

Summary of RCF rule changes

Please find below details of some of the changes made for the five year review for the sections of the administrative code that apply to Residential Care Facilities.

3701-17-50 Definitions.

- Complex therapeutic diets definition updated to reflect current practices and includes:
 - o Diabetic and other nutritive regimens requiring a daily specific kilocalorie level;
 - o Renal nutritive regimens;
 - o Dysphagia nutritive regimens excluding simple textural modifications; and
 - o Any other nutritive regimens requiring a daily maximum or minimum level of one or more specific nutrients, or a specific distribution of one or more nutrients.
- A habilitation center is removed from the list of exclusions for what constitutes a 'home', thus making a habilitation center a 'home' as defined in these rules
- Changes the definition of "Serious mental illness"
- Complex therapeutic diets removed from definition of personal care services
- Changes definition of a "special diet" to one that is ordered for a resident by a physician that can include:
 - o Texture modifications, including chopped, ground and pureed;
 - o Nutrient adjusted, including high protein, no added salt, and no concentrated sweets;
 - o Volume adjusted, including small, medium and large portions;
 - o Physical needs, including the use of finger foods or bite-sized pieces; or
 - o Complex therapeutic diets.
- Supervision of diet definition changed to require supervision of complex therapeutic diets instead of special diets

3701-17-51 General provisions and prohibitions.

- Skilled nursing care is permitted for more than 120 days in a 12 month period to a hospice patient only
- States that RCFs cannot retain individuals requiring skilled nursing care or provide skilled nursing care beyond what is in rule or statute
- RCFs must provide the services outlined in the resident contract in accordance with acceptable practices and the facility's policies and procedures
- Each RCF must develop policies and procedures for care for Alzheimer's and dementia consumers, or serious mental illness consumers

- RCF operator has to provide 30 day written notice of planned closing and 24 hour notice of unplanned closing to the residents and their sponsors or legal representative and the regional long-term care ombudsperson

3701-17-52 Residential care facility licensure application and renewal procedures; revocation.

- "hold itself out" as serving a special population if the RCF advertises to care for, or represents to the public or the department that the facility cares for, or admits 10 or more or 20% of the facility's census, which ever is greater, of residents who are:
 - o late-stage cognitive impairment with significant ongoing daily living assistance needs;
 - o cognitive impairments with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both; or
 - o serious mental illness.
- RCFs that hold itself out to serve Alzheimer's/dementia or serious mental illness consumers must submit a written description of the special care provided on a form provided by the department. The information is similar to what is currently found on the required disclosure statement for Alzheimer's special care units except it will also include
 - o A weekly staffing plan that explains how it is different from the rest of the facility and details the necessary increase in supervision
 - o Description of activities offered, including frequency and type, and how they differ for the special population
 - o Any other information the director requires
- The director may issue an order denying or revoking a license for these additional reasons:
 - o Violation of any order issued by the director
 - o The facility is not, or any of its principals are not suitable, morally or financially, to operate such an institution
 - o The facility not furnishing humane, kind, and adequate treatment and care
 - o The facility has a long-standing pattern of violations of the laws and rules that has caused physical, emotional, mental, or psychosocial harm to one or more residents
- The facility can appeal revocation under Chapter 119. of the R.C.
 - o Operator cannot transfer license to operate while under appeal or if the revocation is upheld, cannot assign or transfer, or consent to assignment or transfer the right to operate the home
- RCF buildings divided by a public road must be licensed separately unless prior to this rule they held the same license

3701-17-53 Inspections and investigations; correction.

- Director can inspect medical records
- Director may provide a facility the opportunity to correct any violations found as a result of an inspection

3701-17-54 Personnel requirements.

- Each RCF shall have at least one staff member that completed first aid training in the facility at all times
- Each RCF shall have sufficient staff to provide or arrange the required activities in rule 3701-17-61
- If RCF retains Alzheimer's/dementia or serious mental illness residents they must have a psychologist or physician with experience in the diagnosis and treatment of cognitive impairment or serious mental illness on staff or as a consultant unless the resident's needs are being met by a private physician or psychologist
- If RCF admits or retains residents that the facility provides skilled nursing care beyond special diets, application of dressings, or med pass, they must:
 - o Employ or contract with a registered nurse who shall provide onsite supervision of skilled nursing care provided to residents. For purposes of this rule, "onsite supervision" means that the RN shall spend sufficient time each week in the facility to manage the provision of skilled nursing care in accordance with accepted standards of practice.
 - o Have a licensed nurse on call when one is not present in the facility; and
 - o Have sufficient additional nursing staff to meet residents' needs.
- Language is included to permit a person authorized by law to administer medication (eg. medication aide).

3701-17-55 Qualifications and health of personnel.

