

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-3-04

Rule Type: New

Rule Title/Tagline: Licensed residential facilities - admission of residents, provision of services, and maintenance of service records.

Agency Name: Department of Developmental Disabilities

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5123.04, 5123.19, 5124.03
5. **What statute(s) does the rule implement or amplify?** 5123.04, 5123.19, 5124.03
6. **What are the reasons for proposing the rule?**

The Department is rescinding rule 5123:2-3-04 and adopting replacement rule 5123-3-04. New rule 5123-3-04 reflects revisions to:

- Incorporate provisions related to admission of residents currently set forth in rule 5123:2-3-05,
- Clarify elements of a summary to be prepared when a resident leaves a residential facility,
- Align wording with newer rules, and
- Update citations to the Administrative Code.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule establishes standards to ensure that services provided in residential facilities focus on achievement of outcomes that are important to and important for individuals served, individuals are involved in development and delivery of their services, the confidentiality of individuals' records is maintained, and individuals' records are readily accessible for service delivery and for review by the Department.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporated references are to the Code of Federal Regulations, the Revised Code, and the Administrative Code. Pursuant to Section 121.75 of the Revised Code, the requirements in Sections 121.71 to 121.74 do not apply. The Code of Federal Regulations is available at libraries and on the internet at <https://www.govinfo.gov/help/cfr>. The Revised Code and the Administrative Code are available at libraries and on the internet at <https://codes.ohio.gov>. The Department's administrative rules are also available at <https://dodd.ohio.gov/forms-and-rules/rules-in-effect/administrative-rules-list>.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

TAGLINE CORRECTED FROM:

icensed residential facilities - admission of residents, provision of services, and maintenance of service records.

TO:

Licensed residential facilities - admission of residents, provision of services, and maintenance of service records.

PARAGRAPH (A) REVISED FROM:

This rule establishes standards to ensure that services provided in residential facilities licensed in accordance with section 5123.19 of the Revised Code focus on achievement of outcomes that are important to and important for individuals served, that individuals are involved in development and delivery of their services, that the confidentiality of individuals' records is maintained, and that individuals' records are readily accessible for service delivery and for review by the department.

TO:

This rule establishes standards to ensure that services provided in residential facilities licensed in accordance with section 5123.19 of the Revised Code focus on achievement of outcomes that are important to and important for individuals served, individuals are involved in development and delivery of their services, the confidentiality of individuals' records is maintained, and individuals' records are readily accessible for service delivery and for review by the department.

PARAGRAPH (B)(13) REVISED FROM:

"Team," as applicable, has the same meaning as in rule 5123:2-1-11 5123-4-02 of the Administrative Code or means an interdisciplinary team as that term is used in 42 C.F.R. 483.440 as in effect on the effective date of this rule.

TO:

"Team," as applicable, has the same meaning as in rule 5123:2-1-11 5123-4-02 of the Administrative Code or means an "interdisciplinary team" as that term is used in 42 C.F.R. 483.440 as in effect on the effective date of this rule.

PARAGRAPH (G)(4) REVISED FROM:

Fresh food supplies sufficient for three calendar days and staple food supplies sufficient for at least five calendar days shall be available in the residential facility at all times.

TO:

Fresh food supplies sufficient for three days and staple food supplies sufficient for at least five days shall be available in the residential facility at all times.

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

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Rescinding rule 5123:2-3-04 and adopting replacement rule 5123-3-04 will neither increase nor decrease revenues or expenditures of the Department.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Complying with requirements of the rule (e.g., providing required services, developing and implementing written policies and procedures, and maintaining records) requires resources and staff time, the cost of which varies based on multiple factors such as the

nature and complexity of the residential facility's operations, the number of individuals served, and the wages paid to facility staff.

Paragraph (F)(3) requires an operator to ensure that each employee providing transportation is covered by liability insurance, the cost of which may be paid by the operator.

Paragraph (F)(4) requires an operator to obtain a driving record prepared by the Bureau of Motor Vehicles for each employee providing transportation. The Bureau of Motor Vehicles provides the record free-of-charge.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Paragraph (E)(6) requires an operator to complete a written accounting of prescribed medication in the event of termination of services.

Paragraph (E)(7) requires an operator to complete a written accounting of prescribed medication in the event of an individual's death.

Paragraph (J) requires an operator to provide records to the Department upon request and convey records to a new operator.

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. **Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95?** Yes

- A. **How many new regulatory restrictions do you propose adding to this rule?** 7

5123-3-04 (B)(1): "Administrator" means the person responsible for administration of the residential facility who shall be directly and actively involved in the day-to-day operation of the residential facility and oversee provision of services by the residential facility.

