

Sub. S. B. No. 28  
As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "To" insert "amend sections 4723.651, 1  
4723.66, 4723.67, and 4723.69; to amend, for the purpose of adopting a new 2  
section number as indicated in parentheses, section 4723.61 (4723.63); and 3  
to"; after "sections" insert "4723.671,"; after "4730.70" insert "," 4

In line 3 of the title, after "Compact" insert "and to revise the 5  
law governing the certification and practice of medication aides" 6

In line 4, after "That" insert "sections 4723.651, 4723.66, 4723.67, 7  
and 4723.69 be amended; section 4723.61 (4723.63) be amended for the 8  
purpose of adopting a new section number as indicated in parentheses; 9  
and"; after "sections" insert "4723.671,"; after "4730.70" insert "," 10

After line 5, insert: 11

**"Sec. ~~4723.61~~ 4723.63.** As used in this section and in 12  
sections 4723.64 to 4723.69 of the Revised Code: 13

(A) "Intermediate care facility for individuals with 14  
intellectual disabilities" and "ICF/IID" have the same meanings 15  
as in section 5124.01 of the Revised Code. 16



(B) "Medication" means a drug, as defined in section 4729.01 of the Revised Code. 17  
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(C) "Medication error" means a failure to follow the prescriber's instructions when administering a prescription medication. 19  
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(D) "Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code. 22  
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(E) "Prescription medication" means a medication that may be dispensed only pursuant to a prescription. 24  
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(F) "Prescriber" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 26  
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**Sec. 4723.651.** (A) To be eligible to receive a medication aide certificate, an applicant is subject to both of the following: 28  
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(1) The applicant shall meet all of the following conditions: 31  
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~~(1) (a) Be at least eighteen years of age;~~ 33

~~(2) (b) Have a high school diploma or a certificate of high school equivalence as defined in section 5107.40 of the Revised Code;~~ 34  
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~~(3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code;~~ 37  
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~~(4) If the applicant is to practice as a medication aide in a residential care facility, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or~~ 41  
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~~(8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in a residential care facility;~~ 44  
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~~(5) If the applicant is to practice as a medication aide in an ICF/IID, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in an ICF/IID;~~ 47  
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~~(6)-(c)~~ Successfully complete the course of instruction provided by a training program approved under section 4723.66 of the Revised Code; 52  
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~~(7)-(d)~~ Not be ineligible for licensure or certification in accordance with section 4723.092 of the Revised Code; 55  
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~~(8)-(e)~~ Have not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or be determined by the board to have made restitution, been rehabilitated, or both; 57  
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~~(9) Meet all other requirements for a medication aide certificate established in rules adopted under section 4723.69 of the Revised Code.~~ 61  
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(2) (a) If the applicant is to practice as a medication aide in a nursing home, then in addition to meeting the eligibility conditions described in division (A) (1) of this section, the applicant must be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code. 64  
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(b) If the applicant is to practice as a medication aide in a residential care facility, then the applicant must meet 70  
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only the eligibility conditions described in division (A) (1) of this section. 72  
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(c) If the applicant is to practice as a medication aide in an ICF/IID, then in addition to meeting the eligibility conditions described in division (A) (1) of this section, the applicant must be either a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has one year of direct care experience in an ICF/IID. 74  
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(B) Except as provided in division (C) of this section, if an applicant meets the requirements specified in division (A) of this section, the board of nursing shall issue a medication aide certificate to the applicant. ~~If~~ 81  
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If a medication aide certificate is issued to an individual ~~on the basis of having at least one year of direct care experience working in a residential care facility, as provided in division (A) (4)~~ described in division (A) (2) (b) of this section, the certificate is valid for use only in a residential care facility. The board shall state such limitation on the certificate issued to the individual. After demonstrating to the board that the certificate holder has one year of direct care experience in a residential care facility, the board shall issue to the holder an updated copy of the certificate stating that the certificate is valid for use in either a residential care facility or ICF/IID. The date by which the updated certificate is to be renewed remains the same as the renewal date for the initial certificate. 85  
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If a medication aide certificate is issued to an individual on the basis of having ~~at least~~ one year of direct care experience ~~working~~ in an ICF/IID, as provided in division 99  
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~~(A) (5)~~ (A) (2) (c) of this section, the certificate is valid for 102  
use only in an ICF/IID. The board shall state ~~the~~ such 103  
limitation on the certificate issued to the individual. 104

