



Promoting Wellness and Recovery

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**5122-30-01 Purpose of Rules**  
**5122-30-02 Applicability of Rules**  
**5122-30-03 Definitions**

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## **Webinar Housekeeping**

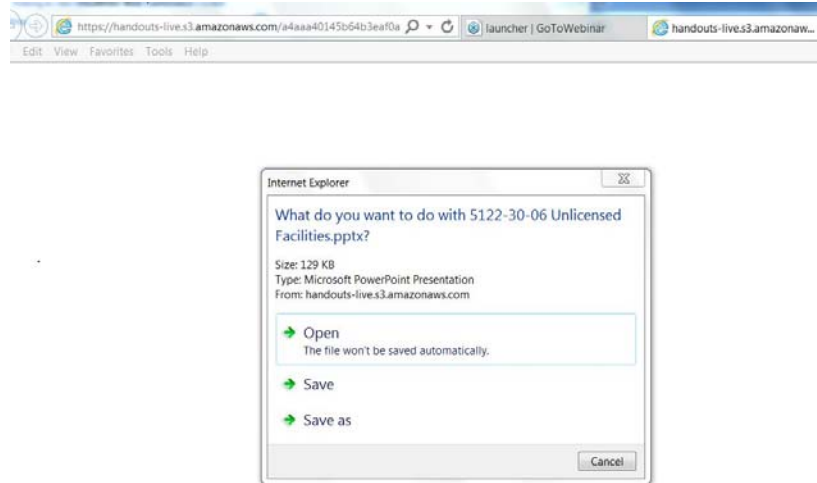
### **How To Participate in Today's Webinar**

1. Use your computer speakers or telephone for audio
2. Download and/or print the handout from your control panel
3. Use your control panel to submit questions in writing

### **What will NOT be covered Today**

1. Will not identify how a particular rule is different from current ACF, Type 1, Type 2, Type 3, AFoH rules
2. Every slide and definition – if you have a question on one I do not cover, please ask me to review it.

## Downloading Handouts



## Webinar Housekeeping

### Who should participate today:

- Type 1, Type 2, Type 3, ACF, Adult Foster Home providers
  - Currently licensed
  - Interested in obtaining licensure
- Interested stakeholders
  - Community ADAMH/MHRS Boards
  - Other stakeholders

### Are These Rules Applicable to Certified SUD Residential Providers:

- NO!

### Can I receive CEU Credit for my SW, Nurse, etc. License?

- No.

## Where Can I Find All of the New Rules?

<http://mha.ohio.gov/Default.aspx?tabid=128#32641497-licensure-of-residential-facilities-5122-30>

## Where Can I Find All of the New Rules?





**5122-30-01**  
**Purpose of Rules**

**5122-30-01**  
**Purpose of Rules**

The purpose of Chapter 5122-30 of the Administrative Code is to establish the procedures and requirements for the licensure and operation of residential facilities as defined by section 5119.34 of the Revised Code.

## **5122-30-02**

### **Applicability of Rules**

## **5122-30-02**

### **Applicability of Rules**

(A) The provisions of this chapter are applicable to any facility in the state of Ohio that is a residential facility as defined in division (B) of section 5119.34 of the Revised Code, regardless of whether the facility holds itself out to be, or represents itself, as such a residential facility.

(B) The rules in this chapter apply to each licensed residential facility, and any licensed residential facility must comply with the rules in this chapter independent of any other licensed residential facility.

## **ORC 5119.34**

(B) (1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

## **ORC 5119.34**

(B) (1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

## **January 1, 2018**

### **Class 1 Residential Facility (Formerly Type 1)**

- Accommodations, Supervision, Personal Care Services, and Certified Mental Health services, 1 or more unrelated persons, mental illness\*

### **Class 2 Residential Facility (Formerly Type 2, ACF, AFoH)**

- Accommodations, Supervision, Personal Care Services, 1 – 2 unrelated persons, mental illness
- Accommodations, Supervision, Personal Care Services, 3 – 16 unrelated adults
- Accommodations, Supervision, Personal Care Services, 1 – 2 unrelated adults, receiving RSS

### **Class 3 Residential Facility (Formerly Type 3)**

- Room and Board, 5 or more unrelated adults, mental illness

## **5122-30-03 Definitions**



## Definitions and Use in Rules Example

Definitions are terms used throughout the other rules in Chapter 5122-30.

