

GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES

A Tele-Conference Meeting of the Georgia Board of Examiners of Licensed Practical Nurses was held on February 5, 2007 at 3:00 p.m. in Room 310 of the Office of the Secretary of State, Professional Licensing Boards, 237 Coliseum Drive, Macon Georgia.

MEMBERS PRESENT

Jacqueline Dumas, Vice President
Barbara Mitchell, RN, NHA, Cognizant
Judy Hilliard, LPN
Grace Taylor, LPN
LeAnn Tuggle, Consumer Member

MEMBERS ABSENT

Mary Lynn Owensby, President
Julia Nelle Shaw, Education Member

OTHERS PRESENT:

Brig Zimmerman, Executive Director
Terralyn Gordon, Board Secretary
Janet Jackson, Assistant Attorney General

Vice-President Dumas established that a quorum was present and called the Board tele-conference meeting to order at 3:03 p.m.

Agenda: Ms. Taylor moved, Ms. Hilliard seconded, and the Board approved the Agenda as amended to include the late agenda items.

Ms. Taylor moved and Ms. Hilliard seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k)(1), (2) and (4); §43-1-19(h)(2), (3) and (4) and O.C.G.A. §43-1-19(h); 50-14-2(1) to deliberate on the Attorney Generals report and to receive information from the Attorney General's office representative. Voting in favor of the motion were Ms. Mitchell, Ms. Dumas, Ms. Hilliard, Ms. Tuggle and Ms. Taylor. The Board concluded executive session in order to vote on these matters and to continue with the public session.

LPN Chapter/Rule 400-4 Qualified Medication Aides

Ms. Jackson, AAG, requested this conference call to discuss recommended changes to the proposed QMA Chapter/Rule the Board discussed and voted to post during their meeting held January 11th, 2007. Revisions and corrections were proposed by Ms. Jackson to the original document voted on January 11th as follows:

**GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES
NOTICE OF INTENT TO ADOPT PROPOSED NEW RULES TO THE GEORGIA
BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES,
CHAPTER 400 -4 "QUALIFIED MEDICATION AIDES."
AND
NOTICE OF PUBLIC HEARINGS**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that, pursuant to the authority set forth below, the Georgia Board of Examiners of Licensed Practical Nurses (hereinafter "Board") proposes to adopt new rules and a new rules chapter to be known as Chapter 400-4 "Qualified Medication Aides."

The proposed rules state the Board's requirements for certification; applications; examination; maintenance and renewal of certification; and permitted and prohibited activities of Qualified Medication Aides.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed rules, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules, and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents may also be available for review on the Georgia Board of Examiners of Licensed Practical Nurses web page at <http://www.sos.state.ga.us/plb/lpn>. Copies may also be requested by contacting the Georgia Board of Examiners of Licensed Practical Nurses office at 478-207-2440.

A public hearing is scheduled to begin at 9:10 am on March 8, 2007 at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed new rules. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Written comments are welcomed. To ensure their consideration, written comments must be received on or before March 1, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Professional Licensing Boards Division, Georgia Board of Examiners of Licensed Practical Nurses, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1633.

The proposed rules will be considered for adoption by the Board at its meeting scheduled to begin at 9:15 am on March 8, 2007 at the Professional Licensing Boards Division of the Secretary of State's Office, 237 Coliseum Drive, Macon, Georgia 31217. The proposed rules are proposed for adoption pursuant to authority contained in The Georgia Board of Examiners Licensed Practical Nurses Act O.C.G.A. §§ 43-26-50 *et seq.*

At its meeting on January 11, 2007 the Board voted that the formulation and adoption of these rules do not impose excessive regulatory cost on any certified person and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Georgia Qualified Medication Aide Act, O.C.G.A. §§ 43-26-50 *et seq.*

At its meeting on January 11, 2007, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-26-50 *et seq.* to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every certified person in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of nursing.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. § 50-13-4).

This ____ day of _____, 2007.

