

## Appendix A

## Licensure Survey Tool

<b>STANDARD 1</b>	<b>SERVICE PLAN DEVELOPMENT AND IMPLEMENTATION</b>
<b>Rule</b>	
5123:2-3-04 (F)	The licensee shall monitor the physical and psychological health of individuals and coordinate and arrange timely access to needed and preventative evaluations and treatments.
5123:2-3-04 (F)	The licensee shall ensure that appropriate records and knowledgeable staff accompany individuals to physical and psychological evaluations or are available to provide pertinent information related to the treatment indicated in the individual's plan.
5123:2-3-05 (D)(3)(a)	Before a facility transfers or discharges an individual, the facility must notify the individual, parent of a minor child or guardian, and the county board of the transfer or discharge and the reasons for the move in writing.
5123:2-3-09 (E)(3)	The dose, time, frequency, or route of administration shall not be changed, substituted, or omitted except on the order of a licensed health professional authorized to prescribe drugs or a licensed nurse acting within the scope of his/her practice.
5123:2-3-11 (G)(1)	Each individual shall participate in a documented training of the facility's fire safety plan within thirty days of residency.
5123:2-3-11 (G)(2)	Each individual shall participate in a documented training of the facility's fire safety plan at least once during every twelve-month period.
5123:2-3-11 (G)(3)	Each individual shall participate in a documented training of the facility's emergency response plan within thirty days of residency.
5123:2-3-11 (G)(4)	Each individual shall participate in a documented training of the facility's emergency response plan at least once during every twelve-month period.
5123:2-3-17 (C)	The services and activities described in the IP shall support the individual's choices, meet the individual's needs, and assist the individual in expanding and developing skills that will lead to a more independent, secure and enjoyable life.
5123:2-3-17 (D)(1)(b)	Medical evaluations shall be completed every two years. A "medical evaluation" means an evaluation of the individual's general health.
5123:2-3-17 (D)(1)(c)	Dental evaluations shall be completed on an annual basis. A "dental evaluation" means an evaluation of the individual's general dental health and hygiene.
5123:2-3-17 (D)(1)(d)	An adaptive behavior or independent living skills assessment shall be reviewed and updated at least annually.
5123:2-3-17 (E)	An IP shall be developed by an IP coordinator with each individual within one month after the individual's admission to the residential facility and shall be updated at least annually thereafter. The custodian or parent(s), if the individual is a child, or guardian shall be encouraged to participate in the development of the IP....
5123:2-3-17 (F)	The IP shall be implemented as written.
5123:2-3-17 (G)(2)	The IP coordinator shall also perform and document the following responsibilities: Review the implementation of the IP at least quarterly and revise as needed.
5123:2-3-17 (H)	The services and activities described in the IP shall not be provided without the individual's consent or the consent of the parent(s), custodian, or guardian, as applicable. If the individual is a child, consent shall be obtained from the individual's parent(s) unless the individual has a custodian in which case, consent shall be obtained from the custodian. If the individual has a guardian, consent shall be obtained from the guardian. Consent shall be in writing and may be withdrawn in writing at any time.

<b>STANDARD 2</b>	<b>PERSONAL CARE/DRESS</b>
<b>Rule</b>	
5123:2-3-12 (B)(1)	The licensee shall offer individuals food and daily meals which meet their nutritional needs and preferences. In those cases where an individual cannot meet his/her daily nutritional needs without assistance, assistance shall be provided.
5123:2-3-12 (B)(2)	Modified or specially-prescribed diets shall be prepared and served in accordance with the instructions of a physician or licensed dietician. "Modified or specially-prescribed diets" are defined as diets that are altered in any way to enable the individual to eat (for example, food that is chopped, pureed, etc.) or diets that are intended to correct or prevent a nutritional deficiency or health problem. The licensee shall keep on file in the residential facility records of modified or specially-prescribed diets for the previous thirty days.
5123:2-3-12 (B)(6)	Fresh food supplies sufficient for three days and staple food supplies sufficient for at least five days shall be available in the residential facility at all times. Such supplies shall be available for inspection by the department.
5123:2-3-12 (B)(7)	The licensee shall prepare and store food properly and in accordance with health codes to protect it against contamination and spoilage. Food products shall be stored separately from potentially harmful non-food items, particularly cleaning and laundry compounds, so that confusion in identifying edibles is minimized.
5123:2-3-12 (C)(1)	The licensee shall ensure that each individual has an adequate amount of personal clothing in good repair, well-fitting, and comparable in style to that worn by age peers in the community....
5123:2-3-12 (C)(4)	Any single item purchased by, or on behalf of the individual, with a purchase price of fifty dollars or more shall be added to the record when acquired and deleted from the record when discarded or lost.

<b>STANDARD 3</b>	<b>INDIVIDUAL FUNDS MANAGEMENT</b>
<b>Rule</b>	
5123:2-3-14 (C)	Personal funds are the exclusive property of the individual to use as he/she chooses to purchase items, goods, and services of his/her preference.
5123:2-3-14 (D)	The licensee shall not require an individual to use personal funds to purchase or for the purchase of items that are reimbursed by the respective funding sources of the licensee.
5123:2-3-14 (H)	Each individual has the right to manage his/her own personal financial affairs unless otherwise specified on the individual's plan. If the individual needs assistance with his/her own financial affairs then, based on formal or informal assessments, the individual's plan shall indicate the criteria, parameters, and documentation necessary regarding the assistance to be provided to the individual.
5123:2-3-14 (J)(2)(a) to (J)(2)(g)	Personal funds may be established and maintained for an individual in a checking account, savings account, cash account, or any combination thereof. For each type of account established for the individual, the licensee shall maintain an account transaction record which shall contain the following: (a) the individual's name; (b) the amount and date all funds are received; (c) the source of all funds received; (d) the signature of the person crediting the account, unless electronically deposited; (e) the amount withdrawn and date of withdrawal; (f) the signature of the person receiving the debited amount, unless electronically withdrawn; (g) for checking and savings account(s), a current account balance reconciled to the most recent bank statement.
5123:2-3-14 (J)(2)(h)	For cash kept in the facility or other accessible location for use by or on behalf of the individual, the current amount of cash reflected in the transaction record shall equal the amount of cash present for use by the individual.
5123:2-3-14 (J)(2)(i)	For each type of account maintained by the licensee, a verification of the reconciliation of the recorded balance to the actual funds available to the individual shall be made by the licensee, or the licensee's designee, no less frequently than once every sixty days. This reconciliation shall contain the date on which the reconciliation was conducted, the signature of the person conducting the reconciliation, and a detailed accounting of any discrepancies by type and amount. A person other than the person who maintains the account transaction record for the individual shall conduct the reconciliation.
5123:2-3-14 (J)(3)	Personal funds received on behalf of the individual by the licensee shall be made available for the individual's use within five working days of the licensee's receipt of the funds.
5123:2-3-14 (K)	All personal funds expended by the licensee on behalf of an individual shall be accompanied by a receipt for the expenditure. The receipt shall identify the item(s) procured, the date, and the amount of the expenditure. The licensee shall obtain other proof of purchase if a receipt is unavailable.
5123:2-3-18 (D)(2) (RFW)	Each individual shall retain a minimum of fifty dollars per month from the total of any unearned source of income. Unearned income includes, but is not limited to SSI, SSDA, railroad retirement, veteran's benefits, and trusts. Food stamps shall be included as unearned income but shall not be applied toward the minimum income to be retained by the individual. The individual is obligated to pay any amount of unearned income in excess of the amount retained by the individual toward, but not to exceed, the contracted amount of room and board per month.
5123:2-3-18 (D)(3) (RFW)	The amount of earned income to be retained by the individual shall equal, at a minimum, the first one hundred dollars of the net earned income received per month by the individual, plus on half of any earned income in excess of one hundred dollars per month. The individual is obligated to pay all earned income in excess of the amount retained by the individual toward, but not to exceed, the contracted amount for room and board.
5123:2-3-18 (D)(4) (RFW)	The licensee is responsible for calculating and documenting the sum of the individual's unearned and earned income available for room and board as determined in paragraphs (D)(2) and (D)(3) and shall compare it to the actual room and board cost as identified in the contract.
5123:2-3-18 (D)(4)(a) (RFW)	If the amount of the individual's unearned and earned income available for room and board following any deductions for patient liability is less than the contracted room and board cost for the month, the entire amount of the individual's unearned and earned income available for room and board shall be paid to the licensee. The balance of the room and board cost shall be billed to the county board by the licensee in accordance with the contract.
5123:2-3-18 (D)(4)(b) (RFW)	If the amount of the individual's unearned and earned income available for room and board following any deductions for patient liability is greater than the contracted room and board cost for the month, the individual shall pay the entire cost of the room and board to the licensee. Any unearned and earned income received by the individual in excess of the amount paid for room and board for the month shall be retained by the individual and shall be documented in accordance with rule 5123:2-3-14 of the Administrative Code.

