



State of Louisiana
Department of Health and Hospitals
Office of the Secretary

October 28, 2013

**TO: Home and Community Based Service Waiver Providers
Targeted Case Management Agencies**

FROM: Hugh Eley, Assistant Secretary *Hugh Eley*
Office of Aging and Adult Services

Laura Brackin, Assistant Secretary *Laura Brackin*
Office for Citizens with Developmental Disabilities

Cecile Castello, RN, Director *Cecile Castello*
Health Standards Section

**RE: Guidelines for the Didactic Training and Establishment of Competency of
Direct Service Workers in Medication Administration and Non-Complex
Tasks**

On December 20, 2012, DHH in conjunction with the Louisiana State Board of Nursing published a final rule in the Louisiana Register, Vol. 38, No. 12, related to training of direct service workers in medication administration and non-complex tasks. The rule allowed twelve months from the date of publication for providers to prepare for compliance with direct service workers (DSW) training requirements. After December 20, 2013, the practice of physician delegation will no longer be available as a mechanism to authorize DSWs to administer medications or to perform other tasks that may be required by the clients' comprehensive plan of care (CPOC). Under the provisions of the rule, the State Board of Nursing is allowing the registered nurse to delegate medication administration and other non-complex tasks to DSWs once the worker has successfully completed training and has been deemed competent by the RN to perform the task assigned.

Over the past several months, OAAS, OCDD and Health Standards have been meeting with the State Board of Nursing to develop guidelines to supplement the December 20, 2012 rule. Section 9245, Part C of the December 20, 2012 rule states, *A direct service worker who has not completed didactic training and demonstrated competency in accordance with guidelines established and approved by the Department of Health and Hospitals and the Louisiana Board of Nursing shall not be allowed to perform*

medication administration or any noncomplex tasks covered by this Rule. The work being done on the development of the guidelines has been discussed in provider meetings around the state over the past year. The intent of the guidelines is to establish the process by which the RN may delegate nursing tasks to DSWs. On October 9, 2013, the Board of Nursing approved the final draft of the guidelines. We are pleased to announce that they are now ready for release and implementation by both providers and registered nurses. The guidelines include the following components:

- Responsibilities of both the RN and the DSW;
- A list of delegable non-complex tasks and non-delegable complex tasks;

*Please keep in mind that this is not an all- inclusive list but it does address some of the more common tasks being performed by DSWs caring for clients in the community. There may still be procedures that are not listed where the RN must do an assessment and follow the rules of delegation given by the Board of Nursing to determine if the task in question can or cannot be delegated. There will also be clients whose medical conditions require that complex tasks be performed on a daily basis that cannot be delegated by the RN. Providers should immediately begin notifying their support coordinators and regional program offices so that the CPOC for these clients can be adjusted to ensure continuity of care.

- A procedure for the RN to use in the delegation process;

In addition to the guidelines approved by the Board of Nursing, OCDD, OAAS and Health Standards have included the following optional documents that may prove helpful to providers and registered nurses in complying with the process requirements:

- Sample forms for the RN's documentation of competency once the DSW has been trained;
- A sample form and person specific examples of instructional guidance to be left in the client's home as a reference for DSWs once they have been trained on a task;
- Sample training modules in the areas of Documentation, Vital Signs and Universal Precautions.

Once the guidelines are fully implemented, OCDD, OAAS and Health Standards staff will continue to meet with the Board of Nursing on a regular basis to provide feedback and to address other unresolved issues as they relate to clients' needs for services in the community. A link to the guidelines will be posted on the following sites:

Health Standards Direct Service Worker Registry web page:
<http://new.dhh.louisiana.gov/index.cfm/directory/detail/713>

Office of Aging and Adult Services web page:
<http://www.dhh.louisiana.gov/index.cfm/subhome/12/n/327>

Office for Citizens with Developmental Disabilities:
<http://new.dhh.louisiana.gov/index.cfm/subhome/11/n/8>

Please be advised that failure to have workers trained by December 20, 2013 if they will be administering medications to waiver participants and/or performing other non-complex tasks, may result in one or more of the following actions being taken against the provider:

- Inability of direct service workers to administer medications to clients or perform other non-complex tasks;
- Citations;
- Sanctions; and
- Possible recoupment of Medicaid funds if services are provided by untrained/unqualified staff.

Should you have questions related to this correspondence, you may contact:

Terry Cooper, RN
Health Standards Section
225-342-5780
Terry.Cooper@la.gov

Jeanne LeVelle, RN
Office of Aging and Adult Services
225-219-0222
Jeanne.LeVelle@la.gov

Angela Shockley, RN
Office for Citizens with Development Disabilities
504-364-6647
Angela.Shockley@la.gov