

3701-17-55

Qualifications and health of personnel.

- (A) No person with a disease which may be transmitted in the performance of the person's job responsibilities shall work in a residential care facility during the stage of communicability unless the person is given duties that minimize the likelihood of transmission and follows infection control precautions and procedures.
- (B) No person shall work in a residential care facility who uses alcohol or drugs to the extent that it adversely affects the performance of the person's duties or the health or safety of any resident.
- (C) No person shall work in a residential care facility in any capacity as a full-time, part-time or temporary paid employee of the facility unless the person has been examined by a physician or other health care professional acting within their applicable scope of practice within thirty days before commencing work or on the first day of work. No person shall commence work in a residential care facility in any capacity unless the person is medically capable of performing the person's prescribed duties. A person who provides ten or more hours of service at the facility in any thirty-day period shall meet the tuberculosis testing requirements of this paragraph. Operators shall retain copies of the examinations and tests required by this paragraph and shall furnish them to the director upon request.
- (1) The required tuberculosis test shall include a single blood assay for M. tuberculosis (BAMT) test, or the two-step Mantoux test for tuberculosis using five tuberculin units of purified protein derivative or, if the individual has a documented history of a significant BAMT test, or Mantoux test, a chest x-ray.
- (a) The individual shall not ~~have any resident contact~~ commence work 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~~ unless the individual has documentation of either a single step or two-step Mantoux or BAMT test having been performed within one year of commencing work and there is no reason to believe the individual has come into contact with or acquired tuberculosis.
- (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 (C)(1)(a) and (C)(1)(b) of this rule is nonsignificant, a single Mantoux or BAMT test

shall be performed 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 are significant, the individual shall have a chest x-ray and shall not enter the facility until after the results of the chest x-ray have been obtained and the individual is determined not to have active pulmonary tuberculosis. Whenever a chest x-ray is required by paragraph (C) 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 facility shall require that the individual be evaluated and considered for preventive therapy. Thereafter, the facility shall require the individual to report promptly any symptoms suggesting tuberculosis. The facility 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 residential care facility shall not permit the individual to enter the facility until the appropriate local public health authority determines the individual is no longer infectious.
- (2) The residential care facility may allow volunteers to work in the facility for less than ten days within one thirty day period without being tested for tuberculosis pursuant to paragraph (C)(1) of this rule, if the facility:
- (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 facility until the volunteer meets the requirements of paragraph (C)(1) of this rule; and
 - (c) Requires a volunteer who continues to work in the facility for more than ten hours during any thirty day period to meet the tuberculosis testing requirements of paragraph (C)(1) of this rule.

~~The residential care facility shall require a volunteer who continues to work in the facility 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 (C)(1) of this rule.~~

- (3) Employees of temporary employment services or, to the extent applicable, paid consultants working in a facility shall have medical examinations and tuberculosis tests in accordance with paragraph (C) of this rule, except that a new physical examination and tuberculosis test are not required for each new assignment. Each facility in which such an individual works shall obtain verification of the physical examination 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.
 - (4) Individuals used by an adult day care program provided by and on the same site as the residential care facility shall have medical examinations and tuberculosis tests in accordance with paragraph (C) of this rule if the adult day care program is located or shares space within the same building as the residential care facility or if there is a sharing of staff between the residential care facility and adult day care program.
- (D) Each residential care facility staff member and volunteer:
- (1) Who provides personal care services shall be at least sixteen years of age. Staff members or volunteers who provide personal care services who are under the age of eighteen shall have on-site supervision by a staff member over the age of eighteen. The administrator shall be at least twenty-one years of age;
 - (2) Who assists residents with self-administration of medications shall demonstrate an ability to read, write and understand information and directions in English. All other staff members and volunteers shall demonstrate an ability to understand and communicate job-related information and directions in English.
 - (3) Who plan activities for residents with ~~impairments specified in paragraph (C) of rule 3701-17-52 of the Administrative Code in a home that holds itself out as serving a special population~~ late-stage cognitive impairment with significant ongoing daily living assistance needs, cognitive impairments with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both; or, serious mental illness shall have training in appropriate activities for ~~individuals with cognitive impairments or serious mental illness as appropriate~~ such residents.