<b>STANDARD 4</b>	<b>BEHAVIOR SUPPORT</b>
<b>Rule</b>	
5123:2-3-10 (F)(5)(b)	Side rails and other bed enclosures may only be used as approved through the individual's plan and in accordance with behavior support rules promulgated by the department.
5123:2-3-12 (B)(5)	The individual shall not be made to eat nor be denied any meal or food item as a form of discipline.
5123:2-3-25 (B)(1)(c)	The residential care facility shall use only constructive methods of discipline. The residential care facility may not allow a resident to be placed alone in a locked room.
5123:2-3-25 (B)(2)(a)(i) & (B)(2)(a)(ii)(a),(b),(c)	Each resident shall be free from chemical and physical restraints unless the restraints are (i) authorized by a physician in writing for a specified period of time; (ii) used in an emergency under the following conditions: (a) the use is necessary to protect the resident from injuring himself or others; (b) the use is authorized by a professional staff member identified in the written policies and procedures of the residential care facility as having authority to do so; (c) and the use is reported promptly to the resident's physician by that staff member.
5123:2-3-25 (B)(2)(a)(iii)(b)	The parent or legal guardian of the resident gives his informed consent to the use of restraints or aversive stimuli.
5123:2-3-25 (B)(2)(b)(ii)(a),(b),(c)	The residential care facility may not use physical restraint; (a) As a punishment. (b) For convenience of staff; or (c) As a substitute for activities or treatment.
5123:2-3-25 (B)(2)(b)(iv)	An order for physical restraint may not be in effect longer than twelve hours.
5123:2-3-25 (B)(2)(b)(v)	Appropriately trained staff shall check a resident placed in a physical restraint at least every thirty minutes and keep a record of these checks.
5123:2-3-25 (B)(2)(b)(vi)	A resident who is in physical restraint shall be given an opportunity for motion and exercise for a period of not less than ten minutes during each two hours of restraint.
5123:2-3-25 (B)(3)(a)(i)	Behavior modification programs involving the use of aversive stimuli or timeout devices shall be reviewed and approved by the interdisciplinary team or QMRP.
5123:2-3-25 (B)(3)(a)(ii)	Behavior modification programs involving the use of aversive stimuli or timeout devices shall be conducted only with the consent of the affected resident's parents or legal guardian.
5123:2-3-25 (B)(3)(a)(iii)	Behavior modification programs involving the use of aversive stimuli or timeout devices shall be described in written plans that are to be kept on file in the residential care facility.
5123:2-3-25 (B)(3)(b)	A physical restraint used as a timeout device may be applied only during the behavior modification exercises and only in the presence of the trainer.
5123:2-3-25 (B)(3)(c)	For timeout purposes, timeout devices and aversive stimuli may not be used for longer than one hour and then only during that behavior modification program and only under the supervision of the trainer.

<b>STANDARD 5</b>	<b>INCIDENT PREVENTION AND REPORTING</b>
<b>Rule</b>	
5123:2-17-02 (D)(1)(a) to (D)(1)(c)	Immediately upon identification or notification of a major unusual incident, the provider shall take all reasonable measures to ensure the health and safety of all individuals served. The provider and county board shall discuss any disagreements regarding reasonable measures in order to resolve them. If the provider and county board are unable to reach an agreement, the department shall make the determination. Such measures shall include: (a) Immediate and ongoing medical attention, as appropriate; (b) removal of an employee from direct contact when the employee is alleged to have been involved in abuse or neglect until such time as the provider has sufficiently determined that such removal is no longer necessary; (c) other measures to protect the health and safety of the individual, as necessary.
5123:2-17-02 (D)(3)(a) to (B)(3)(d)	The provider shall immediately notify the county board by telephone or other electronic means identified by the county board under any of the following circumstances: (a) The major unusual incident requires notification of a law enforcement agency; (b) the major unusual incident requires notification of a public children services agency; (c) the provider has received inquiries from the media regarding a major unusual incident that has not been previously reported; or (d) the major unusual incident raises immediate concerns regarding the individual's health and safety such that more immediate notification regarding the incident is necessary.
5123:2-17-02 (D)(4)	The provider shall submit a written incident report to the county board by five p.m. the next working day following the provider's initial knowledge of any major unusual incident. This report shall be submitted in a format prescribed by the department.
5123:2-17-02 (D)(5)	As soon as practicable, but no later than twenty-four hours after becoming aware of a major unusual incident, the provider shall verbally notify the legal guardian or advocate selected by the individual, unless the legal guardian or advocate is the primary person involved that forms the basis for the reported incident. If the provider is unable to verbally notify the guardian or advocate, the provider shall document all efforts made to comply.
5123:2-17-02 (F)(1)	The provider shall develop and implement a written procedure for the internal review of all major unusual incidents. The provider shall be responsible for taking all reasonable steps necessary to prevent the reoccurrence of major unusual incidents.
5123:2-17-02 (H)(2)	The provider shall develop and implement a written policy and procedure for the internal review of all unusual incidents to ensure that appropriate actions have been taken to protect the health and safety of individuals and patterns or trends have been identified and reviewed. Such policy and procedure shall include a requirement that unusual incidents are reviewed at least weekly to determine whether a series of unusual incidents that would constitute a major unusual incident has occurred.
5123:2-17-02 (H)(3)	The provider shall maintain a log of unusual incidents. The provider shall make this log and other records of unusual incidents available to the county board and department upon request.

<b>STANDARD 6</b>	<b>HOME ENVIRONMENT</b>
<b>Rule</b>	
5123:2-3-02 (L)  Cross-referenced to 5123:2-3-02 (F)(4)(a) to (F)(4)(d)	...The licensee shall submit an approved fire inspection and any other applicable inspections as described in paragraph (F)(4) of this rule to the department no later than the due date indicated on the inspection form.  The licensee shall arrange for and permit appropriate inspections of the residential facility by all authorized agencies before a license is issued and shall be responsible for payment of all fees charged for inspections required for licensure. Reports of approved inspections shall be filed with the licensure office prior to issuance of a license verifying that the residential facility has passed: (a) a building safety inspection by a local building inspector or the Ohio division of factory and building if the residential facility serves six or more individuals is required for initial licensure. (b) A fire safety inspection by a local fire department, state fire marshal, or person certified by the state fire marshal's office; (c) a sanitation inspection by the Ohio department of health or by a county or municipal health department if the residential facility is not served by a public water or sewage system; and (d) a heating and wiring inspection in lieu of the building inspection by a certified electrical or bona fide heating company if the residential facility serves five or less individuals is required only for initial licensure.
5123:2-3-10 (B)(2)	Parking spaces, curb cuts, appropriate walkways, exit/entry ramps, toilets, showers, tubs, sinks, doorways, and other features facilitating accessibility shall be provided to the individuals residing in the residential facility.
5123:2-3-10 (D)(4)(b)	The residential facility shall provide for individual privacy in toilets, bathtubs, and showers.
5123:2-3-10 (D)(4)(c)	Lavatories and bathing facilities shall be supplied with hot and cold running water maintained at a comfortable level for each individual to prevent injury.
5123:2-3-10 (E)(1)	All areas of the interior and exterior of the residential facility, the facility grounds and all electrical, plumbing and heating systems of the residential facility shall be maintained in a clean and sanitary manner and in good repair at all times except for normal wear and tear and adequate to meet the needs of the individuals.
5123:2-3-10 (E)(2)(c)	Gasoline, kerosene, paints, and all other flammable materials and liquids shall be stored in a safe manner and in accordance with manufacturer's label. Storage of combustible and non-combustible materials shall not produce conditions that will create a fire or a safety or health hazard.
5123:2-3-10 (E)(2)(d)	If the residential facility has a gas furnace and/or gas water heater, the licensee shall maintain a carbon monoxide detector in accordance with the manufacturer's specifications.
5123:2-3-10 (F)(1)	The licensee shall provide the residential facility with safe, sanitary, appropriate, comfortable, and homelike equipment, furniture, and appliances in good condition except for normal wear and tear, and adequate to meet the needs of the individual.
5123:2-3-10 (F)(2)	The licensee shall provide the residential facility with at least one non-pay telephone to which individuals shall have reasonable access to at all times for making local calls. The telephone shall be provided in a location and manner that affords an individual privacy.
5123:2-3-10 (F)(3)	The licensee shall maintain in each residential facility a first aid kit stocked with supplies sufficient and appropriate to meet the minor medical emergency needs of the individuals.
5123:2-3-10 (F)(5)(e)	The licensee must provide each individual with bedding appropriate to the weather and climate. Linens and bedding for each bed or crib shall be maintained to provide clean and sanitary sleeping accommodations for each individual.