(C) The board shall issue a medication aide certificate in 105  
accordance with Chapter 4796. of the Revised Code to an 106  
applicant if either of the following applies: 107

(1) The applicant holds a certificate or license in 108  
another state. 109

(2) The applicant has satisfactory work experience, a 110  
government certification, or a private certification as 111  
described in that chapter as a medication aide in a state that 112  
does not issue that certificate or license. 113

(D) A medication aide certificate is valid for two years, 114  
unless earlier suspended or revoked. The certificate may be 115  
renewed in accordance with procedures specified by the board in 116  
rules adopted under section 4723.69 of the Revised Code. 117

The board shall provide each holder of a certificate 118  
access to a renewal application that may be completed and 119  
submitted to the board online, except that the board is not 120  
required to provide such access when it is aware that a holder 121  
may be otherwise ineligible for renewal, including for any 122  
disqualifying offense listed on the internet web site maintained 123  
by the board as described in division (C) of section 9.78 of the 124  
Revised Code. 125

To be eligible for renewal, an applicant shall ~~pay~~ meet 126  
all of the following conditions: 127

(1) Have submitted on or before the thirtieth day of April 128  
of an even-numbered year a completed renewal application; 129

<u>(2) Have paid the renewal fee established in the rules and</u>	130
<u>meet all renewal qualifications specified in the rules in an</u>	131
<u>amount as follows:</u>	132
<u>(a) For an application submitted on or before the first</u>	133
<u>day of March of an even-numbered year, fifty dollars;</u>	134
<u>(b) For an application submitted after the first day of</u>	135
<u>March but before the first day of May of an even-numbered year,</u>	136
<u>one hundred dollars.</u>	137
<u>(3) Have demonstrated to the board that the applicant</u>	138
<u>successfully completed fifteen contact hours of continuing</u>	139
<u>education from one or more continuing education programs or</u>	140
<u>courses approved by the board and that included the following:</u>	141
<u>(a) One hour directly related to this chapter and any</u>	142
<u>rules adopted under it;</u>	143
<u>(b) One hour directly related to establishing and</u>	144
<u>maintaining professional boundaries;</u>	145
<u>(c) Ten hours related to medications or the administration</u>	146
<u>of prescription medications.</u>	147
<u>(E) A certified medication aide shall verify completion of</u>	148
<u>the continuing education required by this section on the</u>	149
<u>application for certificate renewal provided by the board of</u>	150
<u>nursing, and at the discretion of the board, may be required to</u>	151
<u>show proof of completion of the approved continuing education.</u>	152
<u>Failure to verify or provide proof shall result in ineligibility</u>	153
<u>to renew, reactivate, or reinstate a medication aide certificate</u>	154
<u>until the continuing education requirements are met.</u>	155
<b>Sec. 4723.66.</b> (A) A person or government entity seeking	156
approval to provide a medication aide training program shall	157

apply to the board of nursing on a form prescribed and provided 158  
by the board. The application shall be accompanied by the fee 159  
established in rules adopted under section 4723.69 of the 160  
Revised Code. 161

(B) Except as provided in division (C) of this section, 162  
the board shall approve the applicant to provide a medication 163  
aide training program if the content of the course of 164  
instruction to be provided by the program meets the standards 165  
specified by the board in rules adopted under section 4723.69 of 166  
the Revised Code and includes all of the following: 167