5123-3-04 (C)(2): An operator shall:

5123-3-04 (D)(2): An operator shall ensure that a direct support professional does not:

5123-3-04 (E)(7): In the event of the death of an individual, an operator shall:

5123-3-04 (F): An operator shall:

5123-3-04 (H)(5): If operation of a residential facility is transferred from one operator to another, the outgoing operator shall convey individuals' clothing and personal belongings to the incoming operator.

5123-3-04 (J)(1): An operator shall ensure:

- B. **How many existing regulatory restrictions do you propose removing from this rule?** 14

5123:2-3-04 (C)(2): The operator, administrator, and staff of the residential facility shall not:

5123:2-3-04 (D)(5): The procedures shall require that disposal of prescribed medication is verified and recorded by two staff members or by an independent external entity.

5123:2-3-04 (F)(1): The operator shall provide or arrange for transportation of individuals residing in the residential facility in accordance with each resident's individual plan or individual service plan, as applicable.

5123:2-3-04 (F)(2): The operator shall:

5123:2-3-04 (H)(2): The operator shall ensure that each individual participates in day activities that foster community participation unless his or her individual plan indicates why, based on evaluations and assessments, such participation is medically contraindicated.

5123:2-3-04 (H)(3): The operator shall ensure that individuals have access to a variety of day activities.

5123:2-3-04 (I)(1): The following current records for each individual shall be maintained at the residential facility:

5123:2-3-04 (I)(2): The following records for each individual shall be maintained by the operator in an accessible location and shall be provided upon request to the department for review at the residential facility or at another location mutually agreed upon by the operator and the department.

5123:2-3-04 (I)(2)(j): Termination of services summary which shall be prepared within seven calendar days following termination of services pursuant to rule 5123:2-3-05 of the Administrative Code.

5123:2-3-04 (I)(2)(j): The termination of services summary shall include the individual's progress during residence and new address of residence.

5123:2-3-04 (I)(2)(j): In the event of an individual's death, a termination of services summary shall be completed within thirty calendar days of death and include the disposition of the individual's personal items.

5123:2-3-05 (C)(1): The operator shall only admit persons as residents whose service needs can be met.

5123:2-3-05 (C)(3): When reviewing an application for services, the operator shall consider its ability to maintain an adequate level of services to all residents of the residential facility.

5123:2-3-05 (C)(4): The operator shall notify the individual, county board, and referring party in writing of the outcome of the admissions decision within thirty calendar days of receiving an application for services and referral information.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

5123:2-3-04 and 5123:2-3-05

5123:2-3-04

[NEW RULE WILL BE NUMBERED 5123-3-04.] Licensed residential facilities - admission of residents, provision of services, and maintenance of service records.

(A) Purpose

This rule establishes standards to ensure that services provided in residential facilities licensed in accordance with section 5123.19 of the Revised Code focus on achievement of outcomes that are important to and important for individuals served, ~~that~~ individuals are involved in development and delivery of their services, ~~that~~ the confidentiality of individuals' records is maintained, and ~~that~~ individuals' records are readily accessible for service delivery and for review by the department.

(B) Definitions

For the purposes of this rule, the following definitions apply:

(1) "Administrator" means the person responsible for administration of the residential facility who shall be directly and actively involved in the day-to-day operation of the residential facility and oversee provision of services by the residential facility.

~~(1)~~(2) "Community participation" means engagement of an individual in daytime and evening activities that:

- (a) Are available to the general public (such as employment, clubs, meetings, and advocacy groups);
- (b) Are important to the individual;
- (c) Involve others with and without disabilities who are not paid to provide care to the individual; and
- (d) Create opportunities for the individual to develop meaningful relationships in ~~his or her~~ the local community as is typical of other citizens of that community.

(3) "Direct support professional" means a person who is employed in a "direct services position" as that term is defined in section 5123.081 of the Revised Code.

~~(2)~~(4) "Individual" means a person with a developmental disability.

~~(3)~~(5) "Individual ~~plan~~ ~~or~~ ~~individual~~ service plan" means the written description

of services, supports, and activities to be provided to an individual and includes an "individual program plan" as that term is used in 42 C.F.R. 483.440 as in effect on the effective date of this rule.

