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**Sent:** Friday, September 04, 2009 11:06 AM  
**To:** licensinglistserv@virginiainteractive.org  
**Subject:** Revised Enforcement Procedures for Medication Aide Registration and Provisional Authorization

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Dear Assisted Living Provider,

The Department of Social Services' (DSS) enforcement procedures regarding the registration of medication aides have been revised to reflect the new effective date and the allowance for provisional authorization. The revised procedures have been developed by DSS in collaboration with the Department of Health Professions. The enforcement procedures to be followed statewide by Licensing Inspectors for the Division of Licensing Programs are attached to this email. If you have questions or require further clarification about the information, please contact your Licensing Inspector. Thank you.

Sincerely,  
Lynne A. Williams, Director  
Division of Licensing Programs  
Virginia Department of Social Services

**SCROLL DOWN TO VIEW ENFORCEMENT PROCEDURES**

Provider Enforcement Procedures in Regard to  
Registration/Provisional Authorization of Medication Aides  
(Effective 08/01/09)

Effective August 1, 2009, a medication aide administering medications in an ALF must be registered with the Virginia Board of Nursing as a medication aide or have provisional authorization from the Virginia Board of Nursing to practice as a medication aide. (Standard 10, definition of medication aide, and Standard 660)

The following procedures will be used by licensing staff in the enforcement of the requirement for medication aide registration/provisional authorization. (Unless otherwise noted, related normal procedures are applicable.)

Step 1

1. At the time of the first visit to an ALF on or after August 1, 2009, inspectors will review the registration/provisional status of each staff person who administers medications in the facility and who is not licensed by the state to administer medications. Inspectors will view documentation of registration or provisional authorization, and if necessary, documentation of licensure. Such documentation is required to be included in staff records by Standard 290 C 11. A person cannot practice as a provisional medication aide until he or she receives a letter from the Board of Nursing that acknowledges receipt of the necessary documentation and grants provisional authorization. Please note that the provisional status of medication aides that allows them to administer medications cannot exceed 120 days from the date of the letter. Inspectors will check the date of the letter to be sure the 120 days have not been exceeded. Also, a person cannot continue to act as medication aide after they fail three attempts to pass the written examination required for registration. However, inspectors will not be expected to keep track of the number of times a provisional medication aide took the written examination and the results, and will not be expected to take any action regarding this matter, unless an inspector becomes aware of a problem.
2. For medication aides who are registered, inspectors may confirm this if there are questions about the authenticity of the documentation by checking the Department of Health Professions' (DHP) information on currently registered medication aides on its website. Guidance for accessing this information is provided at the end of the document. At this time, the DHP website does not include information on medication aides who are provisionally authorized.
3. If there are any staff persons administering medications who are not registered/provisionally authorized as medication aides by the Virginia Board of Nursing or licensed by the state to administer medications, inspectors will cite a violation of Standard 660 1 on a violation notice and describe the specifics of the situation. Any such staff persons must immediately cease administration of medication until properly registered/provisionally authorized or licensed. Inspectors will obtain the social security number of each of these unregistered, unauthorized or unlicensed persons to include in the information reported to DHP,

as specified in #4 of Step 1 (ALF Standard 290 C 4 requires the social security number). The plan for corrective action on the violation notice will include that any such persons will immediately cease administration of medication until registered, provisionally authorized, or licensed, and the way in which the facility will ensure that medications are properly administered to residents.

4. Within three days of issuing the violation notice, inspectors will notify the Enforcement Division of DHP. The information provided to DHP will include a statement that a staff person who is administering medications is not registered, provisionally authorized, or licensed, the name and social security number of the staff person, and the name and location address of the assisted living facility.

## Step 2

1. At the time of the next visit, if there are still any staff persons administering medications who are not registered or provisionally authorized as medication aides by the Virginia Board of Nursing or who are not licensed by the state to administer medications (either the same or different persons from the first inspection), one of the following two actions will be taken;
  - a. If the facility license is not up for renewal within 30 calendar days, a violation will be cited again on a violation notice and a civil penalty of \$800 will be imposed on the ALF. This civil penalty amount is based on a risk assessment of a medium likelihood of occurrence with a probability of serious injury (B-2). A new plan of corrective action is to be noted on the violation notice. The corrective action is also to include the method and type of documentation that the facility will use to notify the inspector once the corrective action has been completed.
  - b. If the facility has a renewal due within 30 calendar days, a violation will be cited again on a violation notice and instead of a civil penalty, a provisional license will be issued when the license expires. This provision (#3b of Step 2) does not apply to a facility with a conditional license, which is subject to #3a of Step 2. A new plan of corrective action is to be noted on the violation notice. The corrective action is also to include the method and type of documentation that the facility will use to notify the inspector once the corrective action has been completed.

## Step 3

1. No later than five business days after the corrective action in the latest violation notice was to be completed by the facility, the inspector will determine whether this action has been completed within the agreed upon time frame.
2. If the corrective action has not been completed within the agreed upon time frame, the action that is taken at this point is determined on a case by case basis.

Please note that the above pertains to registration/provisional authorization of medication aides. There could be other violations that add to the assessed risk, increasing the amount

of a civil penalty or otherwise altering the action taken by the Division of Licensing Programs.

Also, there may be extreme situations with increased risks that involve the administration of medications by persons who are not registered, provisionally authorized or licensed, as required. These situations may warrant actions in addition to or other than that specified above in Steps 1 and 2.

Once there is an initial determination of compliance with the requirement for registered/provisionally authorized medication aides, inspectors will review documents for determining continued compliance. Registered medication aides must renew their registration by the last day of their birth month each year, although there are adjustments made for the first period of time, depending upon the beginning of the original registration and the person's birthday. As noted previously, provisional authorization of medication aides cannot exceed 120 days. During visits to a facility, inspectors will review the registration or provisional authorization status of each new staff person who administers medications in the facility and who is not licensed by the state to administer medications.

#### Guidance for Accessing Information on Medication Aide Registration on DHP Website

- Go to the website at <http://www.dhp.virginia.gov>
- Click on License Lookup in the column on the left
- Click on the scroll down arrow for Occupation and then click on Medication Aide
- Enter the first name of the person in the next space
- Enter the last name of the person in the space after that
- Click on search