(1) ~~At~~ In the case of an applicant seeking to provide a 168  
medication aide training program for practice in nursing homes 169  
or ICFs/IID, at least seventy clock-hours of instruction in 170  
medication administration, including both classroom instruction 171  
~~on medication administration and at least twenty clock-hours of~~ 172  
~~supervised clinical practice in medication administration;~~ 173

(2) In the case of an applicant seeking to provide a 174  
medication aide training program for practice in residential 175  
care facilities, seventy clock hours of instruction in 176  
medication administration, including fifteen clock hours of 177  
classroom instruction and fifteen clock hours of supervised 178  
clinical practice. Additionally, part of the seventy clock hours 179  
shall specifically include ten clock hours of instruction during 180  
which each of the following is addressed: 181

(a) Utilizing insulin pen devices that contain dosage 182  
indicators; 183

(b) Administering the initial dose of each new medication 184  
when conducting a medication pass; 185

(c) Administering schedule II controlled substances. 186

<u>(3)</u> A mechanism for evaluating whether an individual's	187
reading, writing, and mathematical skills are sufficient for the	188
individual to be able to administer prescription medications	189
safely;	190
<del>(3)</del> <u>(4)</u> An examination that tests the ability to	191
administer prescription medications safely and that meets the	192
requirements established by the board in rules adopted under	193
section 4723.69 of the Revised Code.	194
(C) The board shall deny the application for approval if	195
an applicant submits or causes to be submitted to the board	196
false, misleading, or deceptive statements, information, or	197
documentation in the process of applying for approval of the	198
program.	199
(D) (1) The board may deny, suspend, or revoke the approval	200
granted to a medication aide training program for reasons	201
specified in rules adopted under section 4723.69 of the Revised	202
Code.	203
(2) The board may deny the application for approval if the	204
program is controlled by a person who controls or has controlled	205
a program that had its approval withdrawn, revoked, suspended,	206
or restricted by the board or a board of another jurisdiction	207
that is a member of the national council of state boards of	208
nursing. As used in division (D) (2) of this section, "control"	209
means any of the following:	210
(a) Holding fifty per cent or more of the program's	211
outstanding voting securities or membership interest;	212
(b) In the case of a program that is not incorporated,	213
having the right to fifty per cent or more of the program's	214
profits or in the event of a dissolution, fifty per cent or more	215



of the program's assets;	216
(c) In the case of a program that is a for-profit or not-	217
for-profit corporation, having the contractual authority	218
presently to designate fifty per cent or more of the program's	219
directors;	220
(d) In the case of a program that is a trust, having the	221
contractual authority presently to designate fifty per cent or	222
more of the program's trustees;	223
(e) Having the authority to direct the program's	224
management, policies, or investments.	225
(E) Except as otherwise provided in this division, all	226
actions taken by the board to deny, suspend, or revoke the	227
approval of a training program shall be taken in accordance with	228
Chapter 119. of the Revised Code.	229
When an action taken by the board is required to be taken	230
pursuant to an adjudication conducted under Chapter 119. of the	231
Revised Code, the board may, in lieu of an adjudication hearing,	232
enter into a consent agreement to resolve the matter. A consent	233
agreement, when ratified by a vote of a quorum of the board,	234
constitutes the findings and order of the board with respect to	235
the matter addressed in the agreement. If the board refuses to	236
ratify a consent agreement, the admissions and findings	237
contained in the agreement are of no effect.	238
In any instance in which the board is required under	239
Chapter 119. of the Revised Code to give notice to a program of	240
an opportunity for a hearing and the program does not make a	241
timely request for a hearing in accordance with section 119.07	242
of the Revised Code, the board is not required to hold a	243
hearing, but may adopt, by a vote of a quorum, a final order	244

that contains the board's findings. 245

(F) When the board denies, suspends, or revokes approval 246  
of a program, the board may specify that its action is 247  
permanent. A program subject to a permanent action taken by the 248  
board is forever ineligible for approval and the board shall not 249  
accept an application for the program's reinstatement or 250  
approval. 251