- (4)(6) "Informed consent" means a documented written agreement to allow a proposed action, treatment, or service after full disclosure provided in a manner the individual or ~~his or her~~ the individual's guardian understands, of the relevant facts necessary to make the decision. Relevant facts include the risks and benefits of the action, treatment, or service; the alternatives to the action, treatment, or service; and the right to refuse the action, treatment, or service. The individual or ~~his or her~~ the individual's guardian, as applicable, may ~~revoke~~ withdraw informed consent at any time.
- (5)(7) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.
- (6)(8) "Licensee" has the same meaning as in section 5123.19 of the Revised Code.
- (7)(9) "Major unusual incident" has the same meaning as in rule ~~5123:2-17-02~~ 5123-17-02 of the Administrative Code.
- (8)(10) "Modified texture or therapeutic diets" means diets that are altered in any way to enable the individual to eat (e.g., food is chopped or pureed) or diets that are intended to correct or prevent a nutritional deficiency or health problem.
- (9)(11) "Operator" means ~~the licensee or an entity with which the licensee has established a contract for~~ the entity responsible for management of and provision of services at the residential facility.
- (10)(12) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.
- (11)(13) "Team," as applicable, has the same meaning as in rule ~~5123:2-1-11~~ 5123-4-02 of the Administrative Code or means an "interdisciplinary team" as that term is used in 42 C.F.R. 483.440 as in effect on the effective date of this rule.
- (12)(14) "Unusual incident" has the same meaning as in rule ~~5123:2-17-02~~ 5123-17-02 of the Administrative Code.

(C) Admission of residents

(1) Admission to a residential facility is voluntary, requiring informed consent.

(2) An operator shall:

(a) Admit as residents only individuals whose service needs can be met by the residential facility.

(b) When reviewing an application for admission, consider its ability to maintain adequate services to all residents of the residential facility.

(c) Notify the individual and referring party in writing of the outcome of the admission decision within thirty calendar days of receiving an application for services and referral information.

(d) Notify the county board of developmental disabilities in writing within fourteen calendar days of admitting a new resident, after securing informed consent to provide the notification.

~~(E)~~(D) Standards of service provision

(1) The operator, administrator, and staff of ~~the a~~ residential facility shall:

~~(a) Provide services only to individuals whose needs he or she can meet.~~

~~(b)~~(a) Provide services in a person-centered manner.

~~(e)~~(b) Be able to effectively communicate with each individual receiving services.

~~(d)~~(c) Be knowledgeable in the ~~individual plan or~~ individual service plan for each individual ~~served~~ prior to providing services to the individual.

~~(e)~~(d) Implement services in accordance with the ~~individual plan or~~ individual service plan.

~~(f)~~(e) Take all reasonable steps necessary to prevent the occurrence or recurrence of ~~incidents adversely affecting health and safety of individuals served~~ major unusual incidents and unusual incidents.

~~(g)~~(f) Comply with the requirements of rule ~~5123:2-2-06~~ 5123-2-06 of the Administrative Code regarding development and implementation of behavioral support strategies.

- (2) ~~The operator, administrator, and staff of the residential facility shall not~~An operator shall ensure that a direct support professional does not:
- ~~(a) Provide services to his or her minor (under age eighteen) child or his or her spouse;~~
 - (a) Provide services to the direct support professional's minor child.
 - (b) Provide services to the direct support professional's spouse.
 - (c) Provide services to the minor child of the administrator.
 - (d) Provide services to the spouse of the administrator.
 - ~~(b) Engage in sexual conduct or have sexual contact with an individual for whom he or she is providing care;~~
 - ~~(e)~~(e) Administer ~~any~~ medication to or perform ~~health-care tasks~~ health-related activities for individuals who receive services unless ~~he or she~~ the direct support professional meets the applicable requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters;~~or.~~
 - ~~(d)~~(f) Use or be under the influence of the following while providing services:
 - (i) Alcohol;
 - (ii) Illegal drugs;
 - (iii) Illegal chemical substances; or
 - (iv) Controlled substances that may adversely affect ~~his or her~~ the direct support professional's ability to furnish services.

~~(D)~~(E) Health care

- (1) Self-administration or assistance with self-administration of prescribed medication shall be conducted in accordance with rule 5123:2-6-02 of the Administrative Code.
- (2) Delegation of nursing tasks, excluding the provision of health-related activities, shall be conducted in accordance with rule ~~5123:2-6-06~~ 5123-6-06 of the

Administrative Code and Chapter 4723-13 of the Administrative Code.

