

**Examples of DHHS Regulations
On “Misdemeanor” & “Felony”**

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Occupation	Regulatory Statement
Chiropractors/Chiropractic Physicians, Dentists/Dental Hygienists, Physicians, Physician Assistants, Perfusionists	The regulations do not limit or define “misdemeanor” or “felony.”
Nurses	The regulation specifically says “Felony or misdemeanor convictions (this does not include minor traffic violations).” (<u>172 NAC 101-003.01B1</u>)
Pharmacists	Regulation on pharmacy states “Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, or licensee's fitness or capacity to practice the profession...” (<u>172 NAC 128-007.03</u>)
Medication Aide (Registry)	<p>The Department may deny, refuse renewal or reapplication for, or remove registration for:</p> <ol style="list-style-type: none"> 1. Failure to demonstrate competency as identified in 172 NAC 96-005; 2. Failure to produce evidence of competency assessment performed or directed by a licensed health care provider; 3. Conviction of a felony or misdemeanor if it relates to the competency standards in 172 NAC 96-005.01A; 4. Failure to comply with appropriate verbal and written direction given by a recipient with capability and capacity to make informed decision about medications, caretaker or licensed health care professional in the provision of medication; 5. Falsification or failure to report any information on application for registration or renewal; and/or 6. Providing medication aide services without an active medication aide registration. <p>COMPETENCY AREAS:</p> <ol style="list-style-type: none"> 1. Maintaining confidentiality; Standard: Does not share confidential information except when it affects the recipient’s care and is to the appropriate person(s); 2. Complying with a recipient’s right to refuse to take medication; Standard: Does not force recipients to take medication. Uses appropriate measures to encourage taking of medications when directed for recipients who are not competent; 3. Maintaining hygiene and current accepted standards for infection control; Standard: Utilizes appropriate infection control principles when providing medications;

4. Documenting accurately and completely; Standard: Accurately documents all medication provided including the name of the medication, dose, route, and time administered and any refusal of medication, and spoilage;
5. Providing medications according to the five rights; Standard: Provides the right medication, to the right person, at the right time, in the right dose, and by the right route;
6. Having the ability to understand and follow instructions; Standard: Comprehends written or oral directions;
7. Practicing safety in application of medication procedures; Standard: Properly: a. Stores and handles all medication in accordance with entity policy; b. Intervenes when unsafe conditions of the medication indicate a medication should not be provided; and c. Provides medication to recipients in accordance with their age and condition;
8. Complying with limitations and conditions under which a medication aide or medication staff may provide medications; Standard: Knows that they must:
 - a. Be competent, have been assessed, and if applicable, be listed on the Medication Aide Registry with an active status;
 - b. Always comply with the five rights of provision of medications;
 - c. Record all medication provided or refused; and
 - d. Have additional competencies to provide additional activities;
9. Having knowledge of abuse and neglect reporting requirements; Standard: Identifies:
 - a. Occurrences of possible abuse of a vulnerable adult and reports this information to the appropriate person/agency as required by the Adult Protective Services Act; and
 - b. Occurrences of possible abuse or neglect of a child and reports this information to the appropriate person/agency as required by Neb. Rev. Stat. §§ 28-710 to 28-727; and
10. Complying with every recipient's right to be free from physical and verbal abuse, neglect, and misappropriation or misuse of property; Standard: Does not misuse recipient property or cause physical harm, pain, or mental anguish to recipients. 96-005.01B Competency assessments must be conducted by a licensed health care professional or a registered medication aide. If the competency assessment is conducted by a medication aide, the competency assessment must be designed, directed, and reviewed by a licensed health care professional.