

3701-17-01

Definitions.

As used in rules 3701-17-01 to 3701-17-26 of the Administrative Code:

- (A) "Accommodations" means housing, meals, laundry, housekeeping, transportation, social or recreational activities, maintenance, security, or similar services that are not personal care services or skilled nursing care.
- (B) "Activities of daily living" means bed mobility, locomotion and transfer, bathing, grooming, toileting, dressing, and eating.
- (C) "Administrator" means the individual, licensed as a nursing home administrator under Chapter 4751. of the Revised Code, who is responsible for planning, organizing, directing and managing the operation of the nursing home.
- (D) "Adult care facility" has the same meaning as in section 5119.70 of the Revised Code.
- ~~(E) "Call signal system" means a set of devices that are connected electrically, electronically, by radio frequency transmission, or in a like manner that effectively can alert the staff member or members on duty, at the nurses' station or at another point in the nursing unit, of emergencies or resident needs and that can not be deactivated from any location except from where the resident initiated the call.~~
- ~~(F)~~(E) "Chemical restraint" means any medication bearing the American hospital formulary service therapeutic class 4.00, 28:16:08, 28:24:08, or 28:24:92 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 his highest practicable physical, mental, and psycho-social well-being.
- ~~(G)~~(F) "Complex therapeutic diet" ~~means a calculated nutritive regime including, but not limited to~~ has the same meaning as "therapeutic diet" as that term is defined in paragraph (LL) of this rule.:
 - ~~(1) Diabetic and other nutritive regimens requiring a daily specific kilocaloric level;~~
 - ~~(2) Renal nutritive regimens;~~
 - ~~(3) Dysphagia nutritive regimens excluding simple textural modifications; or~~
 - ~~(4) Any other nutritive regimen requiring a daily minimum or maximum level of one or more specific nutrients or a specific distribution of one or more nutrients.~~
- ~~(H)~~(G) "Department" means the department of health of the state of Ohio.

~~(H)~~(H) "Dietitian" means an individual licensed under Chapter 4759. of the Revised Code to practice dietetics.

~~(I)~~(I) "Director" means the director of the department of health of the state of Ohio or the director's duly authorized representative.

~~(J)~~(J) "Habitable floor area" means the clear floor area of a room and the floor area occupied by the usual bedroom furniture, such as beds, chairs, dressers, and tables and does not include the floor area occupied by wardrobes unless the wardrobe is of the resident's own choice and it is in addition to the individual closet space in the resident's room, and areas partitioned off in the room such as closets and toilet rooms.

~~(K)~~(K) "Home" has the same meaning as in division (A)(1) of section 3721.01 of the Revised Code.

~~(L)~~(L) "Hospice care program" or "hospice" means an entity licensed under Chapter 3712. of the Revised Code.

~~(M)~~(M) "Lot" means a plot or parcel of land considered as a unit, devoted to a certain use, or occupied by a building or group of buildings that are united by a common interest and use, and the customary accessories and open spaces belonging to the same.

~~(N)~~(N) "Licensed practical nurse" means a person licensed under Chapter 4723. of the Revised Code to practice nursing as a licensed practical nurse.

~~(O)~~(O) "Maximum licensed capacity" means the authorized type and number of residents in a nursing home as determined in rule 3701-17-04 of the Administrative Code.

(P) "Mechanically altered food" means that the texture of food is altered altered by chopping, grinding, mashing, or pureeing so that it can be successfully chewed and safely swallowed.

(Q) "Mental impairment" does not mean mental illness as defined in section 5122.01 of the Revised Code or mental retardation as used in Chapter 5123. of the Revised Code.

(R) "Nurse" means a registered nurse or a licensed practical nurse.

(S) "Nurse aide" means an individual as defined in paragraph (A)(3) of rule 3701-17-07.1 of the Administrative Code.

(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(U) "Ohio building code" means the building requirements as adopted by the board of building standards pursuant to section 3781.10 of the Revised Code.

- (V) "On duty" means being in the nursing home, awake, and immediately available.
- (W) "Operator" means the person, firm, partnership, association, or corporation which is required by section 3721.05 of the Revised Code to obtain a license in order to open, maintain, or operate a home.
- (X) "Personal care services" means services including, but not limited to, the following:
- (1) Assisting residents with activities of daily living;
 - (2) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;
 - (3) Preparing special diets, other than ~~complex~~ therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.
- "Personal care services" does not include "skilled nursing care" as defined in paragraph ~~(GG)~~ (HH) of this rule.
- (Y) "Pharmacist" means an individual licensed under Chapter 4729. of the Revised Code to practice pharmacy.
- (Z) "Physically restrained" means that residents are confined or in the home in such a manner that the freedom for normal egress from the home is dependent upon the unlocking or unbolting by others of one or more doors or barriers, or the removal of physical restraints, except as permitted under paragraph (B)(3) of rule 3701-17-15 of the Administrative Code.
- (AA) "Physical restraint" means, but is not limited to, any article, device, or garment that interferes with the free movement of the resident and that the resident is unable to remove easily, a geriatric chair, or a locked room door.
- (BB) "Physician" means an individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.
- (CC) "Resident" means an individual for whom the nursing home provides accommodations.
- (DD) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.
- (EE) "Residents' rights advocate" means:

- (1) An employee or representative of any state or local government entity that has a responsibility regarding residents and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code;
 - (2) An employee or representative of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended (2015), and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services to meet their needs;
 - (3) A member of the general assembly.
- (FF) "Registered nurse" means an individual licensed to practice nursing as a registered nurse under Chapter 4723. of the Revised Code.
- (GG) "Resident call system" means a set of devices that are connected electrically, electronically, by radio frequency transmission, or in a like manner that can effectively alert the staff member or members on duty, at the nurses' station or at another point in the nursing unit, of emergencies or resident needs and that can not be deactivated from any location except from where the resident initiated the call.
- ~~(GG)~~(HH) "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:
- (1) Irrigations, catheterizations, application of dressings, and supervision of special diets and therapeutic diets;
 - (2) Objective observation of changes in the resident's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
 - (3) Special procedures contributing to rehabilitation;
 - (4) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the resident after receipt of the medication;

- (5) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

~~(HH)~~(II) "Special diet" means a therapeutic diet ~~that has been ordered for a resident by a physician or other licensed health professional acting within the 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~~limited to:

- ~~(1) Textural modifications, including chopped, ground, and pureed;~~
- (2) Nutrient adjusted diets, including high protein, no added salt, and no concentrated sweets;
- (3) Volume adjusted diets, including small, medium, and large portions;
- (4) The use of finger foods or bite-sized pieces for a resident's physical needs; or
- (5) ~~Complex therapeutic diets~~Mechanically altered food.

~~(H)~~(JJ) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare.

~~(JJ)~~(KK) "Supervision" means the monitoring of a resident to ensure that the health, safety, and welfare of the resident is protected.

(LL) "Therapeutic diet" means a diet ordered by a health care practitioner:

- (1) As part of the treatment for a disease or clinical condition;
- (2) To modify, eliminate, decrease, or increase certain substances in the diet; or
- (3) To provide mechanically altered food when indicated.

~~(KK)~~(MM) "Toilet room" means a room or rooms conforming to the Ohio building code, and including a water closet and a lavatory which is located in or adjacent to the room in which the water closet is located.

~~(LL)~~(NN) "Volunteer" means an individual working in or used by a home who does not receive or expect to receive any form of compensation for services the individual performs other than reimbursement for actual expenses.

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