the individual's military education and skills training;

(b) Determine whether any of the military education or skills training is substantially equivalent to the curriculum established in Chapter 4723-27 of the Administrative Code;

(c) Award credit to the individual for any substantially equivalent military education or skills training.

(D) Approval of a medication aide training program shall be effective for a period of two years from the date of approval ~~if the requirements set forth in this rule and rule 4723-27-08 of the Administrative Code are met and maintained throughout the two-year period.~~

(E) No later than ninety days prior to expiration of a medication aide training program approval period, a program seeking reapproval shall submit a "Medication Aide Training Program Re-Approval Application" ~~that includes but is not limited to the following:~~and a program reapproval fee of fifty dollars.

~~(1) Verification that the program meets and has maintained the requirements set forth in this rule and rule 4723-27-08 of the Administrative Code; and~~

~~(2) Payment of a program reapproval fee as specified in paragraph (A)(9) of rule 4723-27-10 of the Administrative Code.~~

(F) The board may conduct ~~site visits~~surveys of a medication aide training program or program applicant. ~~The board has all of the powers and duties conferred by sections 4723.28 and 4723.29 of the Revised Code with respect to evaluation of a medication aide training program or applicant.~~

(G) The board shall review completed applications for approval or reapproval of a medication aide training program during a regularly scheduled board meeting.

(H) The board may deny, suspend or revoke approval or reapproval of a medication aide training program or applicant, in accordance with Chapter 119. of the Revised

Code, based upon the following:

- (1) Failure to meet or maintain the requirements set forth in ~~this rule and rule 4723-27-08 of the Administrative Code~~; [section 4723.66, Ohio Revised Code](#); [or](#)
 - (2) Submitting false, misleading or deceptive statements, information or documentation to the board or its designees.
- (I) If the board fails to act on a reapproval application prior to the expiration of the program's current two-year approval period, the board shall consider the program's current approval period effective until the board takes action with respect to the reapproval application.

4723-27-08

Standard ~~minimum~~ curriculum for medication aide programs.

(A) The ~~approved~~ curriculum for a training program for certified medication aides shall be the standard ~~minimum~~ curriculum set forth in paragraph (C) of this rule, and shall include all of the following:

(1) Program objectives and outcomes, course objectives or outcomes, teaching strategies, and core competencies or other evaluation methods that are:

(a) Consistent with the law and rules applicable to certified medication aides, as set forth in Chapter 4723. of the Revised Code and this chapter;

(b) Internally consistent;

(c) Implemented as written; and

(d) Made available to students in medication aide training programs;

(2) A curriculum plan showing the sequence of courses, laboratory experiences, and the number of clock hours allotted to instruction and laboratory experience related to medication administration;

~~(3) A curriculum content that is a minimum of eighty clock hours of didactic classroom, including laboratory experience, allocated as specified in paragraph (C) of this rule, and an additional forty clock hours of supervised clinical practice;~~

~~(4)(3) For purposes of paragraph (A)(3) of this rule:~~Students must complete the didactic and laboratory component prior to participating in the supervised clinical component of the certified medication aide training program.

~~(a) During the didactic and laboratory component, students and instructors must be present in the same location, and the instruction must be provided in person rather than exclusively by means of video, audio, computer, multimedia, or electronic communications;~~

~~(b) Students must satisfactorily complete the didactic and laboratory component prior to participating in the supervised clinical component of the certified medication aide training program.~~

~~(B) A medication aide training program and board approved medication aide examination shall be structured in the following manner:~~

~~(1) A class of students shall complete the program in no fewer than twenty business~~

~~days and no more than ninety business days;~~

~~(2) Within sixty days of satisfactorily completing the required classroom and supervised clinical practice components, the student shall take a board approved examination;~~

~~(3) The examination shall evaluate whether the student's reading, mathematical skills, and knowledge of the standard minimum curriculum are sufficient to administer prescription medications safely;~~

~~(4) A student who fails the examination may take the examination a second time within the six month period immediately following notification of the examination results to the student and the training program;~~

~~(5) A student who fails the examination a second time must enroll or re-enroll, and satisfactorily complete, a board approved training program in order to be eligible to take the examination again.~~

~~(C)~~(B) The standard **minimum** curriculum for certified medication aides shall include courses, content, and expected outcomes, relative to the defined role of the certified medication aide, in the following areas ~~with the minimum number of course hours specified:~~

(1) The standards of safe medication administration by a certified medication aide, Rule 4723-27-02, Ohio Administrative Code:

~~(1)~~(2) Communication and interpersonal skills, ~~four hours~~;

~~(2)~~(3) Resident rights related to medication administration, including the right of a resident to refuse medications, ~~one hour~~;

~~(3)~~(4) The six rights of medication administration, ~~three hours~~, including:

(a) The right person;

(b) The right drug;

(c) The right dose;

(d) The right time;

(e) The right route; and

(f) The right documentation.

