

3701-17-07

**Qualifications and health of personnel.**

- (A) Every nursing home administrator shall be licensed pursuant to Chapter 4751. of the Revised Code, unless specifically exempted from licensing under that chapter.
- (B) No person with a disease which may be transmitted in the performance of the person's job responsibilities shall work in a nursing home during the stage of communicability unless the person is given duties that minimize the likelihood of transmission and follows infection control precautions and procedures.
- (C) No person shall work in a nursing home under either of the following circumstances:
- (1) Under the influence of alcohol, intoxicants or illegal drugs; or
  - (2) When the person is using medications to the extent that the use adversely affects the performance of his or her duties or the health or safety of any resident of the home.
- (D) No individual shall work in a nursing home in any capacity for ten or more hours in any thirty-day period unless the individual has been examined within thirty days before commencing work, or on the first day of work, by a physician or other licensed health professional acting within their applicable scope of practice and certified as medically capable of performing his or her prescribed duties. Operators shall retain documentation evidencing compliance with this paragraph and shall furnish such documentation to the director upon request. This paragraph does not apply to volunteers.
- (E) Employees of temporary employment services or, to the extent applicable, paid consultants working in a nursing home, shall have medical examinations in accordance with paragraph (D) of this rule, except that a new medical certification is not required for each new assignment. Each nursing home in which such an individual works shall obtain verification of the medical certification result, as applicable, from the employment agency or consultant before the individual begins work and shall maintain this documentation on file.
- (F) Individuals used by an adult day care program provided by and on the same site as the nursing home shall have medical examinations in accordance with paragraph (D) of this rule if the adult day care program is located or shares space within the same building as the nursing home or if there is a sharing of staff between the nursing home and adult day care program.
- (G) The individual required by paragraph (A) of rule 3701-17-09 of the Administrative Code to direct the activities program shall meet one of the following qualifications:

- (1) Has two years of experience in a social or recreational program within five years preceding the date of hire, one year of which was full-time in a resident activities program in a health care setting;
  - (2) Is licensed as an occupational therapist under Chapter 4755. of the Revised Code;
  - (3) Is licensed as an occupational therapy assistant under Chapter 4755. of the Revised Code;
  - (4) Is certified by a nationally recognized accrediting body as a therapeutic recreation specialist or activities professional; or
  - (5) Has successfully completed training covering activities programming from a technical or vocational school, college, university, or other educational institution, and has one year of experience in recreational or activities services. Training may also be provided by an out-of-state provider certified in the state in which the provider is located to offer technical or vocational programs or to offer degrees and college credits. For individuals hired after April 18, 2002, the minimum amount of training needed to meet this requirement shall be ninety hours.
- (H) A food service manager designated pursuant to paragraph (K) of rule 3701-17-18 of the Administrative Code ~~shall have successfully completed a certification in food service course approved by the director in accordance with rule 3701-21-25 of the Administrative Code~~ who has supervisory and management responsibility and the authority to direct and control food preparation and service shall obtain the level two certification in food protection according to rule 3701-21-25 of the Administrative Code.
- (I) All individuals used by the nursing home who function in a professional capacity shall meet the standards applicable to that profession, including but not limited to, possessing a current Ohio license, registration, or certification, if required by law.
- (J) The operator or administrator shall ensure that each staff member, consultant and volunteer used by the nursing home receives orientation and training to the extent necessary to perform their job responsibilities prior to commencing such job responsibilities independently. The orientation and training shall include appropriate orientation and training about residents rights, person-centered care, the physical layout of the nursing home, the applicable job responsibilities, the home's policies and procedures applicable to assuring safe and appropriate resident care, emergency assistance procedures, and the disaster preparedness plan.

- (K) ~~Except as provided in Chapter 3701-13 of the Administrative Code, no~~ No nursing home shall employ a person who applies ~~on or after January 27, 1997,~~ for a position that involves the provision of direct care to an older adult, if the person:
- (1) Has been convicted of or pleaded guilty to an offense listed in division (C)(1) of section 3721.121 of the Revised Code, unless the individual is hired under the personal character standards set forth in rule 3701-13-06 of the Administrative Code; ~~or~~
  - (2) Fails to complete the form(s) or provide fingerprint impressions as required by division (B)(3) of section 3721.121 of the Revised Code;
  - (3) Is the subject of a finding of abuse or neglect of a resident or misappropriation of the property of a resident on the nurse aide registry, established pursuant to section 3721.32 of the Revised Code;
  - (4) Is the subject of a finding of abuse or neglect of a resident or misappropriation of the property of a resident on the nurse aide registry established by another state where the home believes or has reason to believe the person resides or resided; or
  - (5) Has had a disciplinary action taken against a professional license by a state licensure body as a result of a finding of abuse, neglect, mistreatment of residents or misappropriation of resident property.

Effective: 1/1/2018  
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CERTIFIED ELECTRONICALLY

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Certification

10/19/2017

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Date

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