On occasion, a rule will have additional definitions that are specific to that rule.

- Client Rights and Grievance rules have additional definitions
- A definition is not, in and of itself, a regulatory requirement without the context of another rule.
- See Next Slide for example

## Definitions and Use in Rules

### **Definitions Rule**

5122-30-03 (A)(23)"House rules" means those facility policies, requirements, or procedures by which household members, staff, and visitors are expected to comply with, such as smoking areas, meal times, etc.

### **Resident Agreement Rule**

5122-30-24 (C)(9) The following shall be specified in a resident agreement: Any facility policies the resident must follow, including smoking policy or "house rules" if applicable....

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(1) "Abuse" means any act or absence of action inconsistent with human rights which results or could result in physical injury to a resident unless the act is done in self defense or occurs by accident; any act which constitutes sexual activity, as defined under Chapter 2907. of the Revised Code, when such activity would constitute an offense against a resident under Chapter 2907. of the Revised Code; insulting or coarse language or gestures directed toward a resident which subjects the resident to humiliation or degradation; or depriving a resident of real or personal property by fraudulent or illegal means. For children, in addition to the above, the definition of abuse is the same as in sections 2919.22 and 2151.031 of the Revised Code.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(2) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(3) "Administration of medication" means the direct application of a single drug to the body of a resident either by injection, inhalation, ingestion or any other means. The complete act of administration entails the following: removal of an individual dose from a previously dispensed, properly labeled container; verification of drug dose with the practitioner's order, properly identifying the resident before giving the individual dose; and properly recording the time and dose given in the resident's integrated clinical record and administered by a licensed professional in accordance with rule [5122-30-20](#) of the Administrative Code.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(4) "Adult" means a person eighteen years of age or older, and who is unrelated to the operator.

(5) "Adult day care" means non-residential facilities or specifically designated units of operation within an adult care, assisted living residence, nursing home or other type of long term care facility that provides a variety of health, social and related support services in a protective setting during part of the day to aged, infirm or disabled adults who reside elsewhere.

(6) "Application for licensure" means a completed application and all of the information, reports, inspections, and other such materials that are required to be submitted to the department, and all applicable fees.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(7) "Assistance with activities of daily living" (ADL) means advice or aid provided in relation to matters of community living, such as, matters of self care or emotional growth and stability, personal hygiene; bathing, grooming, dressing, eating, interpersonal relationships . Assistance with activities of daily living also means structuring and supervising all activities to promote self care or emotional growth and stability, and to ensure the well-being of the resident, and also includes providing or arranging for the provision of clothing, education, medical and dental care.

(8) "Board" has the same meaning as community mental health board or board of alcohol, drug addiction and mental health services, as defined in Chapter 340. of the Revised Code.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(9) "Certification" means the written authorization from the department for a provider to operate specific services and provide activities according to Chapters 5122-24 to 5122-29 of the Administrative Code.

(10) "Chemical restraint" means any medication that alters the functioning of the central nervous system in a manner that limits physical and cognitive functioning to the degree that the resident cannot attain the resident's highest practicable physical, mental, and psychosocial well-being.

(11) "Child or adolescent" means persons under the age of eighteen years, or person with a severe mental disability under the age of twenty-one years.

(12) "Community mental health services provider" has the same meaning as defined in Section [5119.01](#) of the Revised Code, and may be referred to as a provider

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(13) "Crisis stabilization unit" means a residential unit providing crisis stabilization for persons needing an intermediate level of care. The standard services of general services and crisis intervention are offered. Treatment interventions are focused on stabilizing the current crisis and mobilizing support and resources so that the person can be treated in a less restrictive setting. The unit provides twenty-four hour observation, supervision and voluntary treatment services for individuals who do not require the intensive medical treatment of inpatient care. Length of stay on a crisis stabilization unit is anticipated to be no longer than fourteen days duration.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(14) "Custodian" means one who has been granted the authority or right by a court to exercise care, supervision, or control over a person pursuant to Chapter 2151. of the Revised Code.

