



**TO:** County Board Superintendents, Council of Government Directors, OPRA and RN Trainers

**FROM:** Ginnie Whisman, Deputy Director, Developmental Centers *GW*

**DATE:** July 14, 2011

**SUBJECT:** Oxygen Administration

This communication address two questions related to the administration of oxygen by Medication Administration Certified unlicensed DD personnel. The first is under what circumstances may Medication Administration certified DD personnel administer oxygen. The second is whether oxygen administration qualifies for the Medical Assistance Rate Modification Ohio Administrative Code (OAC) 5123:2-9-06 (F) (3)) for individuals receiving services through waivers administered by DODD.

In order to address these issues, the clarification must be made whether or not oxygen falls within the administration of oral medication as provided for in Ohio Revised Code (ORC) 5123.42 and Chapter 5123:2-6. In consultation with the Ohio Board of Pharmacy, the Ohio Board of Nursing and the Ohio Respiratory Care Board, we have determined that oxygen is not an oral medication.

Therefore, if an individual cannot self-administer oxygen, it may only be administered by DD personnel if it has been delegated by a nurse in accordance with Ohio Administrative Code Chapter 4723-13.

Because oxygen is not an oral medication, ORC 5123.42 or OAC Chapter 5123:2-6 do not permit oxygen to be administered by unlicensed personnel without delegation even in settings of five beds or less where delegation of oral medication is not required.

As to the second question, Section 5123: 2-9-06 (F) (3) specifies that the medical assistance rate modification is applicable for a delegated nursing task which is not administration of oral medication. Thus, the delegation of the administration of oxygen is eligible for the medical add on.

While this may be a different understanding of the issue than was previously established, it has been thoroughly researched so that the answer is clearly defined and can be universally applied. The Department understands that this requirement may take time. We encourage County Boards and Providers to immediately identify the individuals receiving oxygen and make immediate efforts to transition to nurse delegation when that is not already happening. In settings that do not currently employ or contract with nurses, it may be possible to have oxygen delegated by nurses through the program for state plan Home Health nursing under an individual's Medicaid card. The Home Health nurse would need to be familiar with the

details for delegating to unlicensed DD personnel as specified in both OAC Chapters 4723-13 and 5123:2-6.

For additional information on the Medical Assistance Rate Modification please contact Lori Horvath, Medicaid Development and Administration, at (614) 387-0375 or [lori.horvath@dodd.ohio.gov](mailto:lori.horvath@dodd.ohio.gov). For additional information on delegation of medication administration to unlicensed DD personnel please contact Janet Winterstein, RN at (440) 714-5372 or [janet.winterstein@dodd.ohio.gov](mailto:janet.winterstein@dodd.ohio.gov).

*Rules referenced include: Ohio Revised Code Sections 4761.10, 5123.42, and Ohio Revised Code Chapter 4723; Ohio Administrative Codes Chapters 4723-13 and 5123:2-6.*

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