~~(4)~~(5) Drug terminology, storage and disposal, ~~four hours~~, including:

(a) Medical terminology, symbols, accepted abbreviations;

(b) Dosage measurement;

(c) Reference resources;

(d) Principles of safe medication storage and disposal;

~~(5) Fundamentals of the following body systems, twenty hours, including:~~

~~(a) Gastrointestinal;~~

~~(b) Musculoskeletal;~~

~~(c) Nervous and sensory;~~

~~(d) Urinary/renal;~~

~~(e) Cardiovascular;~~

~~(f) Respiratory;~~

~~(g) Endocrine;~~

~~(h) Male and female reproductive; and~~

~~(i) Integumentary and mucous membranes;~~

(6) Basic pharmacology, drug classifications and medications affecting body systems, twelve hours, including:

(a) Purposes of various medications;

(b) Schedule II, III, IV, and V controlled substances;

(7) Safe administration of medications, ~~twenty hours~~, including:

(a) Oral medications;

- (b) Topical medications;
 - (c) Eye, ear, and nose medications;
 - (d) Vaginal medications;
 - (e) Rectal medications;
 - (f) Oral inhalants;
 - (g) Transdermal medications;
 - (h) Proper resident positioning;
 - (i) Measurement of apical pulse and blood pressure in association with routine medication administration;
- (8) Principles of standard precautions including those set forth in Chapter 4723-20 of the Administrative Code, ~~two hours~~;
- (9) Documentation of medications in residents' clinical records, ~~including as-needed medications, two hours~~;
- ~~(10) Circumstances in which a certified medication aide should report to, or consult with, a nurse concerning a resident or residents to whom medications are administered, four hours, including:~~
- ~~(a) The potential need of a resident for the administration of an as-needed medication, as evidenced by a resident's expression of discomfort or other indication;~~
 - ~~(b) A resident exercising the right to refuse medication administration;~~
 - ~~(c) Any deviation from the delegation of medication administration instructions;~~
 - ~~(d) Any observation about the condition of a resident that should cause concern to a certified medication aide.~~
- ~~(11) Medication errors, four hours, including:~~
- ~~(a) Error prevention through promotion of safe medication administration~~

~~practices;~~

~~(b) Timeliness and manner of reporting medication errors;~~

~~(12) The role of the certified medication aide as set forth in Chapter 4723. of the Revised Code and this chapter, four hours, including:~~

~~(a) The fact that administration of medication is a nursing function that may only be performed by a certified medication aide when it has been delegated by a nurse in accordance with the provisions of this chapter;~~

~~(b) The settings in which medications may be administered by certified medication aides;~~

~~(c) The types of medications that may be administered by certified medication aides as well as those that a certified medication aide may not administer; and~~

~~(d) The activities associated with the administration of medications that are prohibited for a certified medication aide.~~

~~(D)~~(C) The supervised clinical practice component of an approved medication aide training program shall be sufficient to assure that students are prepared to administer medications as a certified medication aide in a safe and effective manner, and shall satisfy the following:

(1) The supervised clinical practice component shall consist of not less than ~~forty~~ ~~elook~~ sixteen hours, ~~including experience in tasks related to~~in the administration of medication, and shall be conducted under the direction and supervision of a nurse.

(2) The supervised clinical practice component shall take place in a nursing home or residential care facility with which the training program has a written agreement to provide nurse supervision of the student in accordance with this rule;

(3) While engaged in medication administration, a student shall be under the one-on-one direction and supervision of a nurse.

(4) During the supervised clinical practice, the nurse supervising the medication aide student shall inform the registered nurse program administrator of the student's progress in the supervised clinical practice.

