

## REQUEST FOR CLARIFICATION/INTERPRETATION

<b>TO:</b>	Name and Title: Jannis Conselyea, Bureau Chief	<b>FROM:</b>	Name and Title: Lori Wertz, QIS
	Organizational Unit: Central Office DDP		Organizational Unit: Region II Office, DDP
	Address: Helena, MT		Address: Great Falls, MT

1. TYPE OF REQUEST:  Follow-up to Verbal Request - Date of Verbal Request:

Written Request - Date:

2. STATEMENT OF QUESTION OR ISSUE: A licensed nurse working for an agency recently took and failed the med certification test. As a result, the following questions were raised:

1. Does a licensed nurse ever need to take the state certification test for medications?  
ARM 37.34.114 (3) An agent or employee of a contractor in order to assist or supervise in the administration of medication to individuals, must be certified by the department as herein provided *unless the agent or employee is otherwise authorized by law to provide such assistance or supervision.*

We would agree that based on the language in italics, that the nurse's license could exempt her from the medications test. Is this correct? And if so, under what circumstances would a licensed nurse, LPN or RN, ever take the medications exam? Is there any reporting requirement to the Board of Nursing or other entity related to the state certification test or med errors committee by a nurse in the employ of one of our agencies? If a nurse chooses to take the test, does s/he then need to comply with the medication certification policy (pass or fail) or the nurse fails the state test, would his/her license still allow them to assist and supervise agency service recipients with medications?

2. Does certification end with the most recent testing result? The agency believes that any staff person who is certified at the time they take the test, remains certified until the expiration date on their card, even if they fail subsequent tests up to that expiration date.

The ARM is clear that the certification is up to a maximum of two years but also clearly allows the state to revoke certification under 37.34.114 (17).

Our understanding has been that if you are certified, re-test for *whatever reason*, (maybe leave one employer to work for another) and fail the test, that you are no longer certified. That seems to pass the man-on-the-street test: It would be very hard to explain how Client X died due to a med error by Staffer Sally who was certified by the state through Aug 10, 2012, but failed the certification test in December 2010 and was allowed to continue to assist consumers.

Your time is most appreciated!

References:

ANSWER: (1) A licensed nurse does not need to take the med test. A nurse is licensed by the Board of Nursing. The nursing licensure allows the passing and assisting of medication regardless of whether or not a licensed nurse chooses to take the Developmental Disabilities Medication Certification Test and subsequently passes or fails the certification test. (2) Certification does not end with the most recent testing result. An individual remains certified until the expiration date on their Medication Certification Card even if they fail Medication Certification Tests prior to that expiration date.

References:

Approved and Issued by:  
(Program Director)  
Date: 8-18-10

<b>STATE USE ONLY</b>	4: DISTRIBUTION:	5: FOLLOW-UP:
	One Copy: Requestor One Copy: Manual Coordinator	<input type="checkbox"/> To be issued as Bulletin to: _____ (Division Administrator)