**Sec. 4723.67.** This section establishes standards and 252  
conditions under which a medication aide who holds a current, 253  
valid medication aide certificate issued under this chapter is 254  
authorized to administer prescription medications to residents 255  
of a nursing home or ICF/IID. 256

(A) Except for the prescription medications specified in 257  
division (C) of this section and the methods of medication 258  
administration specified in division (D) of this section, a 259  
medication aide ~~who holds a current, valid medication aide-~~ 260  
~~certificate issued under this chapter~~ may administer 261  
prescription medications to the residents of nursing homes, 262  
~~residential care facilities,~~ and ICFs/IID that use medication 263  
aides pursuant to section 4723.64 of the Revised Code. A 264  
medication aide shall administer prescription medications only 265  
pursuant to the delegation of a registered nurse or a licensed 266  
practical nurse acting at the direction of a registered nurse. 267

Delegation of medication administration to a medication 268  
aide shall be carried out in accordance with the rules for 269  
nursing delegation adopted under this chapter by the board of 270  
nursing. A nurse who has delegated to a medication aide 271  
responsibility for the administration of prescription 272  
medications to the residents of a nursing home, ~~residential care~~ 273  
~~facility,~~ or ICF/IID shall not withdraw the delegation on an 274

arbitrary basis or for any purpose other than patient safety.	275
(B) In exercising the authority to administer prescription medications pursuant to nursing delegation, a medication aide may administer prescription medications in any of the following categories:	276 277 278 279
(1) Oral medications;	280
(2) Topical medications;	281
(3) Medications administered as drops to the eye, ear, or nose;	282 283
(4) Rectal and vaginal medications;	284
(5) Medications prescribed with a designation authorizing or requiring administration on an as-needed basis, but only if a nursing assessment of the patient is completed before the medication is administered.	285 286 287 288
(C) A medication aide shall not administer prescription medications in either of the following categories:	289 290
(1) Medications containing a schedule II controlled substance, as defined in section 3719.01 of the Revised Code;	291 292
(2) Medications requiring dosage calculations.	293
(D) A medication aide shall not administer prescription medications by any of the following methods:	294 295
(1) Injection;	296
(2) Intravenous therapy procedures;	297
(3) Splitting pills for purposes of changing the dose being given.	298 299

(E) A nursing home, ~~residential care facility,~~ or ICF/IID 300  
that uses medication aides shall ensure that medication aides do 301  
not have access to any schedule II controlled substances within 302  
the home, ~~facility,~~ or ICF/IID for use by its residents. 303

Sec. 4723.671. This section establishes standards and 304  
conditions under which a medication aide who holds a current, 305  
valid medication aide certificate issued under this chapter is 306  
authorized to administer prescription medications to residents 307  
of a residential care facility. 308

(A) A medication aide may administer prescription 309  
medications, but only pursuant to the delegation of a registered 310  
nurse or a licensed practical nurse acting at the direction of a 311  
registered nurse. 312

(B) In delegating medication administration to a 313  
medication aide, all of the following apply: 314

(1) The delegation shall be carried out in accordance with 315  
the rules for nursing delegation adopted under this chapter by 316  
the board of nursing. 317

(2) A nurse who has delegated to a medication aide 318  
responsibility for the administration of prescription 319  
medications shall not withdraw the delegation on an arbitrary 320  
basis or for any purpose other than patient safety. 321

(3) A nurse may delegate to a medication aide 322  
responsibility for the administration of initial doses of 323  
prescription medications. 324

(4) A nurse may delegate to a medication aide 325  
responsibility for the administration of prescription 326  
medications with designations authorizing or requiring 327

administration on an as-needed basis, but the delegation shall 328  
occur only after the nurse has completed a nursing assessment of 329  
the patient. 330