~~(E) The training program shall assure that a medication skills checklist is maintained for each student to record performance during the supervised clinical practice and shall~~

include the following:

- ~~(1) Each skill necessary to safely administer medications in accordance with this chapter;~~
- ~~(2) The date each skill is successfully demonstrated, or an indication that the student did not have an opportunity to perform the skill in a supervised clinical setting;~~
- ~~(3) The name and signature of the nurse who supervised the student's successful performance of the skill.~~

~~(F) The training program shall provide a copy of the medication skills checklist, certified by the program to be true and accurate, to each student upon completion of the medication aide training program.~~

~~(G) If a student did not have an opportunity to perform a skill listed on the medication skills checklist during the supervised clinical component of the training program the student shall comply with all of the following:~~

- ~~(1) Upon employment as a certified medication aide, provide the employer with a certified copy of the medication skills checklist;~~
- ~~(2) Refrain from performing any unchecked medication skill as a certified medication aide without direct nurse supervision until a nurse has observed satisfactory performance of the skill; and~~
- ~~(3) Obtain the signature of the nurse who observed satisfactory performance of the skill by the certified medication aide on the date indicated on the medication skills checklist.~~

4723-27-09

**Disciplinary actions ~~against certified medication aides~~;
investigations.**

(A) The board, by a vote of a quorum, may impose a fine of not more than five hundred dollars per violation; or deny a certificate, revoke, suspend or place restrictions on a certificate, reprimand or otherwise discipline an applicant or certificate holder found by the board to have committed fraud in passing an examination required to obtain the certificate or to have committed fraud, misrepresentation, or deception in applying for or securing a medication aide certificate issued by the board.

~~(B) The board, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any medication aide certificate issued by the board; reprimand or otherwise discipline a holder of a medication aide certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:~~

~~(1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, in Ohio or another state or jurisdiction, including but not limited to nursing, practice as a dialysis technician, nurse aide, community health care worker or medication aide, for any reason other than a failure to renew;~~

~~(2) Administering medications as a certified medication aide, having failed to renew a medication aide certificate issued under this chapter, or while a medication aide certificate is under suspension or inactive;~~

~~(3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, of a misdemeanor committed in the course of practice;~~

~~(4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude;~~

~~(5) Selling, giving away, or administering drugs or therapeutic devices for other than legal and legitimate therapeutic purposes; or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;~~

~~(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu~~

~~of conviction for, an act in another jurisdiction that would constitute a felony or a crime of moral turpitude in Ohio;~~

- ~~(7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;~~
- ~~(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;~~
- ~~(9) Habitual or excessive use of controlled substances, other habit forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to comply with standards of safe medication administration established in rule 4723-27-02 of the Administrative Code;~~
- ~~(10) Impairment of the ability to comply with standards of safe medication administration established in rule 4723-27-02 of the Administrative Code because of the use of drugs, alcohol, or other chemical substances;~~
- ~~(11) Impairment of the ability to comply with standards of safe medication administration established in rule 4723-27-02 of the Administrative Code because of a physical or mental disability;~~
- ~~(12) Assaulting or causing harm to a resident or depriving a resident of the means to summon assistance;~~
- ~~(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;~~
- ~~(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may restore the person's medication aide certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency;~~
- ~~(15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;~~
- ~~(16) Violation of Chapter 4723. of the Revised Code or any rules adopted under it;~~
- ~~(17) Violation of any restrictions placed on a medication aide certificate by the board;~~

- ~~(18) Failure to use universal and standard precautions including those set forth in Chapter 4723-20 of the Administrative Code;~~
- ~~(19) Engaging in activities that exceed those permitted under sections 4723.61 to 4723.69 of the Revised Code or this chapter;~~
- ~~(20) Failure by a certified medication aide to conform to the standards of safe medication administration established in rule 4723-27-02 of the Administrative Code.~~
- ~~(21) Aiding and abetting a person in that person's practice of nursing without a license, or practice as a dialysis technician or certified medication aide without a certificate issued under this chapter;~~
- ~~(22) Regardless of whether the contact or verbal behavior is consensual, engaging with a resident other than the spouse of the certified medication aide in any of the following:~~
- ~~(a) Sexual contact, as defined in section 2907.01 of the Revised Code;~~
- ~~(b) Verbal behavior that is sexually demeaning to the resident or may be reasonably interpreted by the resident as sexually demeaning.~~
- ~~(23) Assisting suicide as defined in section 3795.01 of the Revised Code.~~
- ~~(C)~~(B) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code and Chapter 4723-16 of the Administrative Code. The board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, or a board committee, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.
- ~~(D)~~(C) In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code:
- (1) The board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings; and
- (2) In the final order, the board may order any of the sanctions listed in paragraph (A) ~~or (B)~~ of this rule.
- ~~(E) If a criminal action is brought against a certified medication aide for an act or crime described in paragraphs (B)(3) to (B)(7) of this rule and the action is dismissed by~~

