

**4664.0270 MEDICATION AND TREATMENT ORDERS.**

Subpart 1. **Administration.** A hospice provider must ensure that all medications and treatments are administered according to the plan of care.

Subp. 2. **Authorizations.** For the purpose of this part, the term "prescriber's order" means an order for medication or treatment. A hospice provider must ensure that there is a written prescriber's order for each drug for which a hospice provider provides assistance with self-administration of medication or medication administration, as defined under part 4664.0265, including an over-the-counter drug. The prescriber's order must be dated and signed by the prescriber, except as provided by subparts 4 and 5, and must be current and consistent with the interdisciplinary team assessment. Medications may be administered by:

- A. a licensed nurse or physician;
- B. a home health aide who has been delegated the task of assistance with self-administration of medications or medication administration by a registered nurse;
- C. the hospice patient, or the hospice patient's family, consistent with the plan of care; or
- D. any other individual authorized by applicable state and local laws. The person, and each drug the person is authorized to administer, must be specified in the patient's plan of care.

Subp. 3. **Medication orders.** A prescriber's order for medication must contain the name of the drug, frequency, dosage indication, and directions for use.

Subp. 4. **Oral orders.** Upon receiving a prescriber's order orally from a prescriber, a licensed nurse or pharmacist must:

- A. prepare and sign a written order reflecting the oral order; and
- B. forward the written order to the prescriber for the prescriber's signature no later than seven days after receipt of the oral order. Written orders reflecting oral orders must be countersigned by the prescriber within 90 days of the oral order.

Subp. 5. **Electronically transmitted orders.** A hospice provider must ensure that:

- A. a prescriber's order received by telephone, facsimile machine, or other electronic means is communicated to a supervising registered nurse. The hospice provider must take action to implement the order in a time frame that is consistent with the needs of the hospice patient, but no later than 24 hours;
- B. a prescriber's order received by electronic means, not including facsimile machine, is immediately recorded or placed in the hospice patient's record by a licensed

nurse, forwarded to the prescriber for the prescriber's signature, and countersigned by the prescriber within 90 days after the order was received by electronic means; and

C. a prescriber's order that is signed by the prescriber may be transmitted by facsimile machine. The prescriber's order must be immediately recorded or a durable copy placed in the hospice patient's record by a person authorized by a supervising registered nurse.

Subp. 6. **Implementation of order.** Upon receipt of a prescriber's order, a nurse must take action to implement the order within 24 hours or sooner to meet the hospice patient's needs.

Subp. 7. **Renewal of orders.** A hospice provider must ensure that a prescriber's order is renewed and meets the individual needs of the hospice patient.

Subp. 8. **Disposition of scheduled drugs.** A hospice provider must develop and implement a written policy for the disposal of drugs scheduled under Minnesota Statutes, section 152.02, that are maintained in the hospice patient's home when those drugs are no longer needed by the patient.

Subp. 9. **Fines.** For a violation of the following subparts, the stated fine shall be assessed:

- A. subpart 1, \$350;
- B. subpart 2, \$350;
- C. subpart 3, \$350;
- D. subpart 4, \$350;
- E. subpart 5, \$300;
- F. subpart 6, \$500 per day;
- G. subpart 7, \$100; and
- H. subpart 8, \$100.

**Statutory Authority:** *MS s 144A.752*

**History:** *28 SR 1639*

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