

## TO BE RESCINDED

5122-30-24                    **Provision of room and board.**

- (A) The provisions of this rule are applicable to each residential facility providing room and board service.
- (B) The provision of room and board shall be consistent with the requirements for licensure and shall be specified in a written residential agreement executed between the operator and each mental health resident, or guardian/custodian prior to residency. The residential agreement shall include, but may not be limited to, the following:
- (1) Specification of the monthly charges to the resident for room and board, and any additional itemized fees;
  - (2) Specification of security deposit required, if any, and the terms for refunding same to the resident;
  - (3) Provisions concerning refunds of resident's monthly charges in the event of the resident's absence from the facility;
  - (4) Provision for thirty day prior verbal and written notification for increasing monthly charges; and
  - (5) Provision for visitors and communication in accordance with all requirements of rule 5122-30-22 of the Administrative Code.
- (C) The affiliating agency shall assure that the terms of the residential agreement for type 2 and 3 residential facilities are consistent with the affiliation agreement. If any provision of either the residential agreement or the affiliation agreement is inconsistent with, or in violation of, any local, state, federal law, or administrative rule, such provision shall be void and unenforceable.
- (1) Facilities which are licensed for the provision of room and board only, i.e., type 3 facilities, shall have as a primary purpose the provision of room and board, but may also engage in activities such as social and recreational activities, transportation, and similar activities, except that the facility shall not engage in or provide personal care activities or mental health services.
  - (2) Type 3 facilities, licensed for the provision of room and board only, shall not monitor, supervise, administer or assist in the self-administration of medication to any resident, and shall not lock, store, secure or otherwise be

responsible in any way for residents' medication. residency in the facility shall not be contingent upon taking medication.

- (D) Except for agency managed payeeship programs, when the agency is the operator of the facility, at no time shall the staff or operator of a facility assume payeeship for a mental health resident's income, require income checks to be signed over to and/or cashed by facility staff, nor in any manner establish controls over the handling of any mental health resident's funds. Nothing stated herein shall be construed to entitle any resident to not pay incurred costs of room and board as stated in the residential agreement. Nothing in this rule shall preclude ISP specific requirements, e.g. - budgeting skills, and agency policy and procedure to safeguard client funds upon his/her request.

Effective:

Five Year Review (FYR) Dates: 01/20/2017

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5119.34  
Rule Amplifies: 5119.34  
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