~~the trial court other than on the merits:~~

- ~~(1) The board shall conduct an adjudication to determine whether the certified medication aide committed the act upon which the action was based.~~
- ~~(2) If the board determines on the basis of the adjudication that the certified medication aide committed the act, or if the certified medication aide fails to participate in the adjudication, the board may take action as though the certified medication aide had been convicted of the act.~~
- ~~(F) If the board takes action on the basis of a conviction, plea, or a judicial finding as described in paragraphs (B)(3) to (B)(7) of this rule that is overturned on appeal, the certified medication aide may, on exhaustion of the appeal process, petition the board for reconsideration of its action.~~
 - ~~(1) On receipt of the petition and supporting court documents, the board shall temporarily rescind its action.~~
 - ~~(2) If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action.~~
 - ~~(3) If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the certified medication aide committed the act on which the original conviction, plea, or judicial finding was based.~~
 - ~~(a) If the board determines on the basis of the adjudication that the certified medication aide committed such act, or if the certified medication aide does not request an adjudication, the board shall reinstate its action;~~
 - ~~(b) If the board determines that the certified medication aide did not commit such act, the board shall permanently rescind its action.~~
- ~~(G) The board may investigate an individual's criminal background in performing its duties under this rule and sections 4723.61 to 4723.69 of the Revised Code. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.~~
- ~~(H) During the course of an investigation authorized by section 4723.652 of the Revised Code, the board may compel any certified medication aide or applicant under sections 4723.61 to 4723.69 of the Revised Code to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to safely~~

~~administer prescribed medication. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.~~

~~(I) If the board finds that an individual is impaired in accordance with paragraph (H) of this rule, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed certificate to administer prescribed medication.~~

~~(1) The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the administration of prescribed medication in accordance with the standards established under rule 4723-27-02 of the Administrative Code.~~

~~(2) For purposes of this paragraph, any certified medication aide or applicant under this rule shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.~~

~~(J)~~(D) The provisions of division (I) of section 4723.28 of the Revised Code apply to information, investigations and adjudications involving certified medication aides or applicants under sections 4723.61 to 4723.69 of the Revised Code and this chapter.

~~(K)~~(E) The provisions of section 4723.29 of the Revised Code apply with respect to any matter that the board has authority to investigate, inquire into, or hear under sections 4723.61 to 4723.69 of the Revised Code and this chapter.

~~(L)~~(F) When the board refuses to grant a medication aide certificate to an applicant, ~~revokes a certificate,~~ or refuses to reinstate a certificate, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a medication aide certificate and the board shall not accept from the individual an application for reinstatement of the certificate or for a new certificate.

~~(M)~~(G) No unilateral surrender of a medication aide certificate issued under Chapter 4723. of the Revised Code shall be effective unless accepted by majority vote of the board. No application for a medication aide certificate issued under Chapter 4723. of the Revised Code may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action is not removed or limited when an individual has a certificate classified as inactive or fails to renew a certificate.

4723-27-10

Fees.