Don Munday
Acting Division Director

Posted: _____

**SYNOPSIS OF PROPOSED NEW RULES TO THE GEORGIA BOARD OF
EXAMINERS OF LICENSED PRACTICAL NURSES,
CHAPTER 400 -4 "QUALIFIED MEDICATION AIDES".**

Chapter 400-4 "Qualified Medication Aides"

Chapter 400-4 is proposed to set forth the guidelines and procedures for the establishment of certification as a Qualified Medication Aide as described in O.C.G.A. §§ 43-26-50 through 43-26-60.

Purpose: To define the certification requirements under which an individual may apply for and receive certification as a Qualified Medication Aide.

Main Features: (1) Requirements for certification, (2) Applications, (3) Examination, (4) Maintaining and Renewal of Certification, (5) Permitted and (6) Prohibited Activities of a Qualified Medication Aides.

**PROPOSED NEW RULES TO THE GEORGIA BOARD OF EXAMINERS OF
LICENSED PRACTICAL NURSES,
CHAPTER 400 -4 "QUALIFIED MEDICATION AIDES".**

[NOTE: Underlined text is proposed to be added]

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400-4-.01 Requirements for certification.

(1) An applicant for certification as a Qualified Medication Aide (QMA) shall submit an application, fees, and supporting documents needed to establish eligibility for certification as requested by the Board. The information required for certification includes, but is not limited to, the following:

(a) date of birth showing that that applicant is at least eighteen (18) years old;

(b) documentation of proficiency in reading, writing, speaking, and understanding English;
(c) high school diploma, general educational development (GED) diploma, or higher degree;
(d) all information necessary to perform a criminal background check by the Georgia Crime Information Center, including classifiable sets of fingerprints, and processing fee;
(e) documentation of the successful completion of the course of study for qualified medication aides conducted by the Georgia Department of Technical and Adult Education (DTAE);

(d) passage of a board approved QMA competency examination with a minimum passing score as determined by the Board.

(2) The Board may accept documentation of test scores, entrance requirements, and other information regarding an applicant from the Department of Technical and Adult Education (DTAE) for the purpose of documenting the applicant's age, high school diploma or GED, proficiency in English, and other certification requirements.

(3) Criminal background report

(a) An applicant shall have a satisfactory criminal background report in order to be certified by the Board.

(b) A criminal background report that is not satisfactory is a report that contains any conviction, pattern of convictions, pattern of arrests, or recent arrest that the Board determines to have a bearing upon the ability of the applicant to protect, promote, and preserve the health, safety, and welfare of residents living in a community living arrangement. The meaning of the word "conviction", as used in this Rule, shall have the same meaning as in O.C.G.A. § 43-26-58 and shall include a plea of nolo contendere, the granting of first offender treatment without the adjudication of guilt, or the withholding of the adjudication of guilt on the charges or crime.

(c) A criminal background report that is not considered satisfactory is a report that includes, but is not limited to, convictions for the following offenses:

1. murder or felony murder;
2. attempted murder;
3. kidnapping;
4. rape;
5. armed robbery;
6. cruelty to children;
7. sexual offenses;
8. aggravated assault;
9. aggravated battery;
10. arson;
11. fraud and theft offenses including, but not limited to, forgery, theft by taking, theft by deception, theft by conversion;
12. offenses involving controlled substances and marijuana.

(4) An applicant shall report to the Board any complaint, reprimand, disciplinary action, termination, or caution made against the applicant by an employer or regulatory agency in the health care field.

Authority: O.C.G.A. §§ 43-26-54, 43-26-55 and 43-26-58.

400-4-.02 Applications.

- (1) Qualified Medication Aide (QMA) application forms for certification by the Board are to be completed in relevant part by the applicant, signed and attested by a notary public, accompanied by the required fees and include all required records and documentation.
- (2) A recent passport size (3inches by 3 inches) type photograph of the applicant, taken within the last six (6) months, and signed at the bottom is required.
- (3) Part of the application is to be completed and signed by an official of the QMA education program from which the applicant graduated.
- (4) The application shall include information necessary to perform a criminal background check that is satisfactory to the Board.
- (5) An application is completed when the application form, supporting information and documents, and relevant fees have been received by the Board.

Authority O.C.G.A. §§ 43-26-54 and 43-26-55.

400-4-.03 Examination.