(E) Staff members who provide personal care services in a residential care facility, except licensed health professionals whose scope of practice include the provision of personal care services, shall meet the following training requirements:

(1) ~~Have~~ Within sixty days of hire, have first-aid training evidenced by one of the following:

(a) Currently valid documentation of successful completion of the "American Red Cross Standard First-Aid Course", the "American Red Cross First-Aid Basics", or any other American Red Cross course covering the training topics described in paragraph ~~(E)(1)(b)~~ (E)(1)(c) of this rule; ~~or~~

(b) Currently valid documentation of successful completion of the "American Heart Association Heartsaver First-Aid" course, or any other "American Heart Association" course covering the training topics described in paragraph (E)(1)(c) of this rule; or

~~(b)~~(c) Documentation of successful completion, within the past three years, of first-aid training by a physician or registered nurse, an emergency medical technician, or an instructor certified by the "American Red Cross:" or the "American Heart Association." This training shall include recognition and emergency management of bleeding, burns, poisoning, respiratory distress including choking, musculoskeletal injury, wounds including animal and insect bites, sudden illness, shock, hypothermia, heat stroke and exhaustion, and frost bite;

(2) Have documentation that, prior to providing personal care services without supervision in the facility, the staff member met one of the following requirements:

(a) Successfully completed training or continuing education that shall cover, as is necessary to meet the needs of residents in the facility, the following:

(i) The correct techniques of providing personal care services as required by the staff member's job responsibilities;

(ii) Observational skills such as recognizing changes in residents' normal status and the facility's procedures for reporting changes; and

(iii) Communication and interpersonal skills.

The training or continuing education shall be provided by a registered nurse or a licensed practical nurse under the direction of a registered nurse and be sufficient to ensure that the staff member receiving the training can demonstrate an ability to provide the personal care services. The facility may utilize other health care professionals acting within the scope of the professional's practice as part of the training or continuing education; or

(b) Successfully completed the training and competency evaluation program and competency evaluation program approved or conducted by the director under section 3721.31 of the Revised Code; or

(c) Successfully completed the training or testing requirements in accordance with the medicare condition of participation of home health aide services, 42 C.F.R. 484.4 (January 15, 2008) and 42 C.F.R. 484.36 (June 18, 2001);

(3) If the residential care facility provides accommodations to individuals, ~~other than those identified in paragraph (C) of rule 3701-17-52 of the Administrative Code~~, with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both, each staff member shall have documentation that the staff member successfully completed training or continuing education in the appropriate interventions for meeting these needs and for handling and minimizing such problems. The documentation required by this paragraph shall be signed and dated by the provider of the training.

(4) Successfully complete at least eight hours of continuing education annually. The continuing education hours referenced in paragraphs (G), (H), and (I) of this rule may count towards this annual requirement.

~~(5) For purposes of this rule, "annual" means a calendar year. This training may be pro-rated from the employee's date of hire.~~

(F) Staff members whose job responsibilities will include ~~supervising special~~ providing complex therapeutic diets shall be trained by a dietitian prior to performing this responsibility.

(G) Except as provided in paragraph (I) of this rule, staff members employed by a

residential care facility, or part thereof, that admits or retains residents with late-stage cognitive impairment with significant ongoing daily living assistance needs, or cognitive impairments with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both, shall have; ~~within fourteen days of the first day of work, two hours of training in Alzheimer's and/or dementia care. Staff members shall receive four hours of continuing education in Alzheimer's disease, dementia or related disorders annually.~~