(15) "Deficiency" means violations of requirements, or inadequate, or substandard compliance with the requirements of this chapter or Chapters 5122-24 to 5122-29 of the Administrative Code.

(16) "Department" means the Ohio department of mental health and addiction services.

(17) "Director" means the director of the Ohio department of mental health and addiction services.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(18) "Emergency" means an impending or crisis situation which creates circumstances demanding immediate actions for prevention of injury to the person or others. An emergency may be determined by either a licensed physician, registered nurse or other qualified person(s).

(19) "Facility" has the same meaning as residential facility.

(20) "Guardian" means one who has been legally entrusted by a probate court with the custody and control of the person or property of a person pursuant to Chapter 2111. of the Revised Code.

(21) "Hospital" means the same as inpatient psychiatric service provider.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(22) "Household member" means any person living in the residential facility, including but not limited to: residents, the operator, staff, family, or friends of the operator or staff.

(23) "House rules" means those facility policies, requirements, or procedures by which household members, staff, and visitors are expected to comply with, such as smoking areas, meal times, etc.

(24) "Inpatient psychiatric service provider" means a psychiatric hospital, or psychiatric inpatient unit administered by a general hospital, or community mental health services provider or other facility, that provides inpatient psychiatric services.

(25) "ITP" means individualized treatment plan as described in rule 5122-27-03 of the Administrative Code.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(26) "License" means the signed, numbered, dated document issued by the department to the facility which specifies the term of licensure (full, probationary, or interim), the category of facility as defined in division (B) of section [5119.34](#) of the Revised Code, and the resident limitations imposed by the facility category.

(a) "Full license" means a license issued by the department for the period of three years for a class one facility or two years in the case of a class two or three facility in accordance with division (F) of section [5119.34](#) of the Revised Code.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(26) "License" means the signed, numbered, dated document issued by the department to the facility which specifies the term of licensure (full, probationary, or interim), the category of facility as defined in division (B) of section [5119.34](#) of the Revised Code, and the resident limitations imposed by the facility category.

(b) "Interim license" means a license issued by the department , which is valid for no more than ninety days. An interim license will be issued in accordance with division (F) of section [5119.34](#) of the Revised Code.

(c) "Probationary license" refers to the status of a facility license in which the department determines that circumstances require a temporary interruption in the full licensure cycle. The term of a probationary license shall be determined at the discretion of the department as specified in division (F) of section [5119.34](#) of the Revised Code.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(27) "Manager" means the person responsible for the daily operation of a facility. The manager, operator, and owner of a facility may be the same person.

(28) "Mechanical restraint" means any method of restricting a person's freedom of movement, physical activity, or normal use of his or her body, using an appliance or device manufactured for this purpose.

(29) "Mental health resident" means a resident of a residential facility who is an adult with mental illness or a severe mental disability or a child or adolescent with a serious emotional disturbance or in need of mental health services .

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(30) "Mental health services" means those services certified by the department in accordance with Chapter 5122-25 of the Administrative Code.

(31) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(32) "Neglect" means a purposeful negligent disregard of duty by an employee or staff member. Such duty is one that is imposed on an employee or staff member by statute, rule, or professional standards and which is owed to the person served by that employee or staff person.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(33) "Non-ambulatory" means an individual who:

- (a) is unable to get in and out of bed independently;
- (b) is unable to walk without physical assistance from another individual; or,
- (c) requires a wheelchair.

(34) "Operator" means the person or persons, firm, partnership, provider, governing body, association, corporation, or other entity that is responsible for the administration and management of the residential facility and who is the applicant for a residential facility license as the approved licensee.



## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(35) "Owner" means the person, provider, association, corporation, or other entity who owns the business of and who ultimately controls the operation of an adult care residential facility and to whom the manager or operator, if different from the owner, is responsible.

(36) "Personal care" means assisting residents with activities of daily living, assisting residents with self-administration of medication, or preparing special diets other than complex therapeutic diets, for residents pursuant to the instructions of a physician or licensed dietitian. Personal care does not include skilled nursing as defined in division (D) of section [3721.01](#) of the Revised Code.