<b>STANDARD 7</b>	<b>EMPLOYMENT AND STAFFING</b>
<b>Rule</b>	
5123:2-3-06 (E)(2)	When conducting a background investigation, the licensee shall do the following: (2) Obtain a report from BCII regarding the person's criminal record. The licensee shall inform each person at the time of initial application that a criminal records check is required to be conducted and satisfactorily completed as a precondition for employment. The licensee shall request the report from BCII in accordance with section 109.572 of the Revised Code.
5123:2-3-06 (E)(3)	When conducting a background investigation, the licensee shall do the following: (3) Request that the BCII obtain information regarding the person's criminal record from the FBI if the person who is the subject of the background investigation does not present proof that he/she has been a resident of Ohio for the five-year period immediately prior to the date of the background investigation. If the person presents proof that he/she has been a resident of Ohio for that five-year period, the licensee may request that BCII include information from the FBI in its report. For purposes of this paragraph, a person may provide proof of Ohio residency by presenting, with a notarized statement asserting that he/she has been a resident of Ohio for that five-year period, with a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the person's permanent residence, or any other document the licensee considers acceptable.
5123:2-3-06 (E)(4)	When conducting a background investigation, the licensee shall contact the registrar of motor vehicles in order to determine and verify that the person has a valid motor vehicle operator's license and to request a certified abstract regarding the record of convictions for violations of motor vehicle laws, if the duties of the position for which the person has applied require the person to transport the individuals or to operate the licensee's vehicles for any other purpose.
5123:2-3-06 (E)(5)	When conducting a background investigation, the licensee shall contact the department to inquire whether the person is included in the registry established pursuant to section 5123.52 of the Revised Code.
5123:2-3-06 (E)(6)	When conducting a background investigation, the licensee shall contact the Ohio department of health to inquire whether the nurse aide registry established under section 3721.32 of the Revised Code reveals that its director has made a determination of abuse, neglect, or misappropriation of property of a resident of a long-term care facility or residential care facility by the person.
5123:2-3-06 (G)(1)(a) to (G)(1)(yy)	Except as provided in paragraphs (L) and (M) of this rule, no licensee may place a person in a direct services position if the person has been convicted of or pleaded guilty to any of the following: (1) A violation of the following sections of the Revised Code: (a) 2903.01 (aggravated murder); (b) 2903.02 (murder); (c) 2903.03 (voluntary manslaughter); (d) 2903.04 (involuntary manslaughter); (e) 2903.11 (felonious assault); (f) 2903.12 (aggravated assault); (g) 2903.13 (assault); (h) 2903.16 (failing to provide for a functionally impaired person); (i) 2903.21 (aggravated menacing); (j) 2903.34 (patient abuse and neglect); (k) 2905.01 (kidnapping); (l) 2905.02 (abduction); (m) 2905.05 (criminal child enticement); (n) 2907.02 (rape); (o) 2907.03 (sexual battery); (p) 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor); (q) 2907.05 (gross sexual imposition); (r) 2907.06 (sexual imposition); (s) 2907.07 (importuning); (t) 2907.08 (voyeurism); (u) 2907.09 (public indecency); (v) 2907.21 (compelling prostitution); (w) 2907.22 (promoting prostitution); (x) 2907.23 (procuring); (y) 2907.25 (prostitution); (z) 2907.31 (disseminating matter harmful to juveniles); (aa) 2907.32 (pandering obscenity); (bb) 2907.321 (pandering obscenity involving a minor); (cc) 2907.322 (pandering sexually oriented matter involving a minor); (dd) 2907.323 (illegal use of minor in nudity-oriented material or performance); (ee) 2911.01 (aggravated robbery); (ff) 2911.02 (robbery); (gg) 2911.11 (aggravated burglary); (hh) 2911.12 (burglary); (ii) 2919.12 (unlawful abortion); (jj) 2919.22 (endangering children); (kk) 2919.24 (contributing to unruliness or delinquency of child); (ll) 2919.25 (domestic violence); (mm) 2923.12 (carrying concealed weapon); (nn) 2923.13 (having weapons while under disability); (oo) 2923.161 (improperly discharging a firearm at or into a habitation or school); (pp) 2925.02 (corrupting another with drugs); (qq) 2925.03 (trafficking in drugs); (rr) 2925.04 (illegal manufacture of drugs or cultivation of marijuana); (ss) 2925.05 (funding of drug or marijuana trafficking); (tt) 2925.05 (illegal administration or distribution of anabolic steroids); (uu) 3716.11 (placing harmful objects in food or confection); (vv) 2905.04 (child stealing, as it existed prior to July 1, 1996); (ww) 2919.23 (interference with custody that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date); (xx) 2925.11 (possession of drugs that is not a minor drug possession offense as defined in this rule); (yy) felonious sexual penetration in violation of former section 2907.12 of the Revised Code.

<b>STANDARD 7</b>	<b>EMPLOYMENT AND STAFFING</b>
<b>Rule</b>	
5123:2-3-06 (J)	Prior to employing a person in a direct services position, the licensee shall require the person to submit a statement with the person's signature attesting that he/she has not been convicted of or pleaded guilty to any of the offenses listed or described in paragraphs (G)(1) to (G)(4) of this rule. The licensee also shall require the person to sign an agreement under which the person agrees to notify the licensee within fourteen calendar days if, while employed by the licensee, the person is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed or described in paragraphs (G)(1) to (G)(4) of this rule. The agreement shall inform the person that failure to report formal charges, a conviction, or a guilty plea may result in being dismissed from employment.
5123:2-3-06 (L)	The licensee may place a person in a direct service position pending receipt of information concerning the person's background investigation from BCII, the registrar of motor vehicles, or any other state or federal agency if the person submits to the licensee a statement with his/her signature attesting that he/she has not been convicted of or pleaded guilty to any of the offenses listed or described in paragraphs (G)(1) to (G)(4) of this rule. The licensee shall terminate the placement of such person if it is informed that the person has been convicted of or pleaded guilty to any of the offenses listed or described in paragraphs (G)(1) to (G)(4) of this rule.
5123:2-3-07 (B)(4)	All habilitation staff shall be at least eighteen years of age.
5123:2-3-07 (B)(5)	Volunteers shall be appropriately oriented and supervised to ensure the health and safety of the individuals.
5123:2-3-07 (B)(6)(a) & (B)(6)(b)	<p>Habilitation staff and support staff employed after the effective date of this rule shall be tested in accordance with this paragraph. The required tuberculosis test shall include a two-step Mantoux tuberculin skin test administered by a person properly trained to administer tuberculin skin tests, or if the person has a documented history of a significant Mantoux skin test, an x-ray. The person shall not work in the facility until after the results of the first skin test have been obtained and recorded in millimeters of induration. If the first step is non-significant, a second step shall be performed at least seven, but not more than twenty-one, days after the first step was performed. Only a single-step Mantoux is required if the person has documentation of either a single step Mantoux test or a two-step Mantoux test within one year of commencing work.</p> <p>(a) If either step of the Mantoux test is significant, the person shall have a chest x-ray and shall not enter the residential facility until after the results of the chest x-ray have been obtained and the person is determined to not have active pulmonary tuberculosis. Whenever a chest x-ray is required by this paragraph, a new chest x-ray need not be performed if the person has had a chest x-ray no more than thirty days before the date of the significant Mantoux test. Additional Mantoux testing is not required after one medically documented significant test. A subsequent chest x-ray is not required unless the person develops symptoms consistent with active tuberculosis.</p> <p>(b) For persons with a significant Mantoux test and the chest x-ray does not indicate active pulmonary tuberculosis, the facility shall require that the person be evaluated and considered for preventive therapy. Thereafter, the facility shall require the person to report promptly any symptoms of tuberculosis which include unexplained weight loss, loss of appetite, chronic cough of more than three weeks, fever, coughing and spitting up blood and night sweats. The facility shall annually document the presence or absence of symptoms suggestive of tuberculosis in such a person and maintain this documentation on file.</p>
5123:2-3-07 (C)(1)	Habilitation staff shall be on-duty on the basis of the needs of individuals. On-duty habilitation staff shall be determined by each individual's plan. Staff schedules shall be prepared and available for review for each residential facility.
<b>STANDARD 8</b>	<b>FACILITY SAFETY</b>
<b>Rule</b>	
5123:2-3-11 (C)(1)(a) to (C)(1)(f)	A current graphic floor plan shall be posted unobstructed on each floor of the residential facility and in an area most appropriate for the posting of staff information. The graphic plan shall include, but may not be limited to: (a) A primary and secondary means of exit from each floor; (b) The location of pull stations and fire system control panels, where applicable; (c) Fire escapes; (d) The telephone number of the local fire authority or 911; (e) Designated tornado shelter/safe area(s); and (f) Designated meeting place(s) in case of fire.