- (1) The Board shall approve a competency examination for QMA applicants that each applicant shall pass before being certified by the Board. The examination may be administered by the Board, the faculty or staff of the QMA education program approved by the Board, or by a designee of the Board.
- (2) The minimum passing score for the QMA competency examination required for certification shall be 80 percent.
- (3) An individual who has successfully completed a Board approved QMA education program shall take the QMA competency examination within six (6) months from the date of program completion. An applicant may take the competency examination no more than three (3) times within the time period. If the applicant does not pass the competency examination within the six (6) month period, he or she shall not be eligible to take the competency examination again until the applicant presents documentation to the Board of successfully completing a Board approved QMA education course a second time.

Authority: O.C.G.A. §§ 43-26-54 and 43-26-55.

400-4-.04 Maintenance and renewal of certification.

- (1) Each QMA shall work under the supervision of a registered professional nurse (RN) in order to maintain certification. Written documentation of such supervision, showing the name and signature of the QMA and the name and signature of the supervising RN, shall be submitted to the Board by the QMA upon the Board's request.
- (2) QMA certification shall be renewed biennially.
- (3) To renew certification, the QMA shall submit a renewal application, application fee, and information including, but not limited to, the following:

- (a) applicant name and current address;
- (b) name, address, telephone number, fax number, and email address of the community living arrangement (CLA) facility where the QMA is employed and dates of QMA employment at the facility;
- (c) a signed and notarized statement from the supervising RN stating that the renewal applicant has performed the duties of a QMA under the supervision of the RN within the current two (2) year certification period at the CLA where the RN and QMA are employed;
- (d) documentation, signed by the owner or agent of the employer CLA, of a total of twenty four (24) hours of continuing education (CE) taken during the two year certification period, with the total 24 hours containing twelve (12) hours each year of continuing education showing eight (8) hours of Board approved medication related courses per year and four (4) additional hours per year of continuing education; and
- (e) disclosure of any arrests and criminal convictions of the QMA as well as any disciplinary actions, complaints, reprimands, termination, or cautions made against the QMA by an employer or agency in the health care field which occurred within the preceding two (2) year period of certification.

Authority: O.C.G.A. §§ 43-26-54 and 43-26-55(c).

400-4-.05 Permitted activities.

The following tasks are within the scope of activities of a QMA who is certified by the Board and employed by a community living arrangement residence in Georgia. The certified QMA may:

- (1) perform tasks pertaining to the assessment of the resident, as follows:
 - (a) Document what is reported by the resident to the QMA.
 - (b) Document in the resident's clinical record the observations of the resident made by the QMA , including what the QMA sees, hears, smells, or otherwise observes.
 - (c) Observe and report to a licensed nurse any changes in the resident's conditions.
- (2) perform tasks pertaining to the administration of medication, as follows:
 - (a) Assist in the supervised self administration of medication.
 - (b) Administer medication via metered dose inhaler.
 - (c) Administer physician-ordered oral, ophthalmic, topical, otic, nasal, vaginal, rectal medications and medications by gastric ('G' or 'J') tube.
 - (d) Administer a commercially prepared disposable enema, as ordered by a physician.
 - (e) Conduct finger stick blood glucose testing (specific to the glucose meter used), following the established protocol for each individual resident.
 - (f) Administer insulin under physician direction and protocol. Insulin may be administered in prefilled dosages if the following has been implemented:
 - 1. The physician has personally documented a protocol for the administration of insulin;
 - 2. The QMA has been trained on the proper administration of insulin according to the protocol;
 - 3. The physician, or the supervising RN under the direction of the physician, has personally determined through direct observation and documented that the QMA is competent to administer insulin;

