

COMMENT DUE DATE: July 23, 2025

Date: July 14, 2025

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It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed policy is **EMERGENCY**.

SUBJECT:

CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES

Subchapter 3. Administration

Part 3. Administration

340:100-3-38.10 [AMENDED]

(Reference WF 25-06)

SUMMARY:

The proposed amendments update the rules to implement changes recommended during the annual Developmental Disabilities Services (DDS) rule review process.

Oklahoma Administrative Code 340:100-3-38.10 is amended to: (1) change the requirement that provider staff who administer medications to DDS recipients must take Development Disabilities medication administration training (DDMAT); (2) clarify that certification to administer medications is valid for two years if staff administer medications for at least 12 non-consecutive months during the two years certification period; (3) clarify that providers must provide a paper or electronic copy to staff who successfully complete DDMAT training; (4) clarify the DDMAT and DDMAT update classes can only be taught by instructors who successfully complete the approved DDMAT Train the Trainer course and refresher courses as required, and who undergo review of civil litigation records; (5) clarify that Oklahoma technical schools, independent contractors, and DDS provider agency staff may conduct DDMAT and DDMAT update classes; (6) clarify criteria for a nurse to teach DDMAT; and (7) update criteria for participants of DDMAT and DDMAT update classes.

Emergency rulemaking approval is requested.

LEGAL AUTHORITY:

Director of Human Services; 56 O.S. § 162.



OKLAHOMA DEPARTMENT OF HUMAN
SERVICES



Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Beth Scrutchins, Director
Developmental Disabilities Services

Date: June 9, 2025

Re: CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES
Subchapter 3. Administration
Part 3. Administration
340:100-3-38.10 [AMENDED]
(Reference WF 25-06)

Contact: Darrin Thompson 405-301-2895

A. Brief description of the purpose of the proposed rule:

Purpose.

The proposed amendments update the rules to implement changes recommended during the annual Developmental Disabilities Services (DDS) rule review process.

Strategic Plan Impact.

The proposed amendments position Oklahoma Human Services (OKDHS) DDS to improve services to individuals with intellectual and developmental disabilities; support DDS goals of improving vulnerable Oklahomans' quality of life by increasing individuals' abilities to lead safer, healthier, more independent, and productive lives; and to comply with federal requirements.

Substantive changes.

Subchapter 3. Administration
Part 3. Administration

Oklahoma Administrative Code 340:100-3-38.10 is amended to: (1) change the requirement that provider staff who administer medications to DDS recipients must take Development Disabilities medication administration training (DDMAT); (2) clarify

that certification to administer medications is valid for two years if staff administer medications for at least 12 non-consecutive months during the two years certification period; (3) clarify that providers must provide a paper or electronic copy to staff who successfully complete DDMAT training; (4) clarify the DDMAT and DDMAT update classes can only be taught by instructors who successfully complete the approved DDMAT Train the Trainer course and refresher courses as required, and who undergo review of civil litigation records; (5) clarify that Oklahoma technical schools, independent contractors, and DDS provider agency staff may conduct DDMAT and DDMAT update classes; (6) clarify criteria for a nurse to teach DDMAT; and (7) update criteria for participants of DDMAT and DDMAT update classes.

Reasons.

The proposed amendments update and clarify DDS rules, per Section 1020 of Title 56 of the Oklahoma Statutes [56 O.S. § 1020].

Repercussions.

The proposed amendments contribute to the health and safety of vulnerable Oklahomans and positions Oklahoma to continue to improve service provision.

Legal authority.

Director of Human Services; 56 O.S. § 162.

Emergency rulemaking approval is requested.

The proposed change will protect the health, safety, and welfare of individuals served through a DDS waiver by ensuring direct support staff who administer the participants' medications are properly trained on appropriate issues and best practices related to medication administration.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons affected by the proposed amendments are individuals receiving DDS services, who bear no costs associated with the rule's implementation.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons who benefit are individuals receiving DDS services.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** There is no economic impact on individuals who receive DDS services.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any**

anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency: The probable total costs related to these rule changes is expected to be zero.

- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an impact on any political subdivisions or require their cooperation in enforcing the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** The proposed amendments do not have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** The proposed amendments do not increase compliance costs. There are no less costly, non-regulatory, or less intrusive methods.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** The proposed amendments will positively impact the health, safety, and well-being of affected individuals by ensuring staff who administer the participants' medications are properly trained on best practice.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented, the affected individuals' health, safety and welfare may be negatively impacted because best practices will not be implemented.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared; June 9, 2025 modified;

SUBCHAPTER 3. ADMINISTRATION

PART 3. ADMINISTRATION

340:100-3-38.10. ~~Medication~~ Developmental Disabilities medication administration training (DDMAT)

~~Revised 9-15-17~~ 10-01-25

(a) **General requirements.** Staff must be certified in a ~~medication administration training (DDMAT)~~ course approved by the Developmental Disabilities Services (DDS) ~~human resource development director~~ director or designee before administering medication(s) to a person receiving services or assisting with a person's medication support plan.

(1) The DDS ~~human resource development~~ director or designee may approve medication administration certification from another state when supplied with a copy of an acceptable course curriculum.

(2) Staff may hold a MAT certification other than DDMAT when beginning employment with a provider agency contracted with DDS or an Employer of Record for self-directed services. When the non-DDMAT certification expires, staff must obtain a certification in DDMAT.

~~(2)~~(3) A licensed nurse who maintains a current, unrestricted license is exempt from the training requirements of this paragraph.

(A) Licensed practical nurses (LPNs) and registered nurses (RNs) may administer medications in accordance with Oklahoma Nurse Practice Act.

(B) The employer must maintain a copy of the nurse's license in the nurse's personnel file or make the license available for review.