- (1) Within fourteen days of the first day of work, two hours of training in the care of such residents. ~~The~~ This initial training ~~required by this rule~~ may be counted toward the training requirement of paragraph (E)(3) of this rule;
 - (2) Four hours of continuing education in the care of such residents annually. ~~The~~ These four hours of continuing education ~~required by this rule~~ may be counted toward the continuing education requirements of paragraph (E)(4) of this rule.
- (H) Except as provided in paragraph (I) of this rule, staff members employed by a residential care facility, or part thereof, that admits or retains residents with diagnoses of serious mental illness shall have; ~~within fourteen days of the first day of work with these residents, two hours of training in serious mental illness care. Staff members shall receive four hours of continuing education in serious mental illness care annually.~~
- (1) Within fourteen days of the first day of work, two hours of training in the care of such residents. ~~The~~ This initial training ~~required by this rule~~ may be counted toward the training requirements of paragraph (E)(3) of this rule;
 - (2) Four hours of continuing education in the care of such residents annually. ~~The~~ These four hours of continuing education ~~required by this rule~~ may be counted toward the continuing education requirements of paragraph (E)(4) of this rule.
- (I) Staff members employed by a residential care facility, or part thereof, that admits or retains residents with late-stage cognitive impairment with significant ongoing daily living assistance needs, or cognitive impairments with increased emotional needs or presenting behaviors that cause problems for the resident or other residents, or both, and that admits or retains residents with diagnoses of serious mental illness, shall have both the initial training and the continuing education required by paragraphs (G) and (H) of this rule. The four hours of continuing education shall be provided in equal proportions between cognitive impairments and serious mental illness.

- (1) The initial training required by this rule may be counted toward the training requirements of paragraph (E)(3) of this rule;
 - (2) The four hours of continuing education required by this rule may be counted toward the continuing education requirements of paragraph (E)(4) of this rule.
- (J) The initial training required by paragraphs (G), (H) and (I) of this rule must be conducted by a qualified instructor for the topic covered. The annual continuing education requirements of paragraphs (G), (H) and (I) in this rule may be completed online or by other media provided there is a qualified instructor present to answer questions and to facilitate discussion about the topic at the end of the lesson.
- (K) The administrator shall meet either of the following qualifications:
- (1) The individual is licensed as a nursing home administrator under Chapter 4751. of the Revised Code; or
 - (2) The individual meets one of the following criteria at the time of employment:
 - (a) Has three thousand hours of direct operational responsibility for a senior housing facility, health care facility, residential care facility, adult care facility or any other group home licensed or approved by the state;
 - (b) Has successfully completed one hundred credit hours of post high school education in the field of gerontology or health care;
 - (c) Holds a baccalaureate degree; or
 - (d) Is a licensed health professional as that term is defined in rule 3701-17-07.1 of the Administrative Code.
 - (3) The administrator shall receive annually at least nine hours of continuing education in the fields of gerontology, health care, business administration, or residential care facility operation. Successful completion of course work at an accredited college or university, or of courses approved by the following entities, may be used to demonstrate compliance with this paragraph:
 - (a) The Ohio state bar association;

- (b) The Ohio state board of nursing;
- (c) The Ohio state board of pharmacy;
- (d) The Ohio state board of psychology;
- (e) The Ohio state board of nursing home administrators;
- (f) The Ohio state medical board; or
- (g) Any other health-related state board organized pursuant to Title 47 of the Revised Code.

~~(4) Individuals employed as residential care facility administrators on the effective date of these rules who do not meet the qualifications of this rule shall have three years from the effective date of this rule to come into compliance.~~

- (L) The operator or administrator shall ensure that each staff member, other than a volunteer who does not provide personal care services, receives and completes orientation and training applicable to the staff member's job responsibilities within three working days after beginning employment with the residential care facility. The orientation and training required by this paragraph shall include at least orientation to the physical layout of the residential care facility, the staff member's job responsibilities, the residential care facility's policies and procedures, training in how to secure emergency assistance, and residents' rights. A staff member shall not stay alone in the residential care facility with residents until the staff member has received the orientation and training required under this paragraph and the general staff training in fire control and evacuation procedures required under paragraph (P) of rule 3701-17-63 of the Administrative Code.
- (M) Each residential care facility shall provide appropriate staff training to implement each resident right under division (A) of section 3721.13 of the Revised Code on an annual basis and additionally as needed. The training required by this rule shall include, but not be limited to, an explanation of:
 - (1) The residents' rights and the staff's responsibility in implementation of the rights;
 - (2) The staff's obligation to provide all residents who have similar needs with comparable service.

- (N) Except as provided in Chapter 3701-13 of the Administrative Code no residential care facility 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)(2) of section 3721.121 of the Revised Code.
- (O) All individuals used by the residential care facility 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.
- (P) For purposes of this rule, "annual" means a calendar year. The training hours required by this rule may be pro-rated from the employee's date of hire.

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CERTIFIED ELECTRONICALLY

Certification

12/17/2012

Date

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