<b>STANDARD 8</b>	<b>FACILITY SAFETY</b>
<b>Rule</b>	
5123:2-3-11 (C)(4)	No exit, stairway, corridor, ramp, elevator, fire escape, or other means of exit from a building shall be used for storage purposes or otherwise obstructed from use in case of emergency.
5123:2-3-11 (D)(1)(a) to (D)(1)(d)	The licensee shall develop a written fire safety plan that shall include, but is not limited to, the following: (a) A policy that addresses smoking regulations and the storage of combustible materials. (b) A fire safety training program that includes provisions for rescue, alarm, contain and evacuate. The training shall be approved by the department or the state/local authority. (c) Designation of assigned meeting place(s) after a physical evacuation of the residential facility. (d) A procedure for permitting re-entry to the residential facility following a fire safety drill and/or physical evacuation.
5123:2-3-11 (D)(2)(a) to (D)(2)(c)	The licensee shall conduct at least six fire safety drills in a twelve-month period with at least: (a) Two of these drills conducted during the morning; (b) Two of these drills conducted during the afternoon/evening; and (c) One drill during the time when individuals are routinely asleep.
5123:2-3-11 (D)(3)	The licensee shall complete a written record of each drill within two days of each drill. A written plan of improvement shall be developed within two days when the fire safety drill cannot be completed in three minutes or less for facilities of five beds or less or in thirteen minutes or less for facilities of six beds or more.
5123:2-3-11(D)(4)	A physical evacuation of the residential facility shall occur during at least one fire safety drill for each twelve-month period.
<p>5123:2-3-11 (D)(5)(a) to (D)(5)(d)</p> <p style="text-align: center;">OR</p> <p>5123:2-3-11 (D)(6)(a) &amp; (D)(6)(c)</p>	<p>Each residential facility with six or more individuals shall be equipped with the following: (a) An automatic sprinkler system meeting the requirements of NFPA 13-D, “Sprinkler Systems in One and Two Family Dwellings.” The sprinkler system shall be interconnected with the smoke and fire detection and alarm system. (b) An automatic sprinkler system meeting the requirements of NFPA 13 “Standard for the Installation of Sprinkler Systems” if a residential facility has seventeen or more individuals, or if a residential facility with six to sixteen individuals is impractical of physical evacuation (thirteen minutes or more). The sprinkler system shall be interconnected with the smoke and fire detection and alarm system. A new residential facility with six to sixteen individuals and classified under the provisions of the Ohio building code as an I-1 use group on or after May 18, 1995, shall be required to have a sprinkler system meeting the requirements of NFPA 13-R, “Installation of Sprinkler Systems in Residential Occupancies Up to Four Stories in Height.” (c) A smoke and fire detection and alarm system meeting the requirements of NFPA 72, “National Fire Alarm Code” depending upon the nature of the physical facility involved and such other standards as required by the appropriate building and fire officials. (d) Fire alarm pull stations near each main exit and in the natural path of escape from a fire, are readily accessible and visible from points which are not likely to be obstructed.</p> <p>Each residential facility with five or fewer individuals shall be equipped with the following: (a) At least a single station smoke detector on each floor of the facility. The smoke detector(s) shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All detectors shall be installed and maintained in accordance with the manufacturer’s recommendations. When the detectors are wall-mounted, they shall be located within twelve inches, but no closer than four inches, of the ceiling. Installation shall not interfere with the operating characteristics of the detector. When activated, the detector shall provide an alarm audible in the residential facility. (c) An automatic sprinkler system meeting the requirements of NFPA 13-D, “Sprinkler Systems – One and Two Family Dwellings: and a smoke detection system as required in paragraphs (D)(6)(a) of this rule if the residential facility is not capable of being physically evacuated in three minutes or less.</p>
5123:2-3-11 (E)(1)(a) to (E)(1)(c)	The licensee shall develop a written emergency response plan that shall include, but is not limited to, the following: (a) Designating a tornado shelter or safe area in the residential facility and the procedure for accessing the area, (b) Responses to weather-related emergencies or other disasters when relocation of the individuals is not required, and (c) Responses to weather-related or other disasters when relocation of the individuals is required, including the designation of a pre-arranged evacuation site(s) to be used in the case of a physical evacuation of the residential facility.
5123:2-3-11 (E)(2)	Emergency response plan training shall be approved by the department or the state/local authority.
5123:2-3-11 (E)(3)	The licensee shall conduct and document a tornado drill at least once in a twelve-month period.

<b>STANDARD 9</b>	<b>FACILITY AND INDIVIDUAL RECORDS</b>
<b>Rule</b>	
5123:2-3-13 (B)	All information contained in an individual's record shall be considered privileged and confidential. Records shall be maintained in accordance with state and federal regulations in such a manner to ensure their confidentiality and protect them from unauthorized disclosure of information.
5123:2-3-13 (C)(2)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department. These records shall include, but not be limited to, legal status of the individual.
5123:2-3-13 (C)(3)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department. These records shall include, but not be limited to, records of accidents, injuries, seizures, major unusual incidents, and unusual incidents and the treatment or first aid measure administered for each. Information pertaining to abuse/neglect investigations and other confidential information may be maintained at a location other than the residential facility, but shall be provided to licensure for review at the facility upon request.
5123:2-3-13 (C)(4)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department. These records shall include, but not be limited to, all medical and dental examinations and the most recent immunization records as appropriate to age.
5123:2-3-13 (C)(5)(a) & (C)(5)(b)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department. These records shall include, but not be limited to, medication and/or treatment records which shall indicate the person who prescribed the medication and/or treatment and the date, time, and person who administered the medication and/or treatment.
5123:2-3-13 (C)(6)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department. These records shall include, but not be limited to, individual plans.
5123:2-3-13 (C)(8)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department. These records shall include, but not be limited to, a signed authorization to seek medical treatment or documentation that attempts to seek such authorization were unsuccessful. The licensee shall provide evidence of an annual review of such authorization and, in cases where authorization was not able to be obtained, evidence that attempts to obtain authorization were made on at least an annual basis.
5123:2-3-13 (C)(9)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department. These records shall include, but not be limited to, if not in the individual's plan, evidence of consents for the participation in services including, but not limited to, medical treatment, behavior support plans, and the use of psychotropic medications.

<b>STANDARD 10</b>	<b>STAFF TRAINING</b>
<b>Rule</b>	
5123:2-3-04 (D)	The licensee and all employees shall interact with individuals in a way to safeguard the rights of individuals enumerated under sections 5123.62 and 5123.65 of the Revised Code. The licensee shall be responsible for meeting the requirements established under sections 5123.63 and 5123.64 of the Revised Code.
5123:2-3-07 (C)(3) Cross-referenced to 5123:2-3-08 (B)(5)	At least one staff person who has current certification in first aid and CPR shall be present when individuals are being served by the licensee regardless of where services are being provided.
5123:2-3-08 (B)(1)(a)	All habilitation and support staff, including those persons working through a temporary agency who work directly with individuals, who work in the residential facility, regardless of position or responsibility, shall receive training prior to assuming their duties. The training shall include, but is not limited to, the rights of individuals in accordance with sections 5123.62 and 5123.65 of the Revised Code.
5123:2-3-08 (B)(1)(b)	All habilitation and support staff, including those persons working through a temporary agency who work directly with individuals, who work in the residential facility, regardless of position or responsibility, shall receive training prior to assuming their duties. The training shall include, but is not limited to, the prevention, identification, and reporting of major unusual and unusual incidents in accordance with rule 5123:2-17-02 of the Administrative Code.
5123:2-3-08 (B)(4)(a)	In addition to the requirements outlined in paragraphs (B)(1) and (B)(3) of this rule, habilitation staff shall receive the following training prior to assuming responsibility for the delivery of services to an individual: Training in the programs and techniques necessary to appropriately develop and implement the services of each individual for whom they are responsible as described in the individual's plan.
5123:2-3-08 (C)	Following the initial year of employment and during each subsequent year of employment, based on the employee's date of hire, each habilitation staff person shall be required to obtain eight hours of continuing education/training. Continuing education/training shall be designed to enhance the skills and competencies of staff relevant to their job responsibilities.
5123:2-3-08 (C)(1)(a) & (C)(1)(b)	The continuing education/training areas shall include annual training in following: (a) Identification and response to incidents adversely affecting an individual's health and safety; and (b) Individual rights.
5123:2-3-09 (E)(1)	The licensee shall adhere to the applicable standards for giving oral prescribed medications or applying topical prescribed medications, performing health-related activities, administering food or prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administering subcutaneous insulin injection established under sections 5123.42 to 5123.46 of the Revised Code and rules adopted by the department under Chapter 5123:2-6 of the Administrative Code.
5123:2-3-11 (F)(1)	Each employee shall participate in a documented training of fire safety and operation of the facility's fire safety equipment and warning systems within thirty days of employment. Each employee must have training specific to each facility in which they work.
5123:2-3-11 (F)(2)	Each employee shall participate in a documented training of fire safety and operation of the facility's fire safety equipment and warning systems at least once during every twelve-month period.
5123:2-3-11 (F)(3)	Each employee shall participate in a documented training of the facility's emergency response plan within thirty days of employment. Each employee must have training specific to each facility in which they work.
5123:2-3-11 (F)(4)	Each employee shall participate in a documented training of the emergency response plan at least once during every twelve-month period.
5123:2-3-11 (F)(5)	Employees may work in a facility, prior to meeting the requirements of paragraphs (F)(1) and (F)(3) of this rule, when at least one staff person who has current training in both fire safety and emergency response is present in the facility, when individuals are in the facility.

