

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) Except as provided in paragraph (D)(3) of this rule, no individual shall work in a nursing home in any capacity for ten or more hours in any thirty-day period unless the individual:
- (1) Has been tested for tuberculosis in accordance with this paragraph. The required tuberculosis test shall include a single blood assay for *M. tuberculosis* (BAMT) test, or the two-step Mantoux skin test using five tuberculin units of purified protein derivative or, if the individual has a documented history of a significant BAMT test, or Mantoux skin test, a chest x-ray.
 - (a) The individual shall not have any resident contact until after the results of the BAMT test, or first step of the Mantoux test have been obtained and recorded in millimeters of induration. Only a single Mantoux or BAMT test is required if the individual has documentation of either a single step Mantoux test or a two-step Mantoux, or a BAMT test within one year of commencing work;
 - (b) The first step of the Mantoux test should be read within forty-eight to seventy-two hours following application. If the first step in the Mantoux test is nonsignificant, a second step shall be performed at least seven, but not more than twenty-one days after the first step was performed.
 - (c) If the tuberculosis testing performed pursuant to paragraphs (D)(1)(a) and (D)(1)(b) of this rule is nonsignificant, a single Mantoux or BAMT test shall be repeated annually within thirty days of the anniversary date of

the most recent testing.

- (d) If the results of the BAMT test or either step of the Mantoux test are significant, the individual shall have a chest x-ray and shall not enter the home until after the results of the chest x-ray have been obtained and the individual is determined to not have active pulmonary tuberculosis. Whenever a chest x-ray is required by paragraph (D) of this rule, a new chest x-ray need not be performed if the individual has had a chest x-ray no more than thirty days before the date of the significant BAMT or Mantoux test. Additional tuberculosis testing is not required after one medically documented significant test. A subsequent chest x-ray is not required unless the individual develops symptoms consistent with active tuberculosis.
 - (e) If the chest x-ray does not indicate active pulmonary tuberculosis, but there is evidence of a significant BAMT or Mantoux test, the nursing home shall require that the individual be evaluated and considered for preventive therapy. Thereafter, the nursing home shall require the individual to report promptly any symptoms suggesting tuberculosis. The nursing home shall maintain a listing of individuals with evidence or a history of conversion and annually document the presence or absence of symptoms in such an individual and maintain this documentation on file; and
 - (f) If the chest x-ray reveals active pulmonary tuberculosis, the nursing home shall not permit the individual to enter the home until the appropriate local public health authority determines the individual is no longer infectious.
 - (g) Individuals who cease to work at a nursing home and who subsequently return to work at the nursing home from which they left are not required to have additional tuberculosis testing prior to the timeframe for annual testing in paragraph (D) of this rule, provided the nursing home:
 - (i) Has no reason to believe the individual has come into contact with or acquired tuberculosis; and
 - (ii) ~~Assess~~ Assesses the individual for signs and symptoms of tuberculosis.
- (2) 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. This paragraph does not apply to volunteers.

(3) The nursing home may allow volunteers to work in the home for less than ten days within one thirty day period without being tested for tuberculosis pursuant to paragraph (D)(1) of this rule, if the nursing home:

(a) Assesses the volunteer for signs and symptoms of tuberculosis; and

(b) Ensures that a volunteer assessed as having signs and symptoms is not permitted to enter the home until the volunteer meets the requirements of paragraph (D)(1) of this rule.

The nursing home shall require a volunteer who continues to work in the home for ten or more days within one thirty day period or for more than ten hours during any subsequent thirty day period to meet the tuberculosis testing requirements of paragraph (D)(1) of this rule.

(4) Operators shall retain documentation evidencing compliance with this paragraph and shall furnish such documentation to the director upon request.

(E) Employees of temporary employment services or, to the extent applicable, paid consultants working in a nursing home, shall have medical examinations and tuberculosis tests in accordance with paragraph (D) of this rule, except that a new tuberculosis test and medical certification are not required for each new assignment. Each nursing home in which such an individual works shall obtain verification of the medical certification and the tuberculosis test 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 and tuberculosis tests 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. Commencing one hundred and eighty days after the effective date of this ruleFor 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. ~~Individuals serving as food service managers on the effective date of this rule have one year from the rule effective date to comply with this provision.~~
- (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, 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 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; 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.

Effective:

R.C. 119.032 review dates: 10/27/2011

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3721.04
Rule Amplifies: 3721.011, 3721.04
Prior Effective Dates: 5/2/1966, 7/1/73, 9/30/88, 12/21/92, 9/5/97, 10/20/01,
11/30/09