

3701-64-01 **Definitions.**

As used in this chapter:

- (A) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a resident by physical contact with the resident or by use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in amounts that preclude habilitation and treatment.
- (B) "Accused" means the person named in an allegation or implicated in an investigation of abuse or neglect of a resident of a long-term care facility or misappropriation of property of such a resident.
- (C) "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 psychosocial well-being.
- (D) "Director" means the director of health or any person to whom the director of health delegates his or her authority.
- (E) "Licensed health professional" means all of the following:
- (1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;
 - (2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;
 - (3) A physician ~~as defined in section 4730.01 of the Revised Code~~ authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;
 - (4) A physician's assistant ~~for whom a physician holds a valid certificate of registration issued under section 4730.04 of the Revised Code~~ authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;
 - (5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;
 - (6) A social worker or licensed independent social worker licensed, or a social

work assistant certified, under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;

- (7) A speech pathologist or audiologist licensed under Chapter 4753. of the Revised Code;
- (8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;
- (9) An optometrist licensed under Chapter 4725. of the Revised Code;
- (10) A pharmacist licensed under Chapter 4729. of the Revised Code;
- (11) A psychologist licensed under Chapter 4732. of the Revised Code;
- (12) A chiropractor licensed under Chapter 4734. of the Revised Code;
- (13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;
- (14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code.

(F) "Long-term care facility" means either of the following:

- (1) A nursing home as defined in section 3721.01 of the Revised Code, other than a nursing home or part of a nursing home certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; or
- (2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act."

(G) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of a resident by any means prohibited by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.

(H) "Neglect" means recklessly failing to provide a resident with any treatment, care, goods, or service necessary to maintain the health or safety of the resident when the failure results in serious physical harm to the resident.

(I) ~~"Nurse aide" means an individual who provides nursing and nursing-related services~~

~~to patients or residents in a long-term care facility or residential care facility, other than a licensed health professional practicing within the scope of his license or an individual who provides nursing or nursing-related services as a volunteer without monetary compensation.~~ Except as otherwise provided in paragraph (I) of this rule, "nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation. "Nurse aide" does not include either of the following:

(1) A licensed health professional practicing within the scope of the professional's license; or

(2) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.

(J) "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.

(K) "Resident" includes a resident, patient, former resident or patient, or deceased resident or patient of a long-term care facility or residential care facility.

(L) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.

Effective: 08/01/2006

R.C. 119.032 review dates: 05/01/2006 and 05/01/2011

CERTIFIED ELECTRONICALLY

Certification

07/06/2006

Date

Promulgated Under: 119.03
Statutory Authority: 3721.26
Rule Amplifies: 3721.21 to 3721.25
Prior Effective Dates: 1/10/1992, 6/11/2001