

## TO BE RESCINDED

5123:2-3-09            **Medication.**

## (A) Purpose

This rule outlines the criteria and requirements for the administration, documentation, storage, and disposal of prescribed and OTC medication in a residential facility.

## (B) Definitions

- (1) "Health care professional" has the same meaning as defined in section 5126.35 of the Revised Code.
- (2) "Licensed nurse" means a registered nurse or a licensed practical nurse holding a current, valid license to practice nursing in Ohio.
- (3) "Medication error" means a breach of one or more of the following: Giving the right medication to the right individual in the right dose at the right time through the right route with or without any adverse effect to the individual.
- (4) "Oral medication" means any prescribed medication that can be ingested through the mouth, a stable gastric tube, or a stable and labeled jejunostomy tube.
- (5) "Over-the-counter (OTC) medication" means medications, herbal remedies or other forms of complementary alternative medicine, or supplements sold to the general public that do not require a prescription. When an OTC medication is prescribed by a health care professional authorized by law to prescribe drugs, the medication is to be treated as though it is a prescribed medication.
- (6) "Prescribed medication" means a drug described in section 4729.01 of the Revised Code that is to be taken orally or applied topically pursuant to the order of a health care professional who is authorized by law to prescribe drugs.
- (7) "Topical medication" means any prescribed medication that is applied to the outer skin and eye, ear, or nose medication. Topical medication may include a transdermal medication or vaginal or rectal suppositories.
- (8) "Unlicensed worker" means a person who provides services to individuals with

mental retardation and developmental disabilities served by county boards, as an employee of, pursuant to a contract with or as a volunteer with the county board, excluding a health care professional acting within the scope of practice authorized by the professional's license or certificate.

(C) Administration of prescribed medication

- (1) The licensee shall adhere to the applicable standards for giving oral or applying topical medication to individuals residing in the residential facility established under section 5123.193 of the Revised Code and Chapter 4723-22 of the Administrative Code or policies developed by the county board under sections 5126.35 to 5126.356 of the Revised Code, rule 5123:2-1-07 of the Administrative Code, and Chapter 4723-21 of the Administrative Code.
- (2) ICFs/MR serving sixteen or more individuals and ICFs/MR operated by a county board serving seventeen or more individuals shall employ or contract with a licensed nurse for the administration of medication.
- (3) Prescribed medications shall be given to only those individuals for whom they are prescribed.
- (4) The dose, time, frequency, or route of administration shall not be changed, substituted, or omitted except on the order of a prescribing health care professional authorized to prescribe the medication being administered. If an order is given by telephone, the order shall be written in the individual's record and signed by the prescribing health care professional within seven days after the order is given. Only a licensed nurse may accept a telephone order for prescription medication from an authorized health care professional.
- (5) In addition to the licensee's internal policies and procedures regarding the reporting of medication errors, medication errors shall be documented by the licensee in the individual's record and shall be reported as an unusual incident or major unusual incident in accordance with rule 5123:2-17-02 of the Administrative Code. The record and/or the incident report shall indicate how the licensee responded to the medication error and what steps were taken to prevent the occurrence of future medication errors.

(D) Medication review

Unless otherwise indicated by a prescribing health care professional, all physician's orders for OTC and prescribed medication shall undergo a documented review at least every three months by a health care professional acting within the scope of his/her practice. The licensee shall include all known non-prescribed OTC

medication being taken by the individual in each review.

(E) Administration of OTC medication

- (1) An unlicensed worker may give OTC medication to an individual without a physician's order according to recommended dosage instructions when a licensed pharmacist, licensed nurse or other health care professional acting within the scope of his/her practice has reviewed a list of intended OTC medications and/or prescribed medications, and has determined that the OTC medications listed would not be contraindicated for the individual.
- (2) Notwithstanding the provisions of paragraph (E) (1) of this rule, the individual's plan may indicate that the individual is capable of the self-administration of OTC medication or may receive assistance with the self-administration of OTC medication by an unlicensed worker.

(F) Procedures for medication administration

The licensee shall develop written procedures for giving or applying prescribed medication and OTC medication to individuals which includes, but is not limited to, the dose, time, frequency, and route of the medication taken, as well as documenting any significant responses to the medication, occurrences of undesirable side effects of the medication, and errors in medication administration. These records shall be retained as part of the individual's record.

(G) Self-administration or assistance with self-administration of prescribed medication

- (1) Based on formal or informal assessments, the individual's plan shall indicate the criteria, parameters, and documentation necessary for any self-administration or assistance with self-administration of medication.
- (2) Notwithstanding the provisions of this rule, the assistance with the self-administration of medication shall not constitute the practice of nursing and is therefore not subject to any regulations regarding delegated nursing tasks. An unlicensed person assisting an individual with the self-administration of medication may do the following:
  - (a) Remind an individual when to take the medication and observe to ensure that the individual follows the directions on the container.
  - (b) Assist an individual in the self-administration of medication by taking the medication in its container from the area where it is stored and handing

the container with the medication in it to the individual. If the individual is physically unable to open the container, the person may open the container for the individual.

- (c) Assist, upon request by or with the consent of, a physically impaired but mentally alert individual, in removing oral or topical medication from the container and in taking or applying the medication. If an individual is physically unable to place a dose of medicine in his/her mouth without spilling or dropping it, the person may place the dose in another container and place that container to the mouth of the individual.

(H) Delegation of nursing tasks

Delegation of nursing tasks shall be done in accordance with Chapter 4723-13 of the Administrative Code.

(I) Storage and disposal of prescribed and OTC medication

- (1) Medication shall be stored in a secure location.
- (2) The licensee shall develop and follow written procedures for the disposal of any medication. These procedures must include that disposal of prescribed medication is verified and recorded by two staff members or by an independent external entity. The disposal of dangerous drugs, as defined in section 4729.01 of the Revised Code, shall be done in accordance with rule 4729-9-06 ("Disposal of Dangerous Drugs which are Controlled Substances") of the Administrative Code.
- (3) In the event of the death of an individual, an accounting of medication shall be done immediately, but no later than twenty-four hours following the death, and recorded by two staff members. The licensee shall cooperate with any investigation conducted by a legally authorized entity. Disposal of medication shall occur in a manner prescribed in paragraph (I)(2) of this rule, unless an investigation calls for the disposal of medication to be delayed.

- (J) Nothing in this rule shall be construed to prevent any person from acting within the scope of his/her practice or performing a nursing task, inclusive of the giving or applying of prescribed medication, delegated to them by a person who is authorized by law to delegate that task.

Replaces: former 5123:2-3-21

Effective:

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Certification

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Date

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