(C) In exercising the authority to administer prescription 331  
medications pursuant to nursing delegation, all of the following 332  
apply: 333

(1) A medication aide may administer prescription 334  
medications in any of the following categories: 335

(a) Oral medications; 336

(b) Topical medications; 337

(c) Medications administered as drops to the eye, ear, or 338  
nose; 339

(d) Rectal and vaginal medications. 340

(2) In the case of a medication prescribed with a 341  
designation authorizing or requiring administration on an as- 342  
needed basis, a medication aide may administer the medication 343  
regardless of whether the delegating nurse is present at the 344  
facility. 345

(3) A medication aide shall not administer prescription 346  
medications in either of the following categories: 347

(a) Except as provided in division (C) (5) of this section, 348  
medications containing a schedule II controlled substance, as 349  
defined in section 3719.01 of the Revised Code; 350

(b) Medications requiring dosage calculations. 351

(4) A medication aide shall not administer prescription 352  
medications by any of the following methods: 353

<u>(a) Except as provided in division (C) (6) of this section,</u>	354
<u>injection;</u>	355
<u>(b) Intravenous therapy procedures;</u>	356
<u>(c) Splitting pills for purposes of changing the dose</u>	357
<u>being given.</u>	358
<u>(5) A medication aide may administer oral or topical</u>	359
<u>medications containing a schedule II controlled substance.</u>	360
<u>(6) A medication aide who satisfies training and</u>	361
<u>competency requirements specified in rules adopted by the board</u>	362
<u>may administer insulin to residents by injection, but only if</u>	363
<u>the medication is injected using an insulin pen device that</u>	364
<u>contains a dosage indicator.</u>	365
<b>Sec. 4723.69.</b> (A) The board of nursing shall adopt rules	366
to implement sections <del>4723.61-4723.63</del> to 4723.68 of the Revised	367
Code. All rules adopted under this section shall be adopted in	368
accordance with Chapter 119. of the Revised Code.	369
(B) The rules adopted under this section shall establish	370
or specify all of the following:	371
(1) <del>Fees</del> <u>Except for renewal fees established by division</u>	372
<u>(C) of section 4723.651 of the Revised Code, fees,</u> in an amount	373
sufficient to cover the costs the board incurs in implementing	374
sections <del>4723.61-4723.63</del> to 4723.68 of the Revised Code, for	375
certification as a medication aide and approval of a medication	376
aide training program;	377
(2) <del>Requirements to obtain a medication aide certificate</del>	378
<del>that are not otherwise specified in</del> <u>Application procedures for</u>	379
<u>medication aide certificates under</u> section 4723.651 of the	380
Revised Code;	381

(3) <del>Procedures for renewal of</del> <u>Renewal procedures for</u> medication aide certificates;	382 383
(4) The extent to which the board determines that the reasons for taking disciplinary actions under section 4723.28 of the Revised Code are applicable reasons for taking disciplinary actions under section 4723.652 of the Revised Code against an applicant for or holder of a medication aide certificate;	384 385 386 387 388
(5) <del>Standards</del> <u>Subject to division (C) of this section,</u> <u>standards</u> for medication aide training programs, including the examination to be administered by the training program to test an individual's ability to administer prescription medications safely;	389 390 391 392 393
(6) Standards for approval of continuing education programs and courses for medication aides;	394 395
(7) Reasons for denying, revoking, or suspending approval of a medication aide training program;	396 397
<del>(8) Other standards and procedures the board considers</del> <del>necessary to implement sections 4723.61 to 4723.68 of the</del> <del>Revised Code.</del>	398 399 400
<u>(C) Both of the following apply with respect to rules</u> <u>adopted under this section governing approval of and</u> <u>participation in medication aide training programs:</u>	401 402 403
<u>(1) In establishing or specifying standards for the</u> <u>supervised clinical practice components of the training</u> <u>programs, when such training is provided in a residential care</u> <u>facility and the facility has been notified by the department of</u> <u>health of real and present danger related to its administration</u> <u>of medications or provision of skilled nursing care, the board</u>	404 405 406 407 408 409

shall prohibit the facility from commencing any further 410  
supervised clinical practice components until either of the 411  
following occurs: 412