## ORC 3721.01

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:

- (a) Irrigations, catheterizations, application of dressings, and supervision of special diets;
- (b) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;

## **ORC 3721.01 (continued)**

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:

- (c) Special procedures contributing to rehabilitation;
- (d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;
- (e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

- (37) "Physical restraint", also known as "manual restraint", means any method of physically restricting a person's freedom of movement, physical activity, or normal use of the person's body without the use of mechanical restraint devices.
- (38) "Referral" means advising, assisting or directing an adult with mental illness or a severe mental disability, or a child or adolescent with a serious emotional disturbance or in need of mental health services, to a residential facility for the purpose of becoming a resident of that facility.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(39) "Resident" means any person who lives in a residential facility in order to receive room and board, personal care, or mental health services, from the staff of that facility, regardless of the source or amount of compensation provided to the facility for the resident's room and board, services, or care. Resident does not include the operator or the operator's family or staff or family members of staff .

(40) "Residents' rights advocate" means an employee or representative of any state or local government entity that has a responsibility regarding residents, or an employee or representative of a private nonprofit corporation or association permitted by law to educate and counsel residents, assist residents in resolving problems and complaints concerning their care and treatment, and assist them in securing adequate services to meet their needs.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(41) " Resident agreement" means the written agreement between a residential facility, placing provider, prospective mental health resident or guardian, and community mental health services provider, as applicable. In the case of children and adolescents, the agreement shall be between the facility and the resident's parent,guardian, placing provider, or legal custodian.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(42) "Residential facility" means a publicly or privately operated home or facility as defined in division (B) of section [5119.34](#) of the Revised Code.

The categories of facility are:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(42) "Residential facility" means a publicly or privately operated home or facility as defined in division (B) of section [5119.34](#) of the Revised Code.

The categories of facility are:

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

- (i) One or two unrelated persons with mental illness;
- (ii) One or two unrelated adults who are receiving residential state supplement payments; or,
- (iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(43) "Residential state supplement" ("RSS") means the program administered under section [5119.41](#) of the Revised Code and Chapter 5122-36 of the Administrative Code.

(44) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.

(45) "Seclusion" means the involuntary confinement of a person alone in a room where the person is physically prevented from leaving.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(46) "Serious emotional disturbance" means a combination of duration of impairment, intensity of impairment, and diagnosis, as specified in the definition for a "person with serious emotional disturbance" rule [5122-24-01](#) of the Administrative Code.

(47) "Severe mental disability" means a condition that meets at least two of the three criteria of diagnosis, duration, and disability as specified in the definition of a "person with severe mental disability" in rule [5122-24-01](#) of the Administrative Code.

(48) "Short-term illness" means a medical condition for which recovery can be expected to occur with not more than one hundred and twenty days of skilled nursing care or requiring skilled nursing care provided on periodic, scheduled basis not to exceed one hundred twenty days.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(49) "Special diet" means simple diets and calculated diets which have been ordered by a physician or registered dietitian.

(a) Simple diets means simple food regimens including, but not limited to:

- (i) No added salt food regimens;
- (ii) Reduced fat, reduced cholesterol food regimens;
- (iii) Reduced or no simple sugar food regimens;
- (iv) Small frequent meals;
- (v) Full liquid or clear liquid food regimens for no more than seventy-two hours; and
- (vi) Simple textural modifications.

## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(49) "Special diet" means simple diets and calculated diets which have been ordered by a physician or registered dietitian.

(b) "Calculated diets" mean calculated nutritive regimens including, but not limited to:

- (i) Diabetic and other nutritive regimens requiring a daily specific calorie level;
- (ii) Renal nutritive regimens;
- (iii) Dysphagia nutritive regimens excluding simple textural modifications; and
- (iv) Any other nutritive regimens requiring a daily maximum or minimum level of one of more specific nutrients, or a specific distribution of one or more nutrients.

"Special diets other than complex therapeutic diets" has the same meaning as special diets as defined in rule [3701-17-50](#) of the Administrative Code.

