

DRAFT REGULATIONS

Virginia Board of Nursing

18 VAC 90-60-10 et seq.

Regulations Governing the Registration of Medication Aides

Part I. General Provisions

18VAC90-60-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Board” means the Virginia Board of Nursing.

“Client” means a person receiving the services of a medication aide in an assisted living facility.

“Committee” means the Special Conference Committee, comprised of not less than two members of the board in accordance with § 2.2-4019 of the Code of Virginia.

“Direct client care” means assisting residents in performance of personal care and activities of daily living.

“Medication” means drugs as scheduled in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

18VAC90-60-20. Identification; accuracy of records.

A. Any person regulated by this chapter shall, while on duty, wear identification which is clearly visible to the client and which indicates the person's first and last name and the appropriate title issued to such person by the board under which he is practicing in that setting.

B. A medication aide who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate certificate shall be issued by the board upon receipt of such evidence.

C. A medication aide shall maintain a record of his current mailing address with the board, and any change of address shall be submitted in writing to the board within 30 days of such change. All notices required by law and by this chapter to be mailed by the board to any registrant shall be validly given when mailed to the latest address on file with the board.

18VAC90-60-30. Fees.

A. The following fees shall apply:

1. Application for program approval \$500

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<u>2. Application for registration as a medication aide</u>	<u>\$75</u>
<u>3. Biennial renewal for medication aide</u>	<u>\$50</u>
<u>4. Late renewal</u>	<u>\$15</u>
<u>5. Reinstatement of registration</u>	<u>\$90</u>
<u>6. Returned check</u>	<u>\$25</u>
<u>7. Duplicate registration</u>	<u>\$5</u>
<u>8. Reinstatement following suspension, mandatory suspension or revocation</u>	<u>\$120</u>

B. Fees shall not be refunded once submitted.

C. The fee for the competency evaluation shall be paid directly to the examination service contracted by the board for its administration.

Part II. Medication Aide Training Programs

18VAC90-60-40. Establishing and maintaining a medication aide training program.

A. Establishing a medication aide training program.

1. A program provider wishing to establish a medication aide training program shall submit a completed application and pay the prescribed fee to the board at least 90 days in advance of the first expected offering of the program.

2. The application shall provide evidence of the program's compliance with requirements as set forth in Part II of 18VAC90-60-10 et seq.

3. The committee shall, in accordance with § 2.2-4019 of the Code of Virginia, receive and review the application and shall make a recommendation to the board to grant or deny approval.

4. If the committee's recommendation is to deny approval, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 2.2-4020 and subdivision 11 of §54.1-2400 of the Code of Virginia.

B. Maintaining an approved medication aide training program. To maintain approval, the program shall:

1. Continue to comply with requirements as set forth in Part II of 18VAC90-60-10 et seq.

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2. Document that the cumulative passing rate for the program's first-time test takers taking the competency evaluation required for registration over the past two years is not less than 80%.
3. Report all substantive changes within 10 days of the change to the board to include, but not be limited to, a change in the program instructors, curriculum or program location.
4. Cooperate with any unannounced visits to the program conducted by board representatives for the purpose of ensuring compliance with requirements for approval or in response to complaints about the program.
5. Provide documentation that each student enrolled in such program has been given a copy of applicable Virginia law and regulation for the registration and practice of medication aides.
6. Provide each student with a certificate of completion.

18VAC90-60-50. Requirements for instructional personnel.

A. Primary instructors in an approved program shall be licensed registered nurses or pharmacists who, consistent with provisions of the Drug Control Act (§54.1-3400 et seq. of the Code of Virginia), are authorized to administer, prescribe or dispense drugs and have at least three years of experience in such practice.

B. Licensed practical nurses may be used as secondary instructors for the supervised skills practice hours of the program.

C. To be qualified as an instructor, a nurse or a pharmacist shall:

1. Hold a current, active, unrestricted license or a multistate licensure privilege; and
2. Complete a course designed to prepare the instructor to teach the medication aide curriculum as it relates to clients in assisted living facilities. The course shall include adult learning principles and evaluation strategies and shall be completed prior to teaching a course in a medication aide program.

B. Each instructor in an approved program shall:

1. Participate in the planning of each learning experience and be responsible for the teaching and evaluation of students;
2. Ensure that course objectives are accomplished and the curriculum content has been completed; and
3. Maintain student records as required by 18VAC90-60-70 A.