(a) A plan of correction is approved; 413

(b) The facility resolves the danger. 414

The board shall allow a training program to continue any 415  
supervised clinical practice components that commenced prior to 416  
the department of health notifying the facility. 417

(2) If the rules establish a minimum or maximum number of 418  
days for participation in or completion of a training program, 419  
the board shall base that number on calendar days rather than 420  
business days." 421

After line 1004, insert: 422

"**Section 2.** That existing sections 4723.61, 4723.651, 423  
4723.66, 4723.67, and 4723.69 of the Revised Code are hereby 424  
repealed." 425

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 426

**Medication aides** 427

**R.C. 4723.61 (renumbered as 4723.63), 4723.651, 4723.66,** 428  
**4723.67, 4723.671, and 4723.69** 429

Revises the law governing the practice and certification 430  
of medication aides in the following ways: 431



- (1) Authorizes a medication aide practicing in a residential care facility to administer insulin by injection, but only if the aide satisfies the Board of Nursing's training and competency requirements and uses an insulin pen device that contains a dosage indicator;
- (2) Authorizes a medication aide to administer oral or topical medications containing schedule II controlled substances, but only when practicing in a residential care facility and to the residents of that facility;
- (3) With respect to a medication prescribed for administration on an as-needed basis, authorizes a medication aide practicing in a residential care facility to administer it regardless of whether the nurse who delegated to the aide responsibility for administering the medication is present at the facility;
- (4) Specifies that a nurse may delegate to a medication aide practicing in a residential care facility responsibility for administering initial doses of prescription medications;
- (5) Eliminates the requirement that an applicant for a medication aide certificate who will practice in a residential care facility be a nurse aide or have one year of direct care experience in such a facility, while maintaining existing law eligibility requirements for an applicant who will practice in a nursing home (be a nurse aide) or in an intermediate care facility for individuals with intellectual disabilities (ICF/IID) (be a nurse aide or have one year of direct care experience in an ICF/IID);
- (6) Specifies that a medication aide certificate issued to an individual who will practice in a residential care facility

is valid for use only in such a facility, but requires the Board  
of Nursing to issue an updated certificate authorizing the  
individual to practice in either a residential care facility or  
ICF/IID, but only after the individual demonstrates to the Board  
that the individual has one year of direct care experience in a  
residential care facility;

(7) Generally requires the Board to provide each  
medication aide certificate holder access to a renewal  
application and requires each holder, as a condition of renewal,  
to complete 15 hours of continuing education, verify completion  
of the continuing education requirements, and pay a renewal fee  
of either \$50 (if applying before March 1 of an even-numbered  
year) or \$100 (if applying after March 1 but before May 1 of an  
even-numbered year);

(8) With respect to medication aide training programs,  
maintains the 70-hour requirement of instruction in medication  
administration required for practice in a residential care  
facility, of which 15 hours are supervised clinical practice,  
and specifies that 10 hours must include instruction on insulin  
pen devices that contain dosage indicators, administering the  
initial dose of each new medication, and administering schedule  
II controlled substances; maintains the 70-hour requirement for  
practice in a nursing home or ICF/IID, of which 20 hours are  
supervised clinical practice;

(9) For supervised clinical practice components of  
training programs provided in residential care facilities, if  
such facilities are notified by ODH of real and present danger  
related to their administration of medications or provision of  
skilled nursing care, requires the Board, when adopting rules,  
to prohibit the facilities from commencing any further

supervised clinical practice components until certain conditions 491  
are met; 492

(10) Also requires the Board, if it establishes in rule a 493  
minimum or maximum number of days for participating in or 494  
completing a training program, to base that number on calendar 495  
days, rather than business days. 496