



ADMINISTRATIVE RULES OF MONTANA

37.34.114 CERTIFICATION OF PERSONS ASSISTING IN THE ADMINISTRATION OF MEDICATION

- (1) This rule establishes criteria and procedures under which an employee or an agent of a provider of developmental disabilities services responsible for the delivery of direct care may receive certification to assist and supervise a person in state-sponsored developmental disabilities services in taking prescribed medication.
- (2) Assistance and supervision may only be given where a medication which is normally self-administered has been prescribed for the person and where the medical professional who prescribed the medication also prescribed assistance or supervision in the administration of the medication.
- (3) For the purposes of this rule, the following definitions apply:
 - (a) "Assistance" means providing any degree of support or aid to a person who independently performs at least one component of medication-taking behavior.
 - (b) "Supervision" means critically observing and directing a person engaged in medication-taking behavior.
- (4) An employee or an agent of a provider, in order to assist or supervise in the administration of prescribed medication to persons, must be certified by the department as herein provided unless the employee or the agent is otherwise authorized by law to provide such assistance or supervision.
- (5) To be certified, an employee or agent of a provider must demonstrate knowledge of health issues relating to persons with developmental disabilities including general health, health emergencies, aspiration pneumonia, seizure disorders, and knowledge of the use and side effects of medications by achieving a score of at least 85% on a comprehensive test administered by the department.
- (6) Application for certification to provide supervision and assistance in the administration of medication is made by submitting a request to be certified to the Department of Public Health and Human Services, Developmental Disabilities Program, P. O. Box 4210, Helena, MT 59604.
- (7) Any provider may receive, free of charge, an instructional and reference aid entitled Health and Medication Administration Manual for Individuals with Developmental Disabilities: A Self-Paced Study Guide and Reference Manual as adopted by the department in ARM 37.34.113.
- (8) The department, or an agency determined by the department, administers the comprehensive test to a qualified applicant within 30 days of receipt of the request for certification.
- (9) Notice of certification or noncertification is mailed by the department within ten days of the date of testing. A notice of certification designates an effective date and an expiration date for the certification. The certification period may be for no more than a maximum of two years.

- (10) A person may receive consecutive certification by retaking the test as provided in (5) through (8).
- (11) Each provider shall maintain a current list of employees and agents certified to supervise and assist in the administration of medication.
- (12) If a person has been receiving developmental disabilities services for 30 days and supervision and assistance is to be administered for more than ten consecutive days, this activity must be included as an objective in the written plan of care. To address the objective, an individual program plan must be prepared which describes a program to train the person to self-administer the medication and must specify at least:
 - (a) the target medication-taking behavior;
 - (b) the conditions under which such behavior should occur;
 - (c) the conditions under which such behavior will be trained;
 - (d) the criterion for completion of the individual program plan in accordance with (14);
 - (e) the written strategies for training the target behavior;
 - (f) a data recording system which accounts for each prescribed medication dosage; and
 - (g) a daily data recording system which specifies progress or lack of progress toward the target behavior.
- (13) Every instance of assistance or supervision provided under this rule must be recorded and must include at least the name of the person who receives medication, the name of the person who assists or supervises the taking of medication, the date and time the medication was taken, and the type of medication taken.
- (14) A person is considered to be capable of self-administering medication when it has been documented that the person has self-administered all (100%) of prescribed medication dosages for a consecutive 30-day period.
- (15) There are two conditions under which an individual program plan to teach self-administration of medication is no longer necessary. They are:
 - (a) the person has met the criterion specified in (14); or
 - (b) the planning team has reviewed the ongoing implementation of the individual program plan and found that the person has reached the maximum level of independence in the self-administration of medication of which the individual is currently capable. In making this decision, the team must evaluate whether:
 - (i) the person has made any progress;
 - (ii) the program has been consistently implemented;
 - (iii) a variety of teaching strategies has been employed;
 - (iv) the decision to discontinue the program will interfere with the person's ability to be served in a less restrictive environment; and
 - (v) the program has been in place long enough to make a decision concerning its effectiveness.

- (16) If the planning team decides that an individual program plan to teach self-administration of medication is no longer necessary, the requirements concerning the need for certified personnel and recording instances of assistance and supervision must be met.
- (17) The feasibility of re-instituting a program to teach self-administration of medication must be examined at subsequent meetings by the planning team. If the person's situation changes such that there is a possibility of further acquisition of the skill, a program must be initiated.
- (18) The department may revoke or suspend a certification.
 - (a) The department may revoke certification by notifying the certified person of the reason for revocation in writing at least ten days prior to the effective date of revocation. The certified person may request, in writing, within the ten days prior to revocation, a review of the decision. A decision is issued within 30 days from the date the request for review is received. When a request for a review is made, the revocation is not effective until the review is completed and a final decision issued.
 - (b) The department may suspend a person's certification for a period no longer than 15 days, after which the suspension must be removed or notice of revocation issued. If notice of revocation is issued, suspension may continue until the effective date of revocation or until the decision is made.

Authorizing statute(s): 53-20-204, MCA

Implementing statute(s): 53-20-204, MCA

History: NEW, 1980 MAR p. 1803, Eff. 6/27/80; AMD, 1996 MAR p. 2188, Eff. 8/9/96; TRANS, from SRS, 1998 MAR p. 3124; AMD, 2012 MAR p. 1387, Eff. 7/13/12.