<b><i>STANDARD 11</i></b>	<b><i>GENERAL REQUIREMENTS</i></b>
<b><i>Rule</i></b>	
5123:2-3-02 (C)	The license to operate a residential facility is not transferable and is valid only for the licensee, the premises named on the license, and for the number of individuals specified on the license.
5123:2-3-02 (G)(1)	When the licensee proposes to make renovations to a facility, the licensee shall notify the department in writing no less than thirty days prior to its intent to begin such renovation.
5123:2-3-02 (J)(3)	Any licensee who has received the report listing any deficiencies shall submit a plan to correct the deficiencies to the licensure office within the timetable specified in the report. After a plan of correction is submitted, the department shall approve or disapprove the plan. If the plan of compliance is approved, the department shall so notify the licensee and shall verify that the licensee implements the approved plan of correction within the time limits included in the plan.
5123:2-3-04 (B)	The licensee is responsible for the overall operation of the residential facility including, but not limited to, submitting such reports as may be required and ensuring that the residential facility is in compliance with all rules adopted under Chapter 5123:2-3 of the Administrative Code, rules adopted under other chapters of the Administrative Code pursuant to section 5123.19 of the Revised Code, and all applicable federal, state and local regulations, statutes, rules, codes, and ordinances.
5123:2-3-04 (C)	The licensee shall provide or arrange for the transportation of the individuals residing in the residential facility as identified in the individual's plan.
5123:2-3-04 (E)	If the licensee is a natural person, he/she shall obtain a criminal records check that meets the requirements of rule 5123:2-3-06 of the Administrative Code. The administrator of a residential facility shall also obtain a criminal records check that meets the requirements of the rule. Unless the rehabilitation standards established by the department in paragraph (M) of rule 5123:2-3-06 of the Administrative Code or the requirements of paragraph (N) of that rule have been met. No licensee or administrator shall operate a residential facility if he/she has been convicted of or pleaded guilty to any of the offenses listed or described in paragraphs (G)(1) to (G)(4) of rule 5123:2-3-06 of the Administrative Code. The requirements of this paragraph shall apply only to persons who apply for a license or who become the administrator of a residential facility on or after the effective date of this rule.
5123:2-3-05 (C)(3) and/or 5123L2-3-05 (D)(2)	A provider shall not unlawfully discriminate because of disability, race, color, religion, national origin or ancestry, sex, or age including, but not limited to, failing to make reasonable accommodation to the individual's physical, mental, or behavioral disabilities to the extent required by law unless the provider can demonstrate that the accommodation would impose an undue hardship on the operation of the program.
5123:2-3-05 (C)(4)	If a vacancy exists, the provider shall determine if the individual meets the facility's admission criteria within thirty calendar days of receiving an application for services and referral information. This timeline may be extended if mutually agreed upon by both the applicant and the provider.
5123:2-3-05 (C)(5)	The provider shall notify the individual, parent of a minor child, guardian, county board, and referring party in writing of the outcome of the admissions decision within seven calendar days of making the decision.
5123:2-3-05 (C)(6)	Any denial of admission notice must be sent to the individual by certified mail.
5123:2-3-05 (C)(7)(a) to (C)(7)(d)	The denial of admission notice shall contain (a) A statement of what action the provider intends to take; (b) The reasons for the denial of admission; (c) An explanation of the individual's right to a hearing and the method by which to obtain a hearing including to who the hearing request is to be made and the timelines to request a hearing in accordance with paragraph (E) of this rule; and (d) The telephone number and address for Ohio legal rights service.
5123:2-3-05 (C)(8)	If a vacancy exists, and the applicant requests an appeal, the provider shall not fill the vacancy until the hearing decision is rendered.
5123:2-3-05 (D)(3)(b)	Before a facility transfers or discharges an individual, the facility must explain the transfer or discharge and appeal rights to the individual in a language and manner which is understandable to that individual.
5123:2-3-05 (D)(3)(c)	Before a facility transfers or discharges an individual, the facility must record the reasons for the transfer or discharge in the individual's record.

<b>STANDARD 11</b>	<b>GENERAL REQUIREMENTS</b>
<b>Rule</b>	
5123:2-3-05 (D)(4)	The notice of discharge or transfer must be made at least thirty calendar days before the discharge or transfer, except in emergency situations. If at any time prior to the expiration of the thirty-day-period the provider determines that the conditions that constituted the emergency situation no longer exist, the individual may then return to the facility.
5123:2-3-05 (D)(5)(a)	The notice must contain the reason for the transfer or discharge.
5123:2-3-05 (D)(5)(b)	The notice must contain the effective date of the transfer or discharge.
5123:2-3-05 (D)(5)(c)	The notice must contain if the transfer or discharge is due to the provider's inability to meet the individual's needs, a summary of the action taken by the provider to try to meet the individual's needs including working with the county board.
5123:2-3-05 (D)(5)(d)	The notice must contain the individual's right to appeal the transfer or discharge and the process to do so.
5123:2-3-05 (D)(5)(e)	The notice must contain the phone number and address of Ohio legal rights service.
5123:2-3-05 (D)(6)	The notice to the individual must be sent by certified mail.
5123:2-3-05 (D)(7)	If an individual requests a discharge or transfer hearing, the facility must maintain services until a decision is rendered after the hearing unless an emergency exists.
5123:2-3-05 (E)(2)	The governing board or administrator shall review the decision and notify the appellant in writing by certified mail of the outcome of the review within five calendar days of the request for review.
5123:2-3-06 (C)	The licensee shall ensure that no person is placed in a direct services position under a contract with the licensee for the provision of specialized services to individuals residing in a residential facility, including habilitation staff working through a temporary agency, unless that person has successfully completed a background investigation that meets the requirements of this rule.
5123:2-3-06 (G)(2)	Except as provided in paragraphs (L) and (M) of this rule, no licensee may place a person in a direct service position if the person has been convicted or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (G)(1) of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.
5123:2-3-06 (G)(3)	Except as provided in paragraphs (L) and (M) of this rule, no licensee may place a person in a direct service position if the person has been convicted or pleaded guilty to any offense contained in the Revised Code constituting a misdemeanor of the first degree on the first offense and a felony on a subsequent offense, if the offense bears a direct and substantial relationship to the position being filled and the nature of the services being provided.
5123:2-3-06 (G)(4)	Except as provided in paragraphs (L) and (M) of this rule, no licensee may place a person in a direct service position if the person has been convicted or pleaded guilty to a violation of an existing or former municipal ordinance or law of this state, any other state, or the United States, if the offense is substantially equivalent to any of the offenses listed or described in paragraph (G)(1), (G)(2), or (G)(3) of this rule.
5123:2-3-06 (E)(1)	When conducting a background investigation, the licensee shall require the person to complete an employment application, conduct a personal interview with the person, and attempt to obtain references from the person's present and former employers. The employment application shall include the names and addresses of the person's present and former employers. The licensee must maintain evidence in writing that reference checks were attempted and/or completed.
5123:2-3-06 (F)	...no licensee may employ as an MR/DD employee a person who is included in the registry established pursuant to section 5123.52 of the Revised Code.
5123:2-3-07 (B)(1)	The licensee shall be responsible for compliance with all applicable federal, state, and local regulations, statutes, rules, codes, or ordinances pertaining to employment including, but not limited to, civil rights agreements; job classifications; wages and hours; workers' compensation; withholding taxes; employment of minors; nondiscrimination of employment because of disability, race, color, religion, national origin, ancestry, sex, or age; and fair employment practices.
5123:2-3-07 (B)(2)	The licensee shall have written personnel policies that address applicable federal, state and local regulations pertaining to employment.
5123:2-3-07 (B)(3)	The licensee shall employ an administrator except where the licensee serves as the full-time administrator. The administrator of the residential facility shall have at least one year's working experience in the management, care, supervision, or training of individuals with mental retardation or other developmental disabilities. . .
5123:2-3-07 (B)(3)	. . . A staff person shall be designated in writing to whom executive authority has been delegated in the absence of the administrator.