~~(A) The board may impose fees in accordance with division (B)(1) of section 4723.69 of the Revised Code, including the following:~~

- ~~(1) For applications to obtain a medication aide certificate, fifty dollars;~~
- ~~(2) For biennial renewal of a medication aide certificate submitted on or before March first of even numbered years, fifty dollars;~~
- ~~(3) For biennial renewal of a medication aide certificate submitted after March first and before May first of even numbered years, one hundred dollars;~~
- ~~(4) Except as provided in section 5903.10 of the Revised Code, for reinstatement of a lapsed medication aide certificate, one hundred dollars;~~
- ~~(5) For reactivation of an inactive medication aide certificate, fifty dollars;~~
- ~~(6) For verification of a medication aide certificate to another jurisdiction, fifteen dollars;~~
- ~~(7) For providing a replacement copy of a medication aide certificate suitable for framing, twenty-five dollars;~~
- ~~(8) For applications for approval to operate a medication aide training program, one thousand dollars;~~
- ~~(9) For applications for re-approval of a medication aide training program, five hundred dollars; or~~
- ~~(10) For processing a check returned to the board by a financial institution for insufficient funds, twenty-five dollars.~~

~~(B)~~(A) All payments of fees shall be in the form required by the board.

~~(C)~~(B) Except for duplicate payments, all fees are nonrefundable.

~~(D)~~(C) An applicant whose initial payment is returned to the board before the renewal deadline may reissue payment to the board without jeopardizing the status of the applicant's certificate.

4723-27-11

Medication aide certification by endorsement.

(A) An applicant for medication aide certification by endorsement shall satisfy the following:

(1) Submit a completed "Certified Medication Aide by Endorsement Application" and the certification application fee ~~required by section 4723.69 of the Revised Code~~ of fifty dollars;

~~(2) Submit to a criminal records check completed by the bureau of criminal identification and investigation;~~

~~(3)~~(2) The applicant has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's practice as a medication aide;

~~(4)~~(3) The applicant has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant is applying;

~~(5)~~(4) Submit any other documentation required by the board.

(B) Pursuant to section 4796.03 of the Revised Code, the board shall issue a medication aide certificate in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a substantially similar out-of-state occupational license to engage in practice as a medication aide, or, holds a government certification to engage in practice as a medication aide from one of the uniformed services or from a state that does not issue a license for practice as a medication aide, if the applicant:

(1) Has held the license or government certification for at least one of the last five years immediately preceding the date the application is submitted to the board;

(2) Has been actively engaged in practice as a medication aide for at least one of the five years immediately preceding the date the application is submitted to the board;

(3) Is in good standing in all jurisdictions in which the applicant holds the license or government certification; and

- (4) Was required to satisfy minimum education, training, or experience requirements or pass an examination to receive the license or government certification.

The applicant shall have verification of licensure or government certification to practice as a medication aide submitted directly to the board from the issuing state or uniformed services. The applicant shall also have verification of having been actively engaged in practice as a medication aide for at least one of the past five years submitted directly to the board by the employer or employer designee for whom the applicant practiced as a medication aide.

- (C) Pursuant to section 4796.04 of the Revised Code, the board shall issue a medication aide certificate in accordance with Chapter 4796. of the Revised Code to an applicant who has held a private certification as a medication aide in a state that does not issue an occupational license or government certification to practice as a medication aide, if the applicant:

- (1) Has held a private certification for at least two years immediately preceding the date the application is submitted;
- (2) Has been actively engaged in practice as a medication aide in a state that does not issue an occupational license or government certification to practice as a medication aide, for at least two of the five years immediately preceding date the application is submitted; and
- (3) Is in good standing with the private organization that issued the private certification.

The applicant shall have verification of private certification as a medication aide submitted directly to the board by the private organization that issued the certification. The applicant shall also have verification of having been actively engaged in practice as a medication aide for at least two of the past five years, submitted directly to the board by the employer or employer designee for whom the applicant practiced as a medication aide.

- (D) Pursuant to section 4796.05 of the Revised Code, the board shall issue a medication aide certificate in accordance with Chapter 4796. of the Revised Code to an applicant who, for at least three of the five years immediately preceding the date the application is submitted to the board, has been actively engaged in practice as a medication aide, in either:

- (1) A state that does not issue an occupational license or government certificate to

practice as a medication aide, or

(2) Service of the uniformed services.

The applicant shall have verification of having been actively engaged in practice as a medication aide for at least three of the past five years submitted directly to the board by the employer or employer designee of the uniformed services for whom the applicant practiced as a medication aide.

(E) The board may propose to deny certification by endorsement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

(F) If an applicant for certification by endorsement as a medication aide fails to meet the requirements for certification within one year from the date the application is received, or the application remains incomplete for one year, the application shall be considered void and the fee forfeited. The application shall state the circumstances under which forfeiture may occur.