

**4723-27-11 Certified Medication Aide Pilot Program**

- (A) The board of nursing shall conduct a pilot program for the utilization of certified medication aides in participating nursing homes and residential care facilities in accordance with sections 4723.61 to 4723.69 of the Revised Code and this chapter.
- (B) The medication aide pilot program shall commence no later than May 1, 2006 and shall terminate on June 30, 2007.
- (C) An individual holding a medication aide certificate issued by the board after May 1, 2006 and prior to June 30, 2007 may provide services as a certified medication aide only in those nursing homes and residential care facilities that are selected by the board to participate in the medication aide pilot program.
- (D) The medication aide pilot program shall consist of not more than eighty nursing homes and forty residential care facilities that are selected by the board to participate in the program in accordance with the selection standards and criteria set forth in section 4723.63 of the Revised Code and this chapter.
- (E) The board shall make available information relating to the application process and selection criteria for the medication aide pilot program in the following manner:
- (1) By posting the information on the official board of nursing website;
  - (2) By distributing the information by electronic mail to individuals or entities on the board's electronic mail subscriber list; and
  - (3) By mailing information through the United States postal service to individuals or entities that lack access to electronic mail and have requested that the board provide them with medication aide pilot program information by regular mail.
- (F) In accordance with division (C)(2) of section 4723.63 of the Revised Code, a nursing home is only eligible to be considered for participation in the medication aide pilot program if the Ohio department of health found that the nursing home was free from deficiencies related to the administration of medications in its two most recent annual surveys.
- (G) In accordance with division (C)(2) of section 4723.63 of the Revised Code, a residential care facility is only eligible to be considered for participation in the medication aide pilot program if, in the two most recent annual surveys or inspections, the Ohio department of health found that the facility was free from deficiencies related to:
- (1) The provision of skilled nursing care; and
  - (2) The administration of medications.

(H) In addition to the eligibility criteria set forth in paragraphs (F) and (G) of this rule, the board may consider the following factors in selecting nursing homes and residential care facilities to participate in the medication aide pilot program:

- (1) Geographic location of a nursing home or residential care facility;
- (2) Number of beds for which a nursing home or residential care facility is licensed;
- (3) Number of years that a nursing home or residential care facility has been licensed;
- (4) Compliance and safety history of a nursing home or residential care facility as evidenced by the survey reports submitted with a pilot program application;
- (5) Whether or not a residential care facility is affiliated with a nursing home through common corporate ownership, shared physical facilities, or other means;
- (6) Whether or not a nursing home or residential care facility is owned by an individual or entity that owns or operates additional nursing homes or residential care facilities;
- (7) Date on which a pilot program application is received by the board; and
- (8) Any other factors determined appropriate by the board.

(I) Nursing homes and residential care facilities that are selected to participate in the medication aide pilot program shall submit to the board the participation fee as set forth in rule 4723-27-10.

(J) The board may terminate the participation of a nursing home or residential care facility in the medication aide pilot program for any of the following:

- (1) Failure to submit the required pilot program participation fee by the date specified by the board;
- (2) Failure to allow representatives of the board to conduct site visits or to provide resident records, data, information, or reports to the board in accordance with this chapter, and as agreed to in the pilot program application;
- (3) Failure to adhere to the plan set forth in the application submitted by the nursing home or residential care facility relating to the preservation of residents' rights and the protection of human dignity;

(4) Failure to assure that medication aides administering prescription medications in the nursing home or residential care facility hold a certificate issued under section 4723.651 of the revised code and this chapter;

(5) Failure to assure that certified medication aides administering prescription medications in the nursing home or residential care facility act in accordance with the standards set forth in section 4723.67 of the Revised Code and this chapter;

(6) FAILURE TO ASSURE THAT CERTIFIED MEDICATION AIDES DO NOT HAVE ACCESS TO SCHEDULE II CONTROLLED SUBSTANCES; OR

~~(5)~~(6) In accordance with division (E) of section 4723.63 of the Revised Code, a determination by the board that continued participation by the nursing home or residential care facility poses an imminent danger or risk of serious harm or jeopardy to the residents of the nursing home or residential care facility.

(K) A nursing home or residential care facility whose participation in the pilot program is terminated by the board in accordance with paragraph (J) of this rule shall comply with all of the following:

(1) Provide immediate written notice to certified medication aides administering prescription medications in the nursing home or residential care facility that they are no longer authorized to administer prescription medications in that nursing home or residential care facility;

(2) Immediately cease using certified medication aides to administer prescription medications in the nursing home or residential care facility;

(3) Submit to the board all data and information necessary to satisfy reporting requirements imposed by rules 4723-27-13 and 4723-27-14 for the period of time during which the nursing home or residential care facility was a participant in the pilot program.

(L) A nursing home or residential care facility that voluntarily withdraws from participation in the pilot program shall comply with all of the following:

(1) Provide immediate written notice to the board that the nursing home or residential care facility is withdrawing from participation in the pilot program;

(2) Provide immediate written notice to certified medication aides administering prescription medications in the nursing home or residential care facility that they are no longer authorized to administer prescription medications in that nursing home or residential care facility;

(3) Immediately cease using certified medication aides to administer prescription medications in the nursing home or residential care facility;

(4) Submit to the board all data and information necessary to satisfy reporting requirements imposed by rules 4723-27-~~09~~13 and 4723-27-14 for the period of time during which the nursing home or residential care facility was a participant in the pilot program.

(M) During the pilot program, representatives of the board may conduct announced or unannounced site visits of participating nursing homes and residential care facilities so that the board may assess whether the nursing home or residential care facility is complying with the terms of the pilot program, as set forth in sections 4723.61 to 4723.69 of the Revised Code and this chapter, including but not limited to the following:

(1) Evaluating whether certified medication aides are able to administer prescription medications safely to residents as provided in division (F)(1)(a) of section 4723.63 of the Revised Code;

(2) Determining whether continued participation in the pilot program by a nursing home or residential care facility poses an imminent danger, risk of serious harm, or jeopardy to a resident as provided in division (E) of section 4723.63 of the Revised Code; or

(3) Investigating medication errors or other acts or omissions required to be reported to the board in accordance with rules 4723-27-13 and 4723-27-14.

(N) In conducting site visits of participating nursing homes or residential care facilities, representatives of the board may observe the administration of medications by certified medication aides and shall have access to nursing home or residential care facility records as provided in the pilot program application.

(O) A nursing home or residential care facility shall make records available to representatives of the board during site visits and shall provide to the board certified copies of resident records within ten business days of the date requested.

(P) Chapter 4723. of the Revised Code does not require that the board afford an adjudication to a nursing home or residential care facility in either of the following situations:

(1) The nursing home or residential care facility was not selected by the board to participate in the medication aide pilot program; or

(2) Participation by the nursing home or residential care facility in the medication aide pilot program was terminated in accordance with paragraph (K) of this rule.