- Employees with transmittable diseases are not permitted to work unless they follow infection control precautions and procedures
- Changes were made to the TB testing requirements to include blood assay test (BAMT); also if the first step Mantoux test is insignificant, the second step must be performed after seven days but before twenty-one days
- Staff and volunteers providing personal care services that are under 18 shall be supervised by someone at least 18
- Staff providing personal care must have 8 CEUs annually (training may be pro-rated from date of hire)
- Staff providing services to those that are cognitively impaired defined in the "hold itself out" rules require 2 hours of training within 14 days of the first day of work

- with these residents and 4 CEUs of training in Alzheimer's/dementia care that can apply to the 8 hours required
- Staff providing services to serious mental illness residents require 2 hours of training within 14 days of the first day of work with these residents and 4 hours of CEUs on the care of those with serious mental illness. These 4 hours apply to the 8 hours required.
 - Staff providing care to both Alzheimer's/dementia residents and serious mental illness residents shall have the initial training and 4 hours of CEUs, 2 hours specialized for each type of resident
 - The initial training must be conducted by a qualified instructor for the topic covered. The annual continuing education requirements may be completed online or by other media provided there is a qualified instructor present to answer questions and to facilitate discussion about the topic at the end of the lesson.
 - Increases the hours of direct operational responsibility to be an Administrator from 2,000 to 3,000 and hold a baccalaureate degree, or be a licensed health professional
 - Courses taken at an accredited college or university, or approved by the Ohio State Bar Association, Board of Nursing, Board of Pharmacy, Board of Psychology, Board of Nursing Home Administrators, Medical Board, or other health-related state boards are acceptable CEUs for an administrator's required 9 CEUs annually
 - Administrators have 3 years to comply with these rules
 - Resident right training needs to be done annually and additionally as needed

3701-17-57 Resident agreement: other information to be provided upon admission; risk agreements.

- Except as permitted for hospice care, no RCF shall admit or retain an individual who
 - o Required skilled nursing care beyond what the law allows or that which the specific facility can provide
 - o Requires medical or skilled nursing care at least 8 hours per day or 40 hours per week.
 - o Requires chemical or physical restraints
 - o Is bedridden with limited potential for improvement
 - o Has Stage III or IV skin ulcers
 - o Has a medical condition so medically complex or changes so rapidly that it requires constant monitoring and adjustment of treatment regimen on an ongoing basis
- An RCF has to provide the written description for Alzheimer's/dementia or serious mental illness special care units to any individual upon request, the family or responsible party prior to admission, and the state long term care ombudsperson

3701-17-58 Resident health assessments.

- Each residential care facility shall, on an annual basis, offer to each resident a vaccination against influenza and a vaccination against pneumococcal pneumonia as required by section 3721.041 of the Revised Code.
- If skilled care is provided to the resident by staff members, the resident's attending physician shall sign orders documenting the need for skilled nursing care, including the specific procedures and modalities to be used and the amount, frequency, and duration. This care shall be provided and reviewed pursuant to paragraph (B) of rule 3701-17-59.1 of the Administrative Code.
- Physician must determine that a resident needs to be moved to a special care unit that restricts movement
- A resident who is not cognitively impaired can live in a special care unit so long as his or her freedom of movement is not restricted in any way
- Updates the TB testing requirements to include the blood assay test; also requires residents are tested within 30 days of their annual testing date unless they have already been recently tested

3701-17-59 Personal care services; medication administration; resident medications; application of dressings; supervision of special diets.

- Staff can assist a resident in filling a weekly pill organizer if the resident can differentiate between pills and actively participate in the organization. Staff cannot fill a weekly pill organizer for the resident.
- Staff can assist a physically impaired resident upon request.
- RCFs cannot repackage or relabel resident medications
- Over the counter drugs not prescribed and kept by the resident do not have to meet labeling requirements
- Language is included to permit a person authorized by law to administer medication (eg. medication aide).

3701-17-59.1 Part-time intermittent skilled nursing care.

- Skilled nursing care provided as a part of hospice is allowed for more than 120 days on an intermittent basis
- RCFs must enter into a written agreement with a licensed hospice care program for each resident requiring hospice care and more than 120 days of skilled nursing care. The agreement shall include:
 - o A statement signed by the resident or their sponsor acknowledging that they understand the agreement and that the patient's needs can be met at the facility

- The hospice care program, the resident's physician, and the RCF determine that the resident's needs can be met at the RCF
- Periodic redeterminations are made and needs can be continually met
- The agreement will contain when the redeterminations are to be made, and will be made at least once every 14 days
- The hospice patient has been given the opportunity to choose the hospice care program that best meets their needs

3701-17-60 Dietary services; supervision of special diets.

- Updates the language to include special and complex therapeutic diets
- For RCFs that provide three meals a day:
 - Adds language that the food must be palatable and attractive
 - Hours of meal service shall consider residents preferences and shall make an evening snack available upon request
- Allows RCFs to serve meals in any format so long as it meets the rule requirements and is done so with input from the residents
- Residential care facilities may provide a dining environment as natural and independent as possible, comparable with eating at home, with choices from a wide variety of food items tailored to the residents' wants and needs, which otherwise meet the requirements of this rule
- Adds the following specific weight measurement requirement for residents on a special diet:
 - For residents on special diets other than complex therapeutic diets, notify either the dietitian or the resident's attending physician, or both of any unplanned significant weight changes in accordance with facility policies;
 - For residents on complex therapeutic diets, notify the resident's attending physician and the dietitian of any unplanned significant weight changes in accordance with policies and procedures developed by the dietitian.
- Includes requirements for complex therapeutic diets similar to what was in rules for special diets
- A hospice patient's diet shall be planned by a dietitian, the hospice program, or both, as appropriate for that individual

3701-17-61 Laundry services; activities; resident finances; pets.

