

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** January 29, 2008  
**TIME:** 10:00 a.m.  
**LOCATION:** Room 3110B, Rhodes State Office Tower  
30 East Broad St., Columbus, Ohio 43215

Pursuant to section 5111.02 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

The following rules are being proposed for adoption pursuant to section 119.032 of the Revised Code.

Rule 5101:3-3-16 Resident rights for nursing facilities (NFs) contains the general provisions of resident rights for NFs. It is being proposed for adoption in conjunction with the rescission of a rule by the same number as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. NF provisions in former rule 5101:3-3-16 have been moved to this new rule. Paragraph (A) contains new definitions for the terms "nursing facility" and "nursing home." Section headings have been added and the rule body has been restructured for improved comprehension. All references to federal regulations have been updated.

Rule 5101:3-3-16.1 Resource assessment notice for nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR) contains the provisions regarding the resource assessment notice for both NFs and ICFs-MR. It is being proposed for adoption in conjunction with the rescission of a rule by the same number as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. The provisions of this rule remain substantively unchanged. Section headings have been added and the rule body has been restructured for improved comprehension.

Rule 5101:3-3-16.2 Advance directives for nursing facilities (NFs) contains the provisions regarding advance directives for NFs. It is being proposed for adoption in conjunction with the rescission of a rule by the same number as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. The provisions of this rule remain substantively unchanged. Paragraph headings have been added throughout the rule for improved comprehension. Provisions regarding the establishment of written policies and procedures have been moved to paragraph (C), and provisions regarding the notification of written policies and procedures have been moved to paragraph (D).

Rule 5101:3-3-16.3 Private rooms in nursing facilities (NFs) contains the provisions for private rooms in NFs. This is a new rule being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. NF provisions in former rule 5101:3-3-23 have been moved to this rule and remain substantively

unchanged, but include a new requirement that a copy of a written request for a private room shall be kept in the resident's file. Section headings have been added and the rule body has been restructured for improved comprehension.

Rule 5101:3-3-16.6 Resident rights for intermediate care facilities for the mentally retarded (ICFs-MR) contains the general provisions of resident rights for ICFs-MR. This is a new rule being proposed for adoption as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. ICF-MR provisions in former rule 5101:3-3-16 are being moved to this rule. Paragraph (A) contains a new definition for the term "intermediate care facility for the mentally retarded." Section headings have been added and the rule body has been restructured for improved comprehension. There are additional references to state laws and regulations, and the reference to federal regulations has been updated.

Rule 5101:3-3-16.7 Private rooms in intermediate care facilities for the mentally retarded (ICFs-MR) contains the provisions for private rooms in ICFs-MR. This is a new rule being proposed for adoption as part of a reorganization of rules by the Bureau of Long Term Care Facilities. ICF-MR provisions in former rule 5101:3-3-23 are being moved to this rule and remain substantively unchanged, but include a new requirement that a copy of a written request for a private room shall be kept in the resident's file. Section headings have been added and the rule body has been restructured for improved comprehension.

The following rules are being proposed for rescission pursuant to section 119.032 of the Revised Code.

Rule 5101:3-3-16 Resident rights in nursing facilities (NFs) and intermediate care facilities for the mentally retarded (ICFs-MR) contains the general resident rights provisions for NFs and ICFs-MR. This rule is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. The NF and ICF-MR provisions are being separated and moved to two new rules, each of which addresses one provider type only. The NF provisions in this rule are being moved to new rule 5101:3-3-16. The ICF-MR provisions in this rule are being moved to new rule 5101:3-3-16.6.

Rule 5101:3-3-16.1 Resource assessment notice contains the provisions regarding the resource assessment notice for NFs and ICFs-MR. It is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. The provisions in this rule are being moved to new rule 5101:3-3-16.1.

Rule 5101:3-3-16.2 Advance directives for nursing facilities contains the provisions regarding advance directives for NFs. It is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. The provisions in this rule are being moved to new rule 5101:3-3-16.2.

Rule 5101:3-3-23 Private rooms for medicaid residents in nursing facilities (NFs) and intermediate-care facilities for the mentally retarded (ICFs-MR) contains the provisions for

private rooms for medicaid residents in long term care facilities. This rule is being proposed for rescission as part of a reorganization of rules administered by the Bureau of Long Term Care Facilities. The NF and ICF-MR provisions are being separated and moved to two new rules, each of which addresses one provider type only. The NF provisions in this rule are being moved to new rule 5101:3-3-16.3. The ICF-MR provisions in this rule are being moved to new rule 5101:3-3-16.7.

Copies of the proposed rules are available, without charge, to any person affected by the rules, at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us).