

5123:2-3-10

Physical environment requirements.**(A) Purpose**

The purpose of this rule is to establish minimum physical environment standards to ensure that ~~each~~ individuals living in a residential facility ~~provides~~ are provided a safe, healthy, and home-like living environment ~~for individuals~~ that meet their specific needs.

(B) Construction and building

- (1) Each building or part of a building and all utilities, sanitary facilities, and appliances shall be designed, 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.
- (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.
- (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.
- (4) All bathrooms and plumbing fixtures shall be in compliance with the appropriate sections of the state and local regulations, rules, codes, and ordinances.
- (5) Only nonlead-based paints or other finishes shall be used in a residential facility.
- (6) If the residential facility serves children age 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.
- (7) Swimming pools shall meet the local and state requirements regarding construction, operation, and sanitation of pools.

(C) Sanitation and water

- (1) All liquid wastes from the residential facility shall be discharged into a public sanitary sewerage system, ~~if available. When not available, such wastes shall~~

be or discharged into a sewage treatment system approved by the Ohio department of health or a certified county or municipal health department.

- (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 ~~where available. Where no public or private waste disposal system is available,~~ 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.
- (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.

(D) Space requirements and usage

(1) Living area

- (a) The residential facility shall have a minimum total of eighty square feet of living area for each individual.
- (b) Living areas shall not include bedrooms, bathrooms, laundry rooms, closets, hallways, garages, and unfinished basements.
- (c) Living areas shall include, but not be limited to, living rooms, dining rooms, recreation or family rooms, and portion of kitchen floor space available for individual use.

(2) Bedroom

- (a) Each bedroom occupied by one individual shall have a minimum total of eighty square feet.
- (b) Each bedroom occupied by more than one individual shall have a minimum total of sixty square feet of floor space for each individual.
- (c) No bedroom may be occupied by more than two individuals.
- (d) No bedroom may be occupied by individuals of the opposite sex unless

the individuals are consenting adults or under six years of age.

- (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 the window. The room must have a window that the individual using the room can safely evacuate through.
- (f) Living rooms, dining rooms, entryways, closets, corridors, outside porches, unfinished attics, and unfinished basements shall not be used as bedrooms.
- (g) Each bedroom shall be adequately ventilated and shall have at least one outside window complete with a window treatment(s) to provide adequate privacy for the individual.
- (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.
- (i) Bedrooms shall not be used as throughways to and from other areas of the residential facility.

(3) Kitchen and dining

- (a) The residential facility shall have at least one area used for the preparation and serving of food under sanitary conditions.
- (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.

(4) Bathroom and laundry

- (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.
- (b) The residential facility shall provide for individual privacy in toilets, bathtubs, and showers.

- (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.
- ~~(d) Bathrooms shall be in good repair, in clean and sanitary condition, and free from filth and accumulation of waste.~~
- ~~(e)~~(d) Laundry services shall be accessible to the individuals of the residential facility and adequate to meet their needs.

(E) Interior and exterior physical condition

- (1) ~~The building and~~ 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 ~~and shall be subject to inspection by any sanitarian, by the Ohio department of health, or by a county or municipal health department.~~
- (2) The residential facility shall meet the following safety and maintenance requirements:
 - (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.
 - (b) All disinfectants, pesticides, poisons, and other toxic substances shall be properly labeled and stored separate from all food products. 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.
 - (c) Gasoline, kerosene, paints, and all other flammable materials and liquids shall be stored in a safe manner and in accordance with the 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.

- (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.
- (e) The licensee shall ensure that sidewalks, escape routes, and entrances are free of obstacles and ice and snow.
- (f) The licensee shall maintain the heating system of the residential facility in safe operating condition. The residential facility should be maintained at a comfortable and healthy temperature based on the individuals' needs and desires.
- ~~(g) The licensee shall maintain all wiring, electrical outlets, and electrical systems including appliances, cords, switches, lighting fixtures, and lamps in good and safe operating condition.~~
- ~~(h) The roof, siding, windows, attached porches, and garages should be maintained in good condition at all times.~~
- ~~(i) The interior of the residential facility, including walls, carpeting, flooring, stairs, and basements, shall be in good condition, well-maintained, neat, and clean.~~
- ~~(j)~~(g) The residential facility's address (numbers) shall be clearly visible from the street.

(F) Furnishings and equipment and ~~personal effects~~ supplies

- (1) The licensee shall provide the residential facility with safe, sanitary, appropriate, comfortable, and homelike equipment ~~and~~ furniture, and appliances in good condition except for normal wear and tear, and adequate to meet the needs of the individuals.
- ~~(2) All furniture and equipment shall be in good condition, except for normal wear and tear, and adequate to meet the needs of the individuals.~~
- ~~(3)~~(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.

- (4)(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.
- (5)(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.
- (6)(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.
- (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.
- (b) Side rails and/or bed enclosures may only be used as approved through the individual's plan and in accordance with behavior ~~management~~ support rules promulgated by the department.
- (c) Each individual shall be provided with a clean and comfortable mattress, including box springs where needed.
- (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.
- (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.
- (7)(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.
- (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

by the licensee in the individual's plan.

- (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.
- (I) The licensee shall not erect any sign which labels the individuals or functions of the residential facility.
- (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.
- (K) A residential facility licensed by the department prior to November 16, 1990 shall be exempt from the increased requirements under paragraphs (B)(2), (B)(3), (D)(1)(a), (D)(2)(a), (D)(2)(c), (D)(4)(a), and ~~(D)(4)(e)~~ (D)(4)(d) of this rule, except that a residential facility licensed by the department prior to November 16, 1990 shall comply with paragraphs (B)(2) and (B)(3) of this rule to the greatest extent possible.

Effective: 01/01/2006

R.C. 119.032 review dates: 09/30/2005 and 01/01/2011

CERTIFIED ELECTRONICALLY

Certification

12/05/2005

Date

Promulgated Under: 119.03
Statutory Authority: 5123.04, 5123.19
Rule Amplifies: 5123.04, 5123.19
Prior Effective Dates: 10/31/77, 6/12/81, 9/30/83, 10/24/87, 11/16/90,
12/9/91, 5/18/95, 4/27/00