<b><i>STANDARD 11</i></b>	<b><i>GENERAL REQUIREMENTS</i></b>
<b><i>Rule</i></b>	
5123:2-3-07 (B)(6)(c)	After initial screening for tuberculosis required in this paragraph and annually thereafter within one year plus or minus thirty days of the previous year's date of screening, a tuberculosis screening for symptoms suggestive of active tuberculosis shall be conducted for all habilitation and support staff. This screening shall include, at a minimum, questions about the signs and symptoms of tuberculosis as indicated in paragraph (B)(6)(b) of this rule. The frequency of any additional Mantoux skin test screenings or the need for a physician evaluation shall be dependent upon this assessment.
5123:2-3-07 (B)(7)	Professional program staff must be licensed, certified, or registered, as applicable by the state, to provide professional services in the field in which they practice.
5123:2-3-07 (C)(2)	The licensee must provide sufficient support staff so that habilitation staff are not required to perform support services to the extent that these duties interfere with their primary duties.
5123:2-3-07 (C)(4)	When there is a swimming pool on the grounds of the residential facility including facilities in apartment complexes, the pool shall only be used by the individuals in the presence of a person with "Red Cross" or equivalent lifeguard training unless the individual's plan indicates otherwise.
5123:2-3-07 (D)	Personnel records shall be maintained for each employee in accordance with the facility's personnel policies.
5123:2-3-08 (B)(1)(c)	All habilitation and support staff, including those persons working through a temporary agency who work directly with individuals, who work in the residential facility, regardless of position or responsibility, shall receive training prior to assuming their duties. The training shall include, but is not limited to, an overview of the nature and needs of individuals with mental retardation/developmental disabilities.
5123:2-3-08 (B)(1)(d)	All habilitation and support staff, including those persons working through a temporary agency who work directly with individuals, who work in the residential facility, regardless of position or responsibility, shall receive training prior to assuming their duties. The training shall include, but is not limited to, the organization's philosophy, organizational structure, programs, services, and goals.
5123:2-3-08 (B)(2)	All habilitation and support staff, including those persons working through a temporary agency, who do not work in the residential facility, regardless of position or responsibility, shall receive training within thirty days of employment in the areas outlined in paragraph (B)(1) of this rule.
5123:2-3-08 (B)(4)(b)	In addition to the requirements outlined in paragraphs (B)(1) and (B)(3) of this rule, habilitation staff shall receive the following training prior to assuming responsibility for the delivery of services to an individual: Training that focuses on the skills and competencies needed by habilitation staff to meet the needs of the individual(s) for whom they are responsible.
5123:2-3-08 (B)(6)	The licensee shall ensure that professional staff, including those persons working through temporary agencies or under contract with the licensee, who work in the residential facility and provide services directly to individuals, provide those services in a competent manner in order to meet the health and safety needs of the individuals in the facility for whom they are responsible as described in the individual's plan.
5123:2-3-08 (B)(7)	In addition to the requirements outlined in paragraphs (B)(1) to (B)(4) of this rule, supervisory staff shall complete, within the first ninety days of employment as a supervisor, training that includes, but is not limited to, the rules, regulations, and laws pertaining to the operation of a residential facility as they relate to the supervisor's job responsibilities.
5123:2-3-08 (E)(1) to (E)(6)	The licensee shall maintain a written record, which may include electronic records, of each staff person's initial and continuing education/training activities. This information shall be made available to the department upon request and may be maintained at the residential facility or other accessible location. Documentation shall include (1) The name of the staff person receiving the training; (2) Dates of training; (3) Length of training; (4) The nature (topic) of the training; (5) The instructor's name, if applicable; and (6) Brief description of the content of the training.
5123:2-3-09 (C)	Self-administration or assistance with the self-administration of prescribed medication shall be done in accordance with rule 5123:2-6-02 of the Administrative Code.
5123:2-3-09 (D)	Delegation of nursing tasks, excluding the provisions of health-related activities, shall be done in accordance with Chapter 4723-13 of the Administrative Code.

<b><i>STANDARD 11</i></b>	<b><i>GENERAL REQUIREMENTS</i></b>
<b><i>Rule</i></b>	
5123:2-3-09 (E)(2)	Prescribed medication shall be given to only those individuals for whom they are prescribed.
5123:2-3-09 (E)(4)(a) to (E)(4)(d)	<p>MR/DD personnel holding a valid certificate issued under 5123:2-6-06 of the Administrative Code in facilities of one to sixteen individuals may receive and transcribe a written or oral order for giving oral and/or applying topical prescribed medication currently ordered for a specific individual and for performing health-related activities, excluding administering prescribed medication or food via a stable labeled gastrostomy or stable labeled jejunostomy tub or administering subcutaneous insulin injections.</p> <ul style="list-style-type: none"> <li>(a) If the prescribed medication ordered is not one the individual is currently taking, the MR/DD personnel shall contact the licensed health professional authorized to prescribe drugs to order the medication by either calling the order to a pharmacy or providing a written prescription that can be transmitted to a pharmacy either electronically or in person.</li> <li>(b) Upon receipt of the prescribed medication from the pharmacy, the MR/DD personnel shall copy the information regarding the medication, and how it should be given, from the pharmacy package to the medication administration record.</li> <li>(c) Following completion of paragraphs (E)(4)(a) and (E)(4)(b) of this rule, the administration of the new prescribed medication may begin.</li> <li>(d) If an order is given by telephone, the order shall be written in the individual's record and signed by the prescribing health professional within seven days after the order is given.</li> </ul>
5123:2-3-09 (E)(5)	In a facility of seventeen or more individuals, only a licensed nurse may accept a telephone order for prescribed medication from a licensed health professional authorized to prescribe drugs. If an order is given by telephone, the order shall be written in the individual's record and signed by the prescribing licensed health professional within seven days after the order is given.
5123:2-3-09 (F)	Unless otherwise indicated by a prescribing health care professional authorized to prescribe drugs, or when the individual is self-administering medication, all physician's orders for OTC and prescribed medication shall undergo a documented review at least every three months by a licensed health professional acting within the scope of his/her practice. The licensee shall include all known non-prescribed OTC medication being taken by the individual in each review.
5123:2-3-09 (G)(1)	MR/DD personnel may give OTC medication to an individual that has not been prescribed by a licensed health professional and according to recommended dosage instructions when a licensed pharmacist, licensed nurse or other licensed health professional acting within the scope of his/her practice has reviewed a list of intended OTC medications and/or prescribed medications, and has determined that the OTC medications listed would not be contraindicated for the individual.
5123:2-3-09 (H)	The licensee shall develop written procedures for giving or applying prescribed medication and OTC medication to individuals which includes, but is not limited to, the dose, time frequency, and route of the medication taken, as well as documenting any significant responses to the medication, occurrences of undesirable side effects of the medication, and errors in medication administration. The licensee shall comply with the requirements for reporting errors established under paragraph (D) of rule 5123:2-6-07 of the Administrative Code. These records shall be retained as part of the individual's record.
5123:2-3-09 (I)(1)	Medication shall be stored in a secure location that meets the assessed needs of the individual and ensures the health and safety of all the individuals in the facility.
5123:2-3-09 (I)(2)	The licensee shall develop and follow written procedures for the disposal of any medication. These procedures must include that disposal of prescribed medication is verified and recorded by two staff members or by an independent external entity. The disposal of dangerous drugs shall be done in accordance with rule 4792-9-06 ("Disposal of Dangerous Drugs which are Controlled Substances") of the Administrative Code.
5123:2-3-09 (I)(3)	In the event of the death of an individual, an accounting of medication shall be done immediately, but no later than twenty-four hours following the death, and recorded by two staff members. The licensee shall cooperate with any investigation conducted by a legally authorized entity. Disposal of medication shall occur in a manner prescribed in paragraph (I)(2) of this rule, unless an investigation calls for the disposal of medication to be delayed.
5123:2-3-10 (B)(1)	Each building or part of a building and all utilities, sanitary facilities, and appliances shall be constructed, and installed in compliance with all applicable rules of the Ohio building code, the Ohio sanitary code, the Ohio fire code, and any county or municipal building, safety, and fire regulations or codes.

<b><i>STANDARD 11</i></b>	<b><i>GENERAL REQUIREMENTS</i></b>
<b><i>Rule</i></b>	
5123:2-3-10 (B)(3)	Bathrooms and plumbing fixtures, including grab rails where needed, appropriate to any age and degree of disability(ies) of the individuals shall be provided in the residential facility.
5123:2-3-10 (B)(6)	If the residential facility serves children ages six and under who are ambulatory, the outside play area shall be enclosed by a fence with a height sufficient enough to prevent egress from the area.
5123:2-3-10 (B)(7)	Swimming pools shall meet the local and state requirements regarding construction, operation, and sanitation of pools.
5123:2-3-10 (C)(1)	All liquid wastes from the residential facility shall be discharged into a public sanitary sewerage system or discharged into a sewage treatment system approved by the Ohio department of health or a certified county or municipal health department.
5123:2-3-10 (C)(2)	All refuse and other solid waste shall be disposed of immediately after production or shall be stored in leakproof containers with tight-fitting covers which provide protection from animals, rodents, and insects until time of disposal. Such wastes shall be disposed of through a public disposal service or a private contract service or the licensee shall dispose of all refuse and solid wastes in accordance with the requirements of the Ohio department of health and any local regulations, rules, codes, or ordinances.
5123:2-3-10 (C)(3)	The water supply of the residential facility shall comply with the Ohio Sanitary Code and any other applicable state or local regulations, rules, codes, or ordinances.
5123:2-3-10 (D)(1)(a)	The residential facility shall have a minimum total of eighty square feet of living area for each individual.
5123:2-3-10 (D)(1)(b)	Living areas shall not include bedrooms, bathrooms, laundry rooms, closets, hallways, garages, and unfinished basements.
5123:2-3-10 (D)(2)(a)	Each bedroom occupied by one individual shall have a minimum total of eighty square feet.
5123:2-3-10 (D)(2)(b)	Each bedroom occupied by more than one individual shall have a minimum total of sixty square feet of floor space for each individual.
5123:2-3-10 (D)(2)(c)	No bedroom may be occupied by more than two individuals.
5123:2-3-10 (D)(2)(d)	No bedroom may be occupied by individuals of the opposite sex unless the individuals are consenting adults or are under the age of six years old.
5123:2-3-10 (D)(2)(e)	If the bedroom is below the grade level of the residential facility, the room must have two means of egress, one of which may be a window. . .
5123:2-3-10 (D)(2)(e)	. . .The room must have a window that the individual using the room can safely evacuate through.
5123:2-3-10 (D)(2)(f)	Living rooms, dining rooms, entryways, closets, corridors, outside porches, unfinished attics, and unfinished basements shall not be used as bedrooms.
5123:2-3-10 (D)(2)(g)	Each bedroom shall be adequately ventilated and shall have at least one outside window complete with window treatment(s) to provide adequate privacy for the individual.
5123:2-3-10 (D)(2)(h)	Each bedroom occupied by individuals who are nonambulatory shall be located on the first floor unless the residential facility has an automatic fire extinguishing system.
5123:2-3-10 (D)(2)(i)	Bedrooms shall not be used as throughways to and from other areas of the residential facility.
5123:2-3-10 (D)(3)(a)	The residential facility shall have at least one area used for the preparation and serving of food under sanitary conditions.
5123:2-3-10 (D)(3)(b)	Each area used for dining shall have a minimum total of fifteen square feet of floor space for each individual in the residential facility, not including the area generally recognized as counter and appliance space necessary for the normal preparation of meals.
5123:2-3-10 (D)(4)(a)	The residential facility shall provide for toilet and bathing facilities appropriate in number, size, and design to meet the needs of the individuals. Toilet and bathing facilities shall be provided on each floor with bedrooms.
5123:2-3-10 (D)(4)(d)	Laundry services shall be accessible to the individuals of the residential facility and adequate to meet their needs.
5123:2-3-10 (E)(2)(a)	The licensee shall take measures to eliminate and prevent the presence of insects, rodents, and other vermin in and around the residential facility. Opened doors and windows shall be screened. The extermination of insects and rodents shall be done in such a manner as not to create a fire or a safety or health hazard.
5123:2-3-10 (E)(2)(b)	All disinfectants, pesticides, poisons, and other toxic substances shall be properly labeled and stored separate from all food products. . .

