RULES
OF THE
TENNESSEE DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

CHAPTER 0465-01-03
ADMINISTRATION OF MEDICATION BY UNLICENSED PERSONNEL

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0465-01-03-.01 PURPOSE.

(1) The purpose of these rules is to amend the former rules pertaining to Administration of Medication by Unlicensed Personnel and establish new rules in light of the Department of Intellectual and Developmental Disabilities' current organization, structure and resources.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-904.* ***Administrative History****: Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.02 DEFINITIONS.

(1) "Administration of Medications" shall mean providing for the ingestion, application, injection of medications allowed by these rules; inhalation or rectal or vaginal insertion of medication, including over the counter and prescription drugs, according to the written or printed directions of the prescribing practitioner; and making a written record thereof with regard to each medication administered, including the time and amount taken. Administration does not include judgment, evaluation or assessment.

(2) "Certification" shall mean the period of time an unlicensed staff is authorized to administer medications in accordance with these rules.

(3) "Certified Personnel" authorized to administer medications shall mean an employee who:

(a) Is at least 18 years of age;

(b) Has met all requirements to be an employee of a provider agency;

(c) Is able to effectively read, write and communicate verbally in English as well as read and understand instructions, perform record-keeping duties and write reports;

(d) Has successfully completed the DIDD medication administration training program; and

(e) Holds current certification to administer medications according to the provision of these rules.

(4) "Competency Testing" shall mean a written examination and a practical demonstration of skills that measure basic proficiency in medication administration.

(Rule 0465-01-03-.02, continued)

(5) "Curriculum" shall mean the current course training program 'Medication Administration for Unlicensed Personnel'.

(6) "Department" shall mean the Tennessee Department of Intellectual and Developmental Disabilities, also referred to as DIDD.

(7) "Drugs or Medications" shall mean substances intended for use in diagnosis, care, mitigations, treatment or prevention.

(8) "Employee" shall mean an individual who is unlicensed and is employed or receives payment through a provider agency contracting with the Department.

(9) "Medication Variance" shall mean any time a medication is given in a way that is inconsistent with how it was ordered by the prescribing practitioner and in accordance with the "Eight Rights" (i.e. right dose, right drug, right route, right time, right position, right texture, right person and right documentation).

(10) "Injectable Medications" shall mean medications given by intradermal, subcutaneous, intramuscular or intravenous routes. Injectable medications that may be given by certified unlicensed personnel are limited to routine insulin injections that are pre-drawn/prepared by the pharmacy and ordered on a regular basis (with additional training) or injectable epinephrine (i.e.EpiPen).

(11) "Monitoring" shall mean periodic review, observation, direction, and evaluation of a certified unlicensed staff's knowledge, skills and performance related to the functions and activities provided for in these rules.

(12) "Participant Record" shall mean the official record from the Department containing all information relative to class participation. Participant record is the only acceptable documentation for proof of certification to administer medications under the exemption.

(13) "RN Trainer" shall mean a registered nurse holding an unencumbered license in the State of Tennessee and who is trained by the Department to provide medication administration training in accordance with the curriculum and these rules.

(14) "Person (receiving services)" shall mean any person with intellectual and/or developmental disabilities who is enrolled in a DIDD home and community based waiver program and any person served by an agency that is both licensed under Title 33 and under contract with DIDD to provide residential or day services for people with intellectual and/or developmental disabilities, including persons served in the CHOICES program.

(15) "Provider Agency" shall mean private non-profit or for-profit entity under agreement/contract with the Department to provide services to individuals with intellectual and/or developmental disabilities.

(16) "Termination" shall mean the permanent revocation of certification and authority for:

(a) Unlicensed staff to administer medication or

(b) RN trainer to train the curriculum.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-904.* ***Administrative History****: Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.03 MEDICATION ADMINISTRATION TRAINING PROGRAMS.

(1) Medication Administration Curriculum developed and administered by the Department.

The course curriculum should cover, at a minimum, the following:

(a) Legal and ethical aspects of medication administration;

(b) State and federal regulations regarding medications;

(c) Terminology, abbreviations and measurements;

(d) Administration of medications;

(e) Types of medications, indications, actions, side effects and appropriate emergency response;

(f) Documentation; and

(g) Storage of medications.

(2) Certified RN Trainers

(a) The instruction of medication administration shall be performed by a Registered Nurse licensed and registered in the State of Tennessee who has:

(1) A minimum of two (2) years RN experience;

(2) A minimum one of (1) year experience in the provision of services to people within the DIDD system; and

(3) Experience as a direct supervisor responsible for oversight and management of staff.

(b) RN Trainer shall maintain security of all testing materials.

(c) Training for RN trainer shall be provided in accordance with Departmental rules and standards.

(d) The Department shall maintain a current database of certified RN trainers who are eligible to provide the instruction of medication administration under the exemption.

(e) The RN Trainer's authority to provide training in Medication Administration for Unlicensed Personnel may be terminated by the Department for failure to conform and perform to the standards set forth in these rules and the curriculum. Notice shall be provided to the RN Trainer by certified mail and he/she shall have the right to request an appeal hearing of decision to terminate his/her authority to provide training, pursuant to the Tennessee Uniform Administrative Procedures Act.

(3) The Department shall keep abreast of current standards and practices in the field and update the program accordingly.

