

FACT SHEET

Medication Administration and Community-Based Services Summary of Recommendations

The Fair Shake Network, WV Developmental Disabilities Council, WV Olmstead Office, and WV Statewide Independent Living Council developed these recommendations after careful review and discussion of the issues.

All the recommendations listed are being implemented in other states.

ISSUE	CURRENT	RECOMMENDATION FOR CHANGE
The West Virginia Code does not permit exemption for people directing their own supports and services (Aged and Disabled Waiver and MR/DD Waiver).	West Virginia is developing a self-directed option for the MR/DD Waiver which may not be available to people who use AMAP services.	West Virginia needs to follow other states that have exemption for people participating in self-directed community-based services. Language could be added to Chapter 16, Article 50 to address exemption
The Medication Administration by Unlicensed Personnel law (Chapter 16, Article 50) restricts the location in which unlicensed personnel may perform tasks.	West Virginia Code § 16-50-4(a) states: “Any individual who is not otherwise authorized by law to administer medication may administer medication in a facility if he or she meets the requirements and provisions of this article.” West Virginia Code § 16-50-2(d) defines facility as “an ICF/MR; a personal care home; residential board and care home; behavioral health group home; a private residence in which health care services are provided under the supervision of a registered nurse; or an adult family care home that is licensed by or approved by the department.”	Modify West Virginia Code § 16-50-4(a) to state: “Any individual who is not otherwise authorized by law to administer medication may administer medication in a facility or other setting where services are received if he or she meets the requirements and provisions of this article. <i>Red font indicates recommended new language to existing State Code.</i>

ISSUE	CURRENT	RECOMMENDATION FOR CHANGE
<p>The West Virginia Code restricts the level of assistance that may be provided to support people with disabilities to self-administer medication.</p>	<p>West Virginia Code § 16-50-2(l) states: “Self-administration of medication means a personal service which includes reminding residents to take medications, opening medication containers for residents, reading the medication label to residents, observing residents while they take medication, checking the self-administration dosage against the label on the container and reassuring residents that they have obtained and are taking the dosage as prescribed.”</p>	<p>Modify West Virginia Code § 16-50-2(l) to include the following language: “If the individual is physically unable to place a dose of medicine in his/her own mouth without spilling or dropping it, an unlicensed person may place the dose in another container and place that container to the mouth of the individual.”</p> <p><i>Red font indicates recommended new language to existing State Code.</i></p>
<p>The West Virginia Code does not provide a list of tasks which can be performed by unlicensed personnel under nurse delegation. However, it does list four (4) “limitations on medication administration.”</p>	<p>West Virginia Code does not prohibit tasks such as G-tube feedings by unlicensed personnel.</p> <p>The Office of Health, Facility, Licensure and Certification has determined this task cannot be performed by AMAP staff.</p>	<p>Only restrict the (4) limitations cited in West Virginia Code § Chapter 16-50-10.</p> <ul style="list-style-type: none"> • Injections or any parenteral medications may not be administered; • Irrigations or debriding agents used in treatment of a skin condition or minor abrasion may not be administered; • No verbal medication orders may be accepted, no new medication orders shall be transcribed and no drug dosages may be converted and calculated; and • No medications ordered by the physician or a health care professional with legal prescriptive authority to be given “as needed” may be administered unless the order is written with specific parameters which preclude independent judgment.
<p>Participants of the Aged and Disabled Waiver Program are not able to benefit from delegation of medication administration.</p>	<p>West Virginia Code §16-50-2(d) states the following locations where an AMAP may assist people: “...a private residence in which health care services are provided under the supervision of a registered nurse...”</p>	<p>The current State Code language appears to permit delegation within the Aged and Disabled Waiver Program.</p> <p>Responsible agencies should develop policy to permit delegation for participants of the Aged and Disabled Waiver Program.</p>