- Clarifies that laundry services are to be supplied per the resident's agreement
- Activities need to be varied and of sufficient quantity

- Includes a resident's right to receive a financial statement of transactions that have been made on their request that includes:
 - o A complete record of all funds, personal property, or possessions from any source whatsoever, that have been deposited for safekeeping with the facility for use by the resident or resident's sponsor
 - o A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts that shall be available for inspection and copying by the resident or sponsor
- Upon the resident's transfer, discharge, or death, all resident accounts shall be closed and a final accounting made
- The residential care facility shall allow the resident access to his or her funds during normal bank business hours within the community
- Neither the administrator of a residential care facility nor facility staff may serve as the guardian of a resident unless related by blood, marriage, or adoption to that resident.

3701-17-62 Changes in resident's health status; incidents; infection control.

- No change

3701-17-63 Building, plumbing, and fire safety requirements.

- Plumbing shall meet Ohio plumbing code and have adequate water pressure. This includes, but is not limited to, water closets, mop closets, kitchens, utility closets, public and resident bathrooms, shower and bathing areas, and drinking fountains
- RCF must have paths of clear and unobstructed access to egress exits. Doors cannot be propped open using door stops, wedges, or other devices
- the transmission of a fire alarm signal during fire exit drills to the appropriate fire department or monitoring station must have verification of receipt of that signal
- A 'fire watch' and prompt notification of the local fire authority must be done when a fire detection, fire alarm, or sprinkler system is impaired or inoperable. A 'fire watch' is a process for detecting and alerting residents, staff, and fire department of a fire or other emergency.
- The staff member observing and evaluating the fire drill must have knowledge of the disaster preparedness plan and the fire evacuation routes
- Method of activation is to be included in the written records of the fire drill
- Wall plans must be correctly orientated
- Records of the installation, testing, and maintenance of fire extinguishing and fire alarm systems must be kept at the facility and available for inspection

- Each residential care facility shall provide for annual training in fire prevention for regularly scheduled staff members on all shifts to be conducted by the state fire marshal or township, municipal or local legally constituted fire department. Records of this training shall be kept at the facility.
- All residents are to be trained in the proper actions to take for a tornado or other disaster
- All staff members in each residential care facility shall be trained in fire control and evacuation procedures within three working days of beginning employment. A staff member shall not stay alone in the residential care facility with residents until the staff member has received the training in fire control and evacuation procedures.
- The administrator has to approve designated smoking areas. Areas where smoking is permitted must have self-closing metal containers where ashtrays can be emptied
- RCF must maintain all electrical systems, not limited to the ones currently listed
- The department is to receive notification within 24 hours of any incident of fire, damage due to fire, and any incidence of illness, injury or death due to fire or smoke inhalation

3701-17-64 Space requirements.

- Toilet rooms and all the facilities therein shall, at all times, be kept in good repair, in a clean and sanitary condition, and free from filth and accumulated waste, and shall be provided with a supply of toilet tissue, unless provided by the resident as specified in the resident agreement. Each hand washing basin shall be provided soap and a self-draining device or other appropriate dispenser unless provided by the resident as specified in the resident agreement. At a minimum, the residential care facility shall provide toilet tissue and soap in a self-draining device or other appropriate dispenser. Toilet rooms shall be equipped to ensure full visual privacy.
- Every building or addition to a building constructed or converted to use as a RCF after the effective date of this rule, shall have one toilet room directly accessible from and exclusively for each resident sleeping room, except the hand washing basin may be in the toilet or sleeping room

3701-17-65 Building maintenance, equipment, and supplies.

- Unless the resident chooses to bring his or her own, the RCF has to provide certain furniture and supplies
- Bed linens must fit properly and be in good condition
- RCF must provide a waste basket with liner
- RCF is to provide bath linens that include two full towels, two face towels, and two washcloths
- RCF is to provide a shower curtain and appropriate hanging devices

- RCF is to provide basic toiletry items and paper products
- Buildings constructed or converted for use as an RCF must have fire escape exits that open to a hard surface leading to a public way after the effective date of this rule
- Poisonous and hazardous materials shall be stored with applicable provisions of the Ohio fire code
- Emergency phone numbers must be both accessible and posted

3701-17-66 Temperature regulation in residential care facilities.

- No change

3701-17-67 Records and reports.

- Besides the medication record required by paragraph (I)(7) of rule 3701-17-59 of the Administrative Code, the RCF must document the Medicare-D plan, if any, in which the resident is enrolled and receives prescription medication;

3701-17-68 Variances.

- No change