(4) Competency Based Medication Administration Program:

(Rule 0465-01-03-.03, continued)

(a) The Department shall ensure that training sessions are held in accordance with these rules;

(b) Provider agencies shall develop and maintain a system for ensuring that any certified personnel administering medications have current certification in Medication Administration for Unlicensed Personnel;

(c) The Department shall maintain course material for one (1) year and participant records for five (5) years; and

(d) The Department shall provide the agency with a participant record for each participant registered for class.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 4-5-301, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-90.* ***Administrative History:*** *Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.04 APPROVAL OF UNLICENSED PERSONNEL.

(1) Any contracted DIDD provider agency employing staff who are not otherwise authorized by law to administer medications shall be allowed to perform such duties only after passing competency testing. Certified personnel who administer medications within the provision of this paragraph shall be exempt from the licensing requirements of the Nurse Practice Act and the Rules of the Board of Nursing.

(2) Before administering medications, an employee shall successfully complete a medication administration program consisting of not less than twenty (20) hours of classroom instruction as set forth in these rules.

(3) To successfully complete a medication administration training program, an employee shall achieve a score of at least 80 percent (%) for the course based on a written, objective test on the components set forth in these regulations. Demonstrated proficiency in the practicum of medication administration shall also be required with a score of at least 80 percent (%).

(4) Certification shall be renewed every three (3) years by:

(a) Successfully completing the Medication Administration for Unlicensed Personnel program or

(b) Test-out; by completion of online review followed by successfully passing the written and practical tests administered by a certified RN Trainer.

(5) DIDD shall allow employees who failed under the previous system to start fresh under the new system. DIDD shall remove any limit on the number of times an employee may take the exam with no waiting period between attempts. After the second failure of the employee to pass the examination, the cost of further testing shall be shifted to the provider.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-904.* ***Administrative History:*** *Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.05 CERTIFICATION OF UNLICENSED PERSONNEL.

(1) The provider agency shall obtain proof of certification (participant record) for new employees from the Department before they are allowed to administer medications.

(2) The Department shall verify an employee's current status and date of last successful completion of the medication administration training program.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-4-904.* ***Administrative History:*** *Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.06 LIMITATIONS OF FUNCTIONS OF UNLICENSED PERSONNEL.

(1) The following may be performed by certified personnel under the scope of these regulations and in accordance with the training curriculum:

(a) Medication administration via the following routes: oral, rectal, vaginal, eye, ear, nasal and topical; and

(b) Administration of medications by subcutaneous route for routine insulin (with additional training) and injectable epinephrine (i.e. EpiPen).

(2) This regulation does not preclude the performance of procedures by certified personnel pursuant to individual delegation by licensed personnel in accordance with the Nurse Practice Act and the Rules of the Board of Nursing.

(3) Administration of medications included in this exemption cannot be delegated.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-904.* ***Administrative History:*** *Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.07 PROVIDER AGENCY REQUIREMENTS.

(1) A provider agency employing certified personnel shall have a written policy demonstrating compliance with these rules. This policy shall be accepted by the Department and shall include, at a minimum, the following elements:

(a) Medication prohibitions;

(b) Security;

(c) Program requirements;

(d) Medication storage and labeling;

(e) Editing of medication records;

(f) Medication refusal;

(g) Medication Administration Record (MAR);

(h) Controlled substances;

(i) Medication variances;

(Rule 0465-01-03-.07, continued)

(j) Medication disposal;

(k) Family visit; and

(l) Self-Administration.

(2) A provider agency shall have a separate Medication Administration Record (MAR) of ordered medications for each person. The MAR must include at least the following:

(a) Name of person receiving the medication;

(b) Name of medication, indication, dosage and route of administration;

(c) Time and date of administration;

(d) Name of prescribing practitioner;

(e) Start date and stop date, if applicable; and

(f) Any specific directions.

(3) A provider agency shall maintain a side effects sheet and practitioner orders with the MAR for each medication ordered. Such records shall be subject to review by the Department.

(4) Storage, security and disposal of medications shall be maintained in accordance with State and Federal laws and DIDD regulations.

(5) The agency shall have certified personnel available to administer medications as ordered and at a place and time convenient for the person.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-904.* ***Administrative History:*** *Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.08 TERMINATION OF AUTHORITY TO ADMINISTER MEDICATION.

(1) The provider agency shall submit a recommendation to the Department for termination of authority to administer medications in the event a certified personnel is determined to be unable to safely administer medications due to:

(a) The use of drugs, alcohol or controlled substances which could impair judgment; or

(b) Performance of unsafe or unacceptable care of people receiving medications; or

(c) Failure to conform to the essential and prevailing standards of medication administration.

The Department shall review the recommendation and provide a decision to the provider agency. Termination of certification notice shall be provided to the certified personnel by certified mail and the he/she shall have the right to request an appeal hearing on his/her termination of authority to administer medications, pursuant to the Tennessee Uniform Administrative Procedures Act.

(Rule 0465-01-03-.08, continued)
Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5-202, 4-5-301, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-904.* ***Administrative History:*** *Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*

0465-01-03-.09 MONITORING OF UNLICENSED PERSONNEL.

(1) The Department shall monitor the administration of medications by certified personnel. Monitoring shall be completed by Registered Nurses employed by the Department.

(2) The provider agency shall monitor, at a minimum, the first medication pass of the certified personnel upon successful completion of his/her original certification, provide ongoing monitoring in accordance with agency policy and maintain documentation of such.

Authority: *Tenn. Code Ann. (T.C.A.) §§ 4-5202, 33-1-302, 33-1-303, 33-1-305, 33-1-309 and 68-1-904.* ***Administrative History:*** *Original rule filed August 28, 2015; effective November 26, 2015. Rule renumbered from 1200-20-12.*