18VAC90-60-60. Requirements for the program curriculum.

A. Prerequisite for the program.

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A student seeking enrollment in a medication aide training program shall have successfully completed the direct care staff training required by the Department of Social Services for employment in an assisted living facility or an approved nurse aide education program.

B. Hours of instruction. An approved program shall consist of a minimum of 68 hours of student instruction and training to include:

1. At least 40 hours of classroom or didactic instruction over and above any facility orientation program or training in direct client care provided by the facility;

2. At least 20 hours of supervised skills practice in medication administration; and

3. An eight-hour module in facilitating client self-administration or assisting with the administration of insulin to include instruction and skills practice in the administration of insulin as specified in the board-approved curriculum.

C. Content of the curriculum. An approved program shall use the curriculum developed and provided by the board which shall, at a minimum, include the following topics:

1. Preparing for safe administration of medications to clients in assisted living facilities;

2. Maintaining aseptic conditions;

3. Understanding of basic pharmacology;

4. Facilitating client self-administration or assisting with medication administration;

5. Following proper procedure for preparing, administering, and maintaining medications; and

6. Following appropriate procedures for documentation and reporting to the licensed healthcare professional on duty at the facility or to the client's prescriber.

D. In addition to the training curriculum, the program shall provide one or more four-hour modules that can be used by facilities as refresher courses or by medication aides to satisfy requirements for continuing education.

18VAC90-60-70. Other program requirements.

A. Ratio. An approved training program shall maintain a ratio of no more than 10 students for one instructor for the 20 hours of supervised skills practice as required by 18VAC90-20-60 B.

B. Records.

1. Each medication aide training education program shall develop and maintain an individual record of major skills taught and the date of performance by the student. At the completion of the program, the medication aide must receive a copy of this record and a certificate of completion from the program.

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2. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained.

3. A record that documents the disposition of complaints against the program shall be maintained.

4. All records required by this section shall be maintained for at least five years.

B. Student identification. The medication aide students shall wear identification that clearly distinguishes them as a "medication aide student" while engaged in practical skills training under direct supervision by an instructor.

18VAC90-60-80. Requirements for closing of a program.

When a medication aide training program closes, the program provider shall:

1. Notify the board of the date of closing following completion of the last program for which students are already enrolled.

2. Submit to the board a list of all persons who have completed the program with the date of completion of each.

Part III. Registration of Medication Aides.

18VAC90-60-90. Requirements for initial registration.

1. To be registered as a medication aide, an applicant shall:

a. Provide documentation of successful completion of a staff training program in direct client care approved by the Department of Social Services or of an approved nurse aide education program;

b. Provide documentation of successful completion of either:

(1) A medication aide training program approved by the board in accordance with this chapter;

(2) A nursing education program preparing for registered nurse licensure or practical nurse licensure;
or

(3) An eight-hour refresher course preparing a person to take the competency evaluations required for registration and one year of experience working as a medication aide in an assisted living facility. The one year of experience as a medication aide shall be immediately prior to applying for registration and may only be accepted as evidence of training until (one year following the effective date of this chapter);

c. Submit the required application and fee as prescribed by the board;

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d. Disclose whether there are grounds for denial of registration as specified in § 54.1-3007 of the Code of Virginia; and

e. Provide documentation of successful completion of competency evaluations consisting of:

(1) A clinical practicum that evaluates minimal competency in the skills specified by the board. The clinical practicum shall be a one-on-one evaluation with a registered nurse, a licensed practical nurse or a pharmacist with experience in medications in long term care; and

(2) A written evaluation as specified by the board with a passing score determined by the board;

2. An applicant who fails to take the board-approved competency evaluation within one year of completion of the training or who has failed the evaluation in three attempts shall re-enroll and successfully complete another approved medication aide training program.

18VAC90-60-100. Renewal or reinstatement of registration.

A. Renewal of registration.

1. Registered medication aides born in even-numbered years shall renew by the last day of the birth month in even-numbered years. Registrants born in odd-numbered years shall renew by the last day of the birth month in odd-numbered years.

2. The medication aide shall complete the application and submit it with the required fee and an attestation that he has completed continuing education as required by subsection B of this section.

3. Failure to receive the application for renewal shall not relieve the medication aide of the responsibility for renewing his registration by the expiration date.