~~(3)~~(4) Certification or re-certification to administer medications is valid for two-calendar years from the date of issuance, ~~as long as~~ if the person administered medications as a paid, certified staff for at least 12 non-consecutive months within the two-calendar year period.

(A) When a person allows his or her medication administration certification to expire, he or she cannot administer medication(s) or assist with a medication support plan. When the person's certification ~~was~~ has been expired for less than 60-calendar days, the person's certification is renewed by taking the one-day update DDMAT training.

(B) When the person's medication administration certification ~~was~~ has been expired for 60-calendar days or more, the person does not administer medication(s) or assist with a medication support plan and must ~~complete~~ obtain an ~~approved initial medication administration class~~ DDMAT certification.

~~(4)~~(5) All provider agencies must:

(A) establish written rules that ensure compliance with this Section and with applicable federal and state laws;

(B) provide documentation that staff were given an in-service training in agency-specific practices including, but not limited to, medication storage requirements, documentation forms, and procedures for a medication event, per Oklahoma Administrative Code (OAC) 340:100-3-34; ~~and~~

(C) maintain a copy of each employee's current certification in his or her personnel file; and

(D) provide a paper or electronic copy to the staff after successful completion of training.

(6) All DDMAT classes, including DDMAT update, must be taught by instructors approved by the DDS director or designee to teach DDMAT.

(b) ~~Medication administration training~~ DDMAT provided by provider agencies, Oklahoma Technical Schools (tech school), and independent contractors. DDS provider agencies, tech schools, and independent contractors may conduct ~~medication administration training~~ DDMAT under the conditions listed in this subsection.

(1) Any provider agency, tech school, or independent contractor planning to conduct ~~medication administration training~~ DDMAT or re-certification update classes must submit the prospective trainer's credentials to the DDS human resource development director or designee for approval. The independent contractor follows the rules in this Section and The the provider agency tech school, or independent contractor is responsible for ensuring the instructor adheres to the rules in this Section.

(A) The prospective instructor must be an RN or LPN working under the supervision of an RN.

(i) The nurse's license must be current, and active, and in good standing with no pending disciplinary action through the Oklahoma State Board of Nursing.

(ii) Any exception to the requirement that the instructor be an RN or LPN must be approved in writing by the DDS human resource development director or designee.

(B) Potential instructors with other types of medical experience or licensure may seek approval to teach ~~medication administration training~~ DDMAT classes by submitting credentials to the DDS human resource development director or designee.

(C) Potential instructors must undergo criminal and civil litigation public records search by DDS staff. Potential instructors cannot be approved to teach DDMAT or DDMAT update when he or she has:

(i) their name listed in the Registry;

(ii) been involved in criminal or civil litigation that resulted in confirmed findings of harm; or

(iii) substantiated claims made against them for exploitation, abuse, or neglect of a vulnerable adult or child as reported by Adult Protective Services, Office of Client Advocacy, or Child Protective Services.

~~(C)~~(D) Each potential instructor must request and receive approval from the DDS director or designee every two years to teach ~~medication administration training~~ DDMAT and the potential instructor agrees to provide the training according to the approved curriculum guidelines.

(E) When the instructor is approved, he or she must satisfactorily complete the approved:

(i) Train the Trainer course for DDMAT; and

(ii) refresher courses with any curriculum revisions.

(2) The DDS human resource development director or designee must approve or deny the provider agency, tech school, or independent contractor request in writing. A letter designating approval of an instructor to conduct ~~medication administration training~~ DDMAT must be maintained in the instructor's personnel file at the provider agency,

tech school, or with the independent contractor.

(3) Approved instructors only use course materials approved by the DDS ~~human resource development director or designee.~~

(4) Each participant in an initial ~~medication training~~ DDMAT course receives an approved training manual to keep.

(5) Each provider agency, tech school, or independent contractor approved to provide ~~medication administration training~~ DDMAT must implement an internal monitoring system to review and document the consistency of the training and use of the approved curriculum that is subject to DDS random review.

(6) All ~~medication administration training~~ DDMAT must be conducted according to the specific requirements of the course, the rules in this Section, and DDS training rules per OAC 340:100-3-38.

(7) Instructors provide signed verification of completion for each participant based on the competency criteria provided in this paragraph.

(A) Each ~~person participant~~ must: ~~satisfactorily complete the course with a minimum passing score of 85 percent for each test or subtest. When a person does not achieve a score of at least 85 percent after taking the exam two times, he or she must repeat the class.~~

(i) be able to read, write, understand and communicate the English language;

(ii) pass each test or subtest with a minimum score of 85 percent. When a person does not achieve a score of at least 85 percent after taking the exam two times, he or she must repeat the class;

(iii) successfully complete a lab competency including return demonstration of oral, topical, ear, nasal, eye, rectal, and vaginal administration routes; and

(iv) successfully complete return demonstration for acquiring vital signs, epi-pen use, emergency inhaler, and procedures used to prevent contamination.

(B) The instructor is responsible for administering a written test to each participant and directly observing test completion.

(C) The initial DDMAT class and update class are taught in person.

(8) The provider agency, tech school, or independent contractor providing the training maintains documentation of completed ~~medication administration training~~ DDMAT. Documentation must include the:

(A) name of the agency providing the training;

(B) name(s) of the instructor(s);

(C) name of the training, include whether it is an initial ~~medication administration training~~ DDMAT or DDMAT update training;

(D) training date(s);

(E) participant names;

(F) agency name employing each participant; and

(G) each participant's pass or fail status.

(9) The DDS ~~human resource development director or designee~~ may revoke an instructor's approval to provide ~~medication training~~ DDMAT for violating rules in this Section, violation of the guidelines set in the Train the Trainer program, failing to submit a current nursing license, ~~and~~ or disciplinary action.