

TO BE RESCINDED

5122-33-01 **Definitions.**

As used in this chapter:

- (A) "Accommodations" means housing, meal preparation, laundry, housekeeping, transportation, social or recreational activities, maintenance, security, and similar services that are not personal care services or skilled nursing care.
- (B) "Activities of daily living" means walking and moving, bathing, grooming, toileting, oral hygiene, hair care, dressing, eating, and nail care.
- (C) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.
- (D) "Adult" means an individual eighteen years of age or older.
- (E) "Adult care facility" or "ACF" as defined in section 5119.70 of the Revised Code means an adult family home or an adult group home. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom require personal care services, is an adult care facility regardless of how the facility holds itself out to the public. "Adult care facility" does not include:
 - (1) A nursing home, residential care facility, or home for the aging as defined in section 3721.01 of the Revised Code;
 - (2) An alcohol and drug addiction program as defined in section 3793.01 of the Revised Code;
 - (3) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;
 - (4) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;
 - (5) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;
 - (6) Any residence, institution, hotel, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that

provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;

- (7) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;
 - (8) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code;
 - (9) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless; or
 - (10) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code.
- (F) "Adult day care" means non-residential facilities or specifically designated units of operation within an adult care, assisted living residence, nursing home or other type of long term care facility that provides a variety of health, social and related support services in a protective setting during part of the day to aged, infirm or disabled adults who reside elsewhere.
- (G) "Adult family home" means a residence or facility that provides accommodations and supervision to three to five unrelated adults at least three of whom require personal care services.
- (H) "Adult group home" means a residence or facility that provides accommodations and supervision to six to sixteen unrelated adults at least three of whom require personal care services.
- (I) "Boarder" means an adult as defined by paragraph (C) of rule 3701-20-01 of the Administrative Code who does not receive supervision or personal care services from the adult care facility and resides within a separate and discrete part or unit of the adult care facility under section 5119.71 of the Revised Code.
- (J) "Day" means one calendar day.
- (K) "Department" means the department of health.

- (L) "Director" means the director of health or any official or employee of the department designated by the director of health.
- (M) "Lead mental health agency" means the mental health agency as defined in rules adopted by the department of mental health pursuant to section 5119.61 of the Revised Code.
- (N) "Local health department" means the board of health, or entity having the duties of the board of health as authorized by section 3709.05 of the Revised Code, for the health district that has jurisdiction over the location of the adult care facility.
- (O) "Manager" means the person responsible for the daily operation of an adult care facility. The manager and the owner of a facility may be the same person.
- (P) "Mental health agency" means a community mental health agency, as defined in section 5119.22 of the Revised Code, under contract with an ADAMHS board pursuant to division (A)(8)(a) of section 340.03 of the Revised Code.
- (Q) "Mental health board" means an alcohol, drug addiction and mental health services board, or a community mental health board authorized by Chapter 340. of the Revised Code.
- (R) "Mental health resident program participation agreement" means a written agreement between an adult care facility and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located, under which the facility is authorized to admit residents who are receiving or are eligible for publicly funded mental health services.
- (S) "Mental health services" means those services specified in section 340.09 of the Revised Code and certified by the department of mental health in accordance with Chapter 5122-25 of the Administrative Code.
- (T) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. "Mental illness" does not include dementia, as defined by the most recent edition of the "Diagnostic and Statistical Manual of Mental Disorders."
- (U) "Mental health plan for care" means the individualized plan required by rule 5122-33-18 of the Administrative Code and entered into by the adult care facility owner or manager, a prospective resident and the lead mental health agency.

- (V) "Ombudsperson" means a representative of the office of the state long-term care ombudsperson program as defined in section 173.14 of the Revised Code.
- (W) "Owner" means the person who owns the business of and who ultimately controls the operation of an adult care facility and to whom the manager, if different from the owner, is responsible.
- (X) "Part-time, intermittent basis" means that skilled nursing care is rendered for less than eight hours a day or less than forty hours a week.
- (Y) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.
- (Z) "Personal care services" means services including, but not limited to, the following:
- (1) Assistance with activities of daily living;
 - (2) Assistance with self-administration of medication, in accordance with paragraph (C) of rule 5122-33-17 of the Administrative Code; and
 - (3) Preparation of special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian in accordance with paragraph (B) of rule 5122-33-20 of the Administrative Code.
- "Personal care services" does not include "skilled nursing care." A facility need not provide more than one of the services listed in this paragraph for a facility to be considered to be providing personal care services. Nothing in this paragraph shall be construed to permit personal care services to be imposed upon a resident who is capable of performing the activity in question without assistance.
- (AA) "Residents' rights advocate" means an employee or representative of any state or local government entity that has a responsibility regarding residents, or an employee or representative of a private non-profit corporation or association permitted by law to educate and counsel residents, assist residents in resolving problems and complaints concerning their care and treatment, and assist them in securing adequate services to meet their needs.
- (BB) "Respite care" means temporary or periodic care provided in an adult care facility,

nursing home, residential care facility, or other type of long-term care facility so that the usual caregiver can rest or take time off.

(CC) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:

- (1) Irrigations, catheterizations, application of dressings, and supervision of special diets;
- (2) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
- (3) Special procedures contributing to rehabilitation;
- (4) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication; or
- (5) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

Nothing in this paragraph shall be construed to permit skilled nursing care to be imposed upon an individual who does not require skilled nursing care.

(DD) "Special dietary needs" include, but are not limited to: low or no salt added foods; reduced fat foods; reduced cholesterol foods; reduced or no sugar added foods; frequency and/or portion size of meals; liquid only or clear liquids only for a period designated by a physician or dietician; and simple modification of food textures, such as pureeing.

(EE) "Sponsor" means an adult relative, friend, or guardian of a resident of an adult care facility who has an interest in or responsibility for the resident's welfare.

(FF) "Supervision" means any of the following:

- (1) Observing a resident when necessary while he or she engages in activities of daily living or other activities to ensure the resident's health, safety, and welfare;

(2) Reminding a resident to do or complete such an activity as by reminding him or her to engage in personal hygiene or other selfcare activity; or

(3) Assisting a resident in keeping an appointment.

(GG) "Unrelated" means that an adult resident is not related to the owner or manager of an adult care facility or to the owner's or manager's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt or uncle, or as the child of an aunt or uncle.

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