- (3) Administration of prescribed medication pursuant to sections 5123.42 to 5123.46 of the Revised Code shall be conducted in accordance with ~~Chapter~~ Chapters 5123-6 and 5123:2-6 of the Administrative Code.
- (4) ~~The~~An operator shall comply with the requirements for reporting medication/treatment errors in accordance with rules ~~5123:2-6-07~~ 5123-6-07 and ~~5123:2-17-02~~ 5123-17-02 of the Administrative Code.
- (5) ~~The~~An operator shall develop and implement written procedures for the disposal of prescribed medication. ~~The procedures shall which~~ require that disposal of prescribed medication is verified and recorded by two staff members or by an independent external entity. Dangerous drugs shall be disposed in accordance with rule 4729-9-06 of the Administrative Code.
- (6) In the event of termination of services pursuant to rule ~~5123:2-3-05~~ 5123-3-05 of the Administrative Code, ~~a written accounting of prescribed medication shall be completed no later than the last day of the individual's residency and verified by two staff members. The operator shall ensure a plan is developed for transfer of prescribed medications to the individual or his or her guardian, as applicable.~~an operator shall ensure:
 - (a) A written accounting of prescribed medication is completed no later than the last day of the individual's residency and verified by two staff members.
 - (b) A plan is developed for transfer of prescribed medication to the individual or the individual's guardian, as applicable.
- (7) In the event of the death of an individual, ~~a written accounting of prescribed medication shall be completed immediately and no later than twenty-four hours following the death and verified by two staff members. The operator shall cooperate with any investigation conducted by a legally authorized entity. Disposal of prescribed medication shall occur in a manner set forth in paragraph (D)(5) of this rule, unless an investigation calls for the disposal to be delayed.~~an operator shall ensure:
 - (a) A written accounting of prescribed medication is completed immediately and no later than twenty-four hours following the death and verified by two staff members.
 - (b) The operator and staff of the residential facility cooperate with any investigation conducted by a legally authorized entity.

(c) Disposal of prescribed medication occurs in a manner set forth in paragraph (E)(5) of this rule, unless an investigation calls for the disposal to be delayed.

~~(E)~~(F) Transportation

An operator shall:

(1) ~~The operator shall provide~~Provide or arrange for transportation of individuals residing in the residential facility in accordance with each resident's ~~individual plan or~~ individual service plan, ~~as applicable.~~

~~(2) The operator shall:~~

~~(a)~~(2) Ensure that each employee providing transportation holds a valid driver's license as specified in Ohio law.

~~(b)~~(3) Ensure that each employee providing transportation is covered by valid personal or corporate liability insurance as specified in Ohio law.

~~(e)~~(4) Obtain, for each employee providing transportation, a driving record prepared by the bureau of motor vehicles no earlier than fourteen calendar days prior to the date of initial employment as a driver and at least once every three years thereafter. A person having six or more points on ~~his or her~~ the person's driving record is prohibited from providing transportation.

~~(d)~~(5) Require each employee providing transportation to immediately notify the operator in writing if ~~he or she~~ the employee accumulates six or more points on ~~his or her~~ the employee's driving record or if ~~his or her~~ the employee's driver's license is suspended or revoked.

~~(e)~~(6) Develop and implement written policies and procedures regarding vehicle accessibility, vehicle maintenance, and requirements for vehicle drivers.

~~(F)~~(G) Food

(1) ~~The~~An operator shall offer daily meals and snacks that meet ~~the individuals'~~ an individual's nutritional needs and preferences as identified by the individual.

(2) Modified texture or therapeutic diets shall be prepared and served in accordance with the instructions of a physician or licensed dietitian. ~~The~~An operator shall

maintain instructions regarding modified texture or therapeutic diets in accordance with paragraph ~~(H)~~ (J) of this rule.

- (3) Meals shall provide for variety, substitutions, and accommodation of individuals' personal preferences and religious beliefs. Individuals shall participate in meal planning and preparation to the extent of their interest and ability to do so.
- (4) Fresh food supplies sufficient for three ~~calendar~~ days and staple food supplies sufficient for at least five ~~calendar~~ days shall be available in the residential facility at all times.
- (5) Food shall be prepared and stored properly and in accordance with health codes to protect it against contamination and spoilage. Food products shall be stored separately from potentially harmful non-food items, particularly cleaning and laundry compounds.

~~(G)~~(H) Clothing and personal belongings

- (1) ~~The~~ An operator shall ensure that each individual has an adequate amount of personal clothing in good repair, well-fitting, and comparable in style to that worn by age peers in the community. The team shall ensure the clothing needs of an individual who does not have personal funds available to cover needed items are met. All clothing shall be clean and appropriate for the season and the activities in which the individual is engaged.
- (2) ~~The~~An operator shall encourage each individual to select, purchase, and maintain ~~his or her~~ the individual's own clothing and to dress as independently as possible.
- (3) ~~For~~When an individual ~~who~~ has been assessed to need assistance with management of personal possessions, the operator shall record the individual's clothing and personal ~~items~~