4. The registration shall automatically lapse if the medication aide fails to renew by the expiration date.

5. Any person administering medications in an assisted living facility during the time a registration has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of §54.1-3008 of the Code of Virginia.

B. Continuing education required for renewal.

1. In addition to hours of continuing education in direct client care required for employment in an assisted living facility, a medication aide shall have four hours each year of population-specific training in medication administration in the assisted living facility in which the aide is employed or a refresher course in medication administration offered by an approved program.

2. A medication aide shall maintain documentation of continuing education for a period of four years following the renewal period for which the records apply.

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3. The board shall periodically conduct a random audit of at least one percent of its registrants to determine compliance. A medication aide selected for audit shall provide documentation as evidence of compliance within 30 days of receiving notification of the audit.

4. The board may grant an extension for compliance with continuing education requirements for up to one year, for good cause shown, upon a written request from the registrant prior to the renewal deadline.

C. Reinstatement of certification.

1. An individual whose registration has lapsed for less than one renewal cycle may renew by payment of the renewal fee and late fee and attestation that he has completed all required continuing education for the period since his last renewal.

2. An individual whose registration has lapsed for more than two years shall:

a. Apply for reinstatement of registration by submission of a completed application and fee;

b. Provide evidence of completion of all required continuing education for the period since his last renewal, not to exceed 16 hours of training in medication administration;

c. Retake the written and practical competency evaluation as required by the board; and

d. Attest that there are no grounds for denial of registration as specified in § 54.1-3007 of the Code of Virginia.

18VAC90-60-110. Standards of practice.

A. A medication aide shall:

1. Document and report all medication errors and adverse reactions immediately to the licensed healthcare professional in the facility or to the client's prescriber;

2. Give all medications in accordance with the prescriber's orders and instructions for dosage and time of administration and document such administration in the client's record; and

3. Document and report any information giving reason to suspect the abuse, neglect or exploitation of clients immediately to the licensed healthcare professional in the facility or to the facility administrator.

B. A medication aide shall not:

1. Transmit verbal orders to a pharmacy;

2. Make an assessment of a client or deviate from the medication regime ordered by the prescriber;

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3. Mix, dilute or reconstitute two or more drug products, with the exception of insulin; or

4. Administer intramuscular, intravenous or medications via a nasogastric or percutaneous endoscopic gastric tube.

18VAC90-60-120. Disciplinary provisions for medication aides.

The board has the authority to deny, revoke or suspend a registration issued, or to otherwise discipline a registrant upon proof that he has violated any of the provisions of §54.1-3007 of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

1. Fraud or deceit in order to procure or maintain a registration shall mean, but shall not be limited to:

a. Filing false credentials;

b. Falsely representing facts on an application for initial registration, reinstatement or renewal of a registration; or

c. Giving or receiving assistance in taking the competency evaluation.

2. Unprofessional conduct shall mean, but shall not be limited to:

a. Performing acts beyond those authorized by the Code of Virginia and this chapter for practice as a medication aide.

b. Assuming duties and responsibilities within the practice of a medication aide without adequate training or when competency has not been maintained;

c. Obtaining supplies, equipment or drugs for personal or other unauthorized use;

d. Falsifying or otherwise altering client or drug records relating to administration of medication;

e. Falsifying or otherwise altering employer records, including falsely representing facts on a job application or other employment-related documents;

f. Abusing, neglecting or abandoning clients;

g. Having been denied a license, certificate or registration having had a license, certificate or registration issued by the board revoked or suspended.

h. Giving to or accepting from a client property or money for any reason other than fee for service or a nominal token of appreciation;

i. Obtaining money or property of a client by fraud, misrepresentation or duress;

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j. Entering into a relationship with a client that constitutes a professional boundary violation in which the nurse aide uses his professional position to take advantage of a client's vulnerability, to include but not limited to actions that result in personal gain at the expense of the client, an inappropriate personal involvement or sexual conduct with a client;

k. Violating state laws relating to the privacy of client information, including but not limited to § 32.1-127.1:03 of the Code of Virginia;

l. Failing to follow provisions of the Medication Management Plan for the assisted living facility in which the aide is employed; or

m. Violating standards of practice as set forth in 18VAC90-60-110 of this chapter.

3. For the purposes of interpreting provisions of § 54.1-3007 (5) of the Code of Virginia, a pattern of medication errors may constitute practice that presents a danger to the health and welfare of clients or to the public.