4. The protocol is in file within the record of the resident at the community living arrangement;
5. The competency determination of the QMA regarding insulin administration is on file in the personnel records of the agency serving the resident
 - (3) perform tasks pertaining to the documentation and management of medications, as follows:
 - (a) Record in the Medication Administration Record (MAR) all medications that the QMA has personally administered, including a resident's refusal to take medication. The QMA shall not record in the MAR any medication that was administered by another person.
 - (b) Count, administer, and record medication according to federal and state laws and guidelines.
 - (c) Ensure, through receipt of a facsimile or other transferred written communication, that written physician orders relating to new medications, changes in medications, and discontinued medications have been properly recorded in the MAR. Ensure that the written physician order is placed on file within the resident record.
 - (d) Ensure that discontinued medications are removed from the active medication supply, stored in locked containers and are disposed of per agency policy.
 - (e) Document in a formal incident report if a medication is inadvertently altered, destroyed, or lost.
 - (4) perform miscellaneous tasks to assist licensed health professionals, as follows:
 - (a) Administer treatment for skin conditions, including stage I and II decubitus ulcers, following a designated written protocol; and
 - (b) Receive direction regarding discrete medication issues from a physician as permitted by Georgia law. Direction received from a physician must be documented in writing, signed by the licensed practitioner, and faxed for inclusion into the resident's record.

Authority: O.C.G.A. §§ 43-26-54 and 43-26-56.

400-4-.06 Prohibited activities.

QMAs are prohibited from performing the following tasks and activities:

- (1) Administration of the initial dose of a newly ordered medication;
- (2) Administration of medication intravenously;
- (3) Instilling irrigation fluids of any type including, but not limited to:
 - (a) colostomy; and
 - (b) urinary catheter.
- (4) Administration of medication by injection, except for predosed insulin. Epinephrine may be administered by epi-pen.
- (5) Administration of medication per nasogastric tube;
- (6) Administration of medication used for intermittent positive pressure breathing (IPPB) treatments or any form of medication inhalation treatments, other than metered dose inhaler;
- (7) Administration of chemotherapy drugs, except for Tamoxifen;
- (8) Administration of treatments involving advanced skin conditions, including stage III and IV decubitus ulcers; and

(9) Administration of any controlled substance that is restricted in administration to only practitioners of the healing arts under Georgia law; and

(10) Receiving telephone or verbal orders for medication changes. The QMA may receive direction from a physician or other licensed personnel authorized to give orders related to medications, provided that the direction is documented and received by facsimile or other written communication for inclusion in the resident's record.

Authority: O.C.G.A. §§ 43-26-54 and 43-26-56.

Ms. Taylor moved, Ms. Dumas seconded and the Board voted to post the proposed Chapter/Rule with the revisions and corrections made by AAG Jackson.

Late Agenda Items Discussed:

Correspondence:

Gayle G. Tullis:

Submitted work related performance appraisal instrument and other documents regarding current enrollment in a degree program and In-Service sessions from the prior year for approval by the board in consideration of the requirement set forth in the docketed consent order regarding a course in medication administration.

Ms. Dumas moved, Ms. Hilliard seconded and the Board voted not to approve the submitted materials as complying with the consent order, that licensee must submit a current course for Board approval.

Attorney Generals Report:

R. E. J.

Administrative Law Judge in this case stipulated several options the Board could consider with regard to the discipline of this individual's license. AAG Jackson discussed the options and suggested the Board schedule the licensee to come before the Board, an investigative interview, to obtain their side of the story before making a final decision with regard to this Initial Hearing.

Ms. Taylor moved, Ms. Tuggle seconded and the Board voted to request licensee appear before the Board during the next scheduled meeting in March 2007.

Confidential Order for a Mental/Physical Examination – C.J.

Licensee required undergoing MPE by the Board in an earlier decision. Licensee called in requesting an extension of the deadline for compliance with the order.

Following a discussion regarding the numerous MPE's ordered to be completed and the fact that the vast majority of licensees required to under go such an evaluation seem to be able to adhere to the time frames outlined in every Confidential Order for a MPE, no exceptions to be made without dire mitigating circumstances.

Ms. Dumas moved, Ms Taylor seconded and the Board voted not to grant an extension to comply with the CCO for MPE as presented; order stands.

Vice-President Dumas inquired as to any unfinished business, determining none; the meeting was adjourned at 3:35p.m.

Minutes Recorded/Reviewed By:

Brig Zimmerman, Executive Director

_____ (Date) _____

Jacqueline Dumas, Vice-President

_____ (Date) _____

Brig Zimmerman, Executive Director

These minutes were signed and approved on _____.