

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Nursing ("Board") pursuant to the authority set forth under § 601 (b) of the Use of Trained Employees to Administer Medication to Persons with Mental Retardation or Other Disabilities Act of 1995 effective September 22, 1995 (D.C. Law 11-52; D.C. Official Code § 21-1205), hereby gives notice of the adoption, on an emergency basis of an amendment to Chapter 61 of Title 17 DCMR, "Trained Medication Employees."

Emergency action is necessary to safeguard the health, safety, and welfare of individuals with mental retardation and other developmental disabilities in agencies licensed, certified, or approved by the District government as a child care facility, private school, day program, community based residence, or other agency providing residential services, education, habilitation, vocational, or employment training services. Because of the shortage of nurses available to provide medications to the residents of these facilities, it is necessary to provide training to individuals who will then provide medications in a timely manner.

A notice of Emergency and Proposed Rules was published on April 18, 2003, at 50 DCR 3071. One comment was received in connection with this notice recommending changes to sections 6106.4, 6110.5 and adding the term "medication" to the list of definitions. The Board voted to accept the recommendations; therefore the rules are being republished for additional comment. The emergency rulemaking was adopted on June 4, 2003. These Emergency and Proposed Rules supersede those published on April 18, 2003. The emergency rule will expire one hundred twenty (120) calendar days after adoption or upon publication of a Notice of Final Rulemaking the D.C. Register, whichever occurs first.

The Board gives notice of its intent to take final rulemaking action to adopt these emergency and proposed rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:

Section 6100.1 (c) is amended to read as follows:

6100.1 (c) The certification of medication administration trainers and master trainers; and

Section 6101.1 is amended to read as follows:

6101.1 The supervisory registered nurse for each program shall obtain and maintain on file, at program's facility, and at the facility where the

program participant most often receives medications, instructions written by the licensed practitioner responsible for prescribing medication for the program participant. A program shall ensure that a copy of a participant's medication instructions is provided to the participant's residential facility. The instructions shall state the following:

- (a) The name of the program participant who is to receive the medication;
- (b) The name and strength of the medication;
- (c) The name and telephone number of the licensed practitioner prescribing the medication;
- (d) The time of administration, dosage, method of administration, and duration of medication;
- (e) Compatibility with other prescribed and non-prescription medications;
- (f) Known program participant allergies;
- (g) Medication usage warnings;
- (h) Side effects; and
- (i) Other potential adverse reactions.

Section 6101.3 is amended to read as follows:

6101.3 The information contained in the written instructions shall at all times be the current instructions of the licensed practitioner.

Section 6104.2 is amended to read as follows:

6104.2 The medications shall be stored according to the package insert in either a cabinet or a medication refrigerator at a temperature between thirty-six (36) and forty-six (46) degrees Fahrenheit that offers sufficient storage space and lighting. The cabinet or refrigerator shall be locked when not in use.

Section 6104.5 is amended to read as follows:

6104.5 Non-oral medications such as lotions and ointments shall be stored separately from those medications taken orally.

Section 6105.1 is amended to read as follows:

