

To: OACB, OPRA, Superintendents, RN Trainer list-serv
From: Janet Winterstein, RN *jeu*
Date: 10/11/11
Re: **Medication Administration by family members and Medication Administration Certification Requirements**

The department has recently received multiple inquiries about the administration of medications by family members under DODD Waiver services. Here are clarifications to address a number of possible circumstances and how the DODD believes the rules apply.

Family members administering medication:

- Whenever an individual **lives with** a family member(s), **the family member is authorized to administer medications without having to have Medication Administration Certification.**
- Family members who live with an individual and are providing Adult Family Living Support under the IO Waiver, either as independent providers or agency staff, are authorized to administer medication as a family member and do not need to have Medication Administration Certification.
- When a family member DOES NOT LIVE with the individual, is a paid provider, and works for an agency, that family member MUST have Medication Administration certification.

Family delegation under Ohio Revised Code 5123.47:

- Family members living with an individual are able to delegate medication administration to independent providers who come into the home under the Family Delegation Law (Ohio Revised Code 5123.47). In that case the responsibility for the training and supervision of the independent provider rests with the family and the independent provider does not have to have Medication Administration Certification.

- However, family members **DO NOT** have authority under the Family Delegation Law to delegate medication administration responsibilities to **AGENCY STAFF WHO DO NOT LIVE WITH THE INDIVIDUAL**, whether that staff person is related to the individual or not. All agency staff not residing with the individual and providing medication administration **MUST** have Medication Administration Certification, and possibly nursing delegation, if applicable.
- When an individual does not live with family (or the family is not delegating) all independent providers (paid staff), including family members, are required to have Medication Administration Certification (and possibly nursing delegation if applicable to the medication/treatment).

Please Note: The ORC 5123.47 (DODD Family Delegation Law) definition of “Family member” means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with mental retardation or a developmental disability if the individual with mental retardation or developmental disabilities lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.

Adult Family Living defines “related to” the individual receiving adult family living by blood, marriage, or adoption, but does not include the individual's spouse. This definition includes a caregiver who is the individual's parent or stepparent, Sibling or stepsibling, grandparent aunt, uncle, nephew, or niece cousin, child or stepchild.