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5123:2-3-10 (E)(2)(b)	...All substances defined as “hazardous substances” or which are labeled “warning,” “caution,” or “danger” shall be used only by employees of the residential facility or by individuals who are capable of learning the use of these substances according to function. The storage and use of hazardous substances shall be subject to inspection by the department, appropriate authorized persons from the Ohio department of health, or others authorized by local, state, or federal statutes or regulations.
5123:2-3-10 (E)(2)(e)	The licensee shall ensure that sidewalks, escape routes and entrances are free of obstacles and ice and snow.
5123:2-3-10 (E)(2)(f)	The licensee shall maintain the heating system of the residential facility in a safe operating condition. The residential facility should be maintained at a comfortable and healthy temperature based on the individuals’ needs and desires.
5123:2-3-10 (E)(2)(g)	The residential facility’s address (numbers) shall be clearly visible from the street.
5123:2-3-10 (F)(4)	The licensee shall provide a sufficient supply of soap and basic toiletries (deodorant, shampoo, oral hygiene items, and feminine hygiene products), toilet paper, and clean towels and washcloths to meet the needs of the individuals.
5123:2-3-10 (F)(5)	The licensee shall provide each individual with a bed or crib that is sturdy, safe, and in good condition. Hideaway beds and rollaway beds shall not be used.
5123:2-3-10 (F)(5)(a)	An individual needing to sleep in a crib shall sleep in a crib which is at least six inches longer than the individual’s extended length.
5123:2-3-10 (F)(5)(c)	Each individual shall be provided with a clean and comfortable mattress, including box springs where needed.
5123:2-3-10 (F)(5)(d)	No individual shall sleep on an exposed mattress or on an exposed mattress cover. Waterproof mattress covers shall be provided for all infants and individuals who are incontinent.
5123:2-3-10 (F)(6)	The licensee shall provide each individual with functional bedroom furniture appropriate to the individual’s needs and closet and drawer space in the bedroom for in-season clothing and personal possessions with racks and shelves accessible to the individual.
5123:2-3-10 (G)	No part of the residential facility shall be off limits to individuals except for staff living quarters, bathrooms located in or adjacent to staff quarters, the bedrooms of other individuals unless consent is given, and mechanical and boiler rooms or other areas of the facility that present a health or safety risk to the individual as identified in the individual's plan.
5123:2-3-10 (H)	The licensee shall have sufficient rooms, offices, and other space, including storage space needed by the licensee, administrator, and staff to carry out the functions of the residential facility.
5123:2-3-10 (I)	The licensee shall not erect any sign which labels the individuals or functions of the residential facility.
5123:2-3-10 (J)	The names of residential facilities and descriptions of the individuals residing in those facilities shall not convey treatment, body parts, illness, disability, or inactivity. A residential facility may not be referred to or use the words “hospital,” “nursing home,” or “rest home” in its name or letterhead.
5123:2-3-11 (C)(2)	The licensee shall develop, in writing, and post at the control panel, instructions for operating and resetting fire system control panels, where applicable.
5123:2-3-11 (C)(3)	The residential facility shall provide for two means of exit remote from each other for each floor level except basements which are not used as activity or program areas and are limited to laundry use and storage.

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5123:2-3-11 (D)(6)(b)	The facility shall be equipped with an approved fire alarm system, which includes bells/sirens/horns/lights or other equipment as may be appropriate, when services are provided to individuals who are visually and/or hearing impaired.
5123:2-3-11 (C)(5)	The licensee shall ensure that all sprinkler systems, fire alarms, extinguishing systems, and other safety equipment are properly maintained.
5123:2-3-11 (C)(7)	The licensee shall report to the department within one working day, any fire responded to by a local fire department.
5123:2-3-11 (C)(8)	The licensee shall notify the department within one working day if an emergency requires the licensee to relocate individuals from the residential facility.
5123:2-3-11 (C)(9)	A fire extinguisher, approved by the state/local authority shall be located on each floor and in the natural path of escape from a fire, at readily accessible and visible points which are not likely to be obstructed.
5123:2-3-11 (G)(5)	Fire safety and emergency response training shall be appropriate to the individual's functioning level and needs based on the results of an assessment and shall be indicated in the individual's plan.
5123:2-3-12 (B)(3)	Menus must be prepared based on the individuals' food preferences and provide a variety of foods at each meal and adjusted for seasonal changes. When individuals substitute menu items, they should be encouraged to choose items that contain the nutritive value comparable to the planned items on the menu. The licensee shall keep on file in the residential facility records of menus, menu modification, and meals served for the previous thirty days.
5123:2-3-12 (B)(4)	The licensee shall encourage the individual to participate in the selection of meals to be served and meal preparations.
5123:2-3-12 (B)(8)	The licensee shall make reasonable accommodation to observe the dietary dictates of an individual's religion.
5123:2-3-12 (C)(1)	The licensee shall have a plan to meet the clothing needs of an individual who does not have personal funds available to cover needed items. All clothing shall be clean and in accordance with the season and the kinds of activities in which the individual is engaged.
5123:2-3-12 (C)(2)	The licensee shall be responsible for encouraging each individual to select, purchase, and maintain his/her own clothing and to dress as independently as possible.
5123:2-3-12 (C)(3)	The licensee shall record each individual's clothing and personal items within fourteen days of admission. An inventory of each individual's clothing and personal items shall be taken and each individual's record updated at least once during a twelve-month period, and at the time of discharge.
5123:2-3-12 (C)(6)	The licensee shall not discard clothing and personal items without the consent of the individual.
5123:2-3-13 (C)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility for each individual and shall be made available for review by licensure and other representatives of the department.
5123:2-3-13 (C)(1)	These records shall include, but are not limited to, a current photograph of the individual.

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5123:2-3-13 (C)(7)	Records for the current calendar year and the previous twelve months shall be maintained at the residential facility...These records shall include, but not be limited to ... reconciliation of the individual's account transaction records....
5123:2-3-13 (D)	Records for each individual shall be maintained by the licensee at an accessible location and such records shall be provided to licensure for review at the residential facility upon request. The licensee shall develop a records retention schedule for all records in accordance with applicable state and federal requirements.
5123:2-3-13 (D)(1) to (D)(10)	Records shall include, but not be limited to, the following: (1) Admission & referral records; (2) All medical and dental examinations, and immunization records as appropriate to age; (3) All medication and treatment records; (4) All service documentation and notations of progress; (5) All records of the individual's account transaction record as defined in 5123:2-3-14 of the Administrative Code; (6) Records of negotiable items owned by the individual which can be converted to cash or transferred such as bonds or promissory notes; (7) Investigative files resulting from major unusual incidents or unusual incidents; (8) Records of clothing and person items; (9) Discharge summaries, which shall be prepared within seven days following the individual's discharge. The summary shall include the individual's progress during residence and new address of residence; (10) In the event of an individual's death, a discharge summary, which shall include the disposition of the individual's personal items, shall be completed within seven days of the individual's death.
5123:2-3-14 (B)	Personal funds consist of earned and unearned income retained by the individual after satisfying liability requirements to defray the cost of room, board, or services as defined by county board contracts; state requirements, including patient liability for the cost of home and community-based services (HCBS) waiver services as defined in rule 5101:1-39-95 of the Administrative Code; and federal requirements, including adherence to income restrictions necessary to maintain Medicaid eligibility.
5123:2-3-14 (E)	The licensee shall not require an individual to use personal funds to make up the difference between the cost of goods and services and the amount of payment received by the licensee from third party payers for the same goods and services.
5123:2-3-14 (F)	In no instance shall the licensee or any staff member of the residential facility borrow money from an individual or fail to account for personal funds of the individual received by the licensee.
5123:2-3-14 (G)	The licensee shall not commingle an individual's personal funds with funds of the licensee. . .
5123:2-3-14 (G)	. . .The licensee shall not use an individual's personal funds to supplement or replace the personal funds of another individual on a temporary or permanent basis.
5123:2-3-14 (I)	If the individual's plan specifies that the licensee or any staff member of the residential facility is providing any assistance to an individual, the licensee shall involve the individual as much as possible in the management of his/her financial affairs.
5123:2-3-14 (J)(1)	When the licensee establishes a banking account on behalf of an individual, the licensee may establish a separate banking account for each individual's personal funds, or combine each individual's personal funds in a single banking account, or a combination of both. When individuals' personal funds are combined in one banking account, the licensee shall separately account for each individual's funds and allocate interest, if earned, to each individual's account proportional to the amount of funds each individual maintains in the account.
5123:2-3-14 (L)	When the licensee gives funds to an individual from his/her personal account for the individual to expend on his/her behalf, a receipt is required for a single expenditure of fifty dollars or more unless otherwise specified in the individual's plan. When a receipt is unavailable, the licensee shall obtain other proof of purchase. If other proof of purchase is not available, the licensee shall provide written verification for the amount of funds given to the parent or guardian and what was purchased with the funds.

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5123:2-3-14 (M)	When the licensee gives funds to a parent or guardian to expend for the individual, the amount of funds given shall be recorded in the individual's account transaction record. When the funds are used to purchase a single item of fifty dollars or more, the licensee shall request the parent or guardian to provide a receipt or other proof of purchase. If a receipt or other proof of purchase is not available, the licensee shall provide written verification for the amount of funds given to the parent or guardian and what was purchased with the funds.
5123:2-3-14 (N)	Notwithstanding paragraph (M) of this rule, if a violation of this rule results in the loss of personal funds, the licensee shall restore those funds.
5123:2-3-14 (O)	When the licensee has control and/or possession of an individual's personal funds, the licensee shall release any balance of personal funds to the individual, after deducting for actual or estimated liabilities owed by the individual, at the time of his/her discharge or transfer. Within thirty days of the discharge or transfer, the licensee shall prepare a final itemized statement of the individual's personal funds account(s) and shall release any remaining personal funds to the individual with the itemized statement.
5123:2-3-14 (P)	In the event of an individual's death and when the licensee has control and/or possession of an individual's personal funds, the licensee shall dispose of the individual's funds in accordance with state regulations and shall document such disposition.
5123:2-3-17 (A)	Each individual shall have an individual plan (IP). The IP is a written description of the services and activities to be provided to the individual.
5123:2-3-17 (B)	The individual's choices shall be the primary factor for developing the IP. The individual's choices are those expressed directly by the individual, or, if the individual is incapable of expressing his choices, by the individual's parent(s), custodian, or guardian, or by a friend or advocate of the individual's choice.
5123:2-3-17 (D)	Evaluations shall be used as a resource to identify appropriate methods of developing the services and activities necessary to support the choices of and meet the needs of the individual.
5123:2-3-17 (D)(1)(a)	At least annually, the social history shall be reviewed and updated as needed.
5123:2-3-17 (D)(2)	If the results ... are insufficient to identify appropriate methods of developing the services and activities necessary to support the choices of and meet the needs of the individual, additional evaluations shall be obtained.
5123:2-3-17 (E)	... The individual may invite an advocate or friend(s) or any person(s) directly providing services or activities to him to participate in the development of the IP.
5123:2-3-17 (G)(1)	The IP coordinator shall also perform and document the following responsibilities: Review the implementation of the IP as needed or upon request.
5123:2-3-17 (G)(3)	The IP coordinator shall also perform and document the following responsibilities: Coordinate the services and activities being provided to the individual with service providers, which may include case management services, as identified in the IP.
5123:2-3-17 (I)	The IP coordinator shall attempt to resolve disputes that arise when consent is refused or withdrawn by making a reasonable accommodation to provide the individual with alternative services or activities.
5123:2-3-17 (J)	Authorized regulatory agents shall have access to the IP. The IP shall be provided to all parties involved in the implementation or the IP. The IP shall be provided to the individual, custodian or parent(s) if the individual is a child, or guardian. . .
5123:2-3-17 (J)	... The IP shall not be released to other persons without the individual's consent or the consent of the parent(s), custodian, or guardian, as applicable. If the individual is a child, consent shall be obtained from the individual's parent(s) unless the individual has a custodian in which case, consent shall be obtained from the custodian. If the individual has a guardian, consent shall be obtained from the guardian. Consent shall be in writing and may be withdrawn in writing at any time.
5123:2-3-17 (K)	The administrator or his designee shall provide administrative oversight to ensure the development, implementation, coordination, review, evaluation and revision, if necessary, of the IP.

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5123:2-3-18 (D)(4)(c)	Patient liability shall not be deducted from the individual's personal allowance and earned income retained by the individual, but is to be deducted from the unearned and earned income available to pay the licensee for the room and board cost.
5123:2-3-25 (A)	All employees of every residential care facility shall treat each resident with kindness, consistency, and respect.
5123:2-3-25 (B)	The residential care facility shall have written policies and procedures available to the residents and to parents and guardians. If appropriate, residents shall participate in formulating these policies and procedures.
5123:2-3-25 (B)(1)	The written policies and procedures shall include, but not be limited to, enforcement of control and discipline. The residential care facility shall use only constructive methods of discipline.
5123:2-3-25 (B)(1)(a)	The residential care facility may not allow corporal punishment of a resident.
5123:2-3-25 (B)(1)(b)	The residential care facility may not allow a resident to discipline another resident.
5123:2-3-25 (B)(2)(b)(i)	Except as provided for in behavior modification programs, the residential care facility may allow the use of physical restraint on a resident only if absolutely necessary to protect the resident from injuring himself or others.
5123:2-3-25 (B)(2)(b)(iii)(a)(b)(c)	The residential care facility shall have a written policy which specifies (a) how and when physical restraints may be used; (b) the staff member who must authorize its use; and (c) the method for monitoring and controlling its use.
5123:2-3-25 (B)(2)(b)(vii)	An order for physical restraint must not be in effect longer than twelve hours.
5123:2-3-25 (B)(2)(c)(i)	The residential care facility may not use chemical restraint excessively.
5123:2-3-25 (B)(2)(c)(ii)	The residential care facility may not use chemical restraint as punishment.
5123:2-3-25 (B)(2)(c)(iii)	The residential care facility may not use chemical restraint for the convenience of the staff.
5123:2-3-25 (B)(2)(c)(iv)	The residential care facility may not use chemical restraint as a substitute for activities or treatment.
5123:2-3-25 (B)(2)(c)(v)	The residential care facility may not use chemical restraint in quantities that interfere with a resident's habilitation program.
5123:2-17-02(E)(6)	If the provider is an ICF/MR, the ICF/MR shall investigate all major unusual incidents involving individuals receiving services from the ICF/MR. This investigation shall be conducted in accordance with all applicable federal regulations, including 42 C.F.R. 483.420.
5123:2-17-02(E)(8)	An ICF/MR, excluding a developmental center, shall submit to the county board a copy of its investigation report within fourteen days of becoming aware of a major unusual incident.
5123:2-17-02(E)(9)	If the provider is not an ICF/MR, the provider may conduct a separate investigation of any major unusual incident. If the provider conducts a separate investigation, the provider shall submit to the county board a copy of its investigation report within fourteen days of becoming aware of a major unusual incident.
5123:2-17-02(E)(11)	The provider shall cooperate with all investigations conducted by other entities, and shall respond to all requests for additional information made by the department, county board, or any investigative entity within five working days of receipt of the request.
5123:2-17-02(G)(3)	The provider shall review the quarterly reports sent by the county board to identify patterns and trends and take appropriate action as needed. Upon request by the county board or department, the provider shall provide evidence that this review has been conducted and that appropriate action has been taken.
5123:2-17-02 (G)(4)	All providers, including county boards, shall each conduct an annual review and analyze the data for the year to identify patterns and trends and take corrective action where needed.
5123:2-17-02 (H)(1)	The provider shall develop and implement a policy and procedure that requires anyone who becomes aware of an unusual incident to report it to the person designated by the provider who can initiate proper action. Such policy and procedure shall specify that reports must be made no later than twenty-four hours after the occurrence of the incident.