

Medication Administration by family members and Medication Administration Certification Requirements

The department has received multiple inquiries about the administration of medications by family members under DODD Waiver services. The following are clarifications to address several possible circumstances and how the Medication Administration Law and Rules apply.

Family members administering medication:

- Whenever an individual **resides 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 Ohio Shared Living (as an independent provider or through an agency) are authorized to administer medication as a family member and do not need to have Medication Administration Certification or nurse delegation.
- 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.
- A family member who DOES NOT LIVE with an individual, is a paid provider, and is an Independent Provider may receive delegation from the family who does live with the individual, or must have Medication Administration Certification and nurse delegation as applicable to provide medications or treatments.

Family delegation under Ohio Revised Code 5123.47:

- Family members living with an individual may 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.

- Family members living with an individual **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 providers (paid staff), including family members, are required to have Medication Administration Certification (and possibly nursing delegation if applicable to the medication/treatment). This includes independent providers and agency personnel. *This does not apply to family who are not paid providers, and who offer medication/treatments as part of natural family support.*

Ohio Shared Living with Non-Family members:

- Persons who are not “related to” an individual {as defined in OAC 5123:2-9-33 (B) (12)} and are providing shared living under the individual options waiver must have Medication Administration Certification and nurse delegation as applicable to provide medications and treatments.

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 a developmental disability if the individual with a developmental disability 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.*

DODD Medication Administration Law is in the Ohio Revised Code 5123.41 through 5123.47; the companion rule is Ohio Administrative Code 5123:2-6. Ohio Board of Nursing Rules for nurse delegation are in the Ohio Administrative Code 4723-13.