## ORC 3701-17-15

(JJ) "Special diets" means a diet that has been ordered for a resident by a physician or other licensed health care professional acting within their applicable scope of practice, based upon the individual needs of that resident and adjusted to the needs of that resident. A special diet may include the following:

- (1) Texture modifications, including chopped, ground and pureed;
- (2) Nutrient adjusted, including high protein, no added salt, and no concentrated sweets;
- (3) Volume adjusted, including small, medium and large portions;
- (4) Physical needs, including the use of finger foods or bite-sized pieces; or
- (5) Complex therapeutic diets.

## ORC 3701-17-15

(F) "Complex therapeutic diets" means calculated nutritive regimens that have been ordered by a physician or other licensed health practitioner acting within their applicable scope of practice, based upon the individual needs of the resident and adjusted to the needs of that resident. A complex therapeutic diet includes, but is not limited to:

- (1) Diabetic and other nutritive regimens requiring a daily specific kilocalorie level;
- (2) Renal nutritive regimens;
- (3) Dysphagia nutritive regimens excluding simple textural modifications; and
- (4) Any other nutritive regimens requiring a daily maximum or minimum level of one or more specific nutrients, or a specific distribution of one or more nutrients.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(50) "Staff" means any person or persons participating in the physical operation of the facility, the provision of mental health services, personal care, room and board, or supervision of residents, whether or not that person is compensated for that assistance. Staff shall be understood to include the operator of the facility when the operator is a participant in the performance of those activities.

(51) "Substance abuse" means use of any drug or alcohol by an individual to the extent of physical or psychological dependency on the drug or to the extent that a person's health, safety or welfare is endangered.

## **5122-30-03 Definitions**

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(52) "Supervision" means observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities; reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities; or assisting a resident in making or keeping an appointment.

(53) "Topical medication" means a medication, such as a topical anti-infective, that is applied to a certain area of the skin and that only affects the area to which it is applied.



## 5122-30-03 Definitions

(A) The following definitions apply to Chapter 5122-30 of the Administrative Code.

(54) "Unrelated" means a resident not related to the operator or staff, or the operator or staff's spouse, as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, uncle, or as a child of an aunt or uncle.

(55) "Variance" means written permission granted to a residential facility by the director, or his designee, to alter the requirements of a rule.

(56) "Waiver" means written permission granted to a residential facility by the director, or his designee, to be exempted from all or a portion of the requirements of a rule.

## Webinar Information

- You must register individually for each webinar in which you intend to participate
- MHAS Training Page Includes Webinar Information and recorded webinars  
<http://mha.ohio.gov/Default.aspx?tabid=743>
- Live webinars are recorded for those who are unable to participate, and to utilize as a training and reference resource
- Should webinar recording error occur, MHAS will record a webinar on same topic and post
- Posted along with webinar handouts

## Webinar Information

- Current Webinar Schedule (and link to registration) is available at:

<http://mha.ohio.gov/Portals/0/assets/Regulation/LicensureAndCertification/LC-Communications/Residential-Rules-Webinar-Training-Schedule-Registration.pdf>

## Next Two Webinars

Session #	Date (2017)	Time	Rule Numbers 5122-30	Rule Titles	Who Should Attend	Registration Link
2	10/13	10:00 am – 11:30 am	30-04 30-05 30-06 30-07 30-09 30-10	Licensure Application and Procedures Issuance and Conditions of Licenses Unlicensed Facilities Waivers and Variances Maximum Resident and Household Capacity Fines	All	<a href="https://attendee.gotowebinar.com/register/7524705022456216834">https://attendee.gotowebinar.com/register/7524705022456216834</a>
3	10/17	1:00 pm – 3:00 pm	30-11 30-12 30-13 30-14 30-15	Inspections Safety Nutrition and Food Safety Sleeping and Living Space Housekeeping and Property Maintenance	All	<a href="https://attendee.gotowebinar.com/register/6080197432210375169">https://attendee.gotowebinar.com/register/6080197432210375169</a>

## Questions?

Note: For future questions, each facility has an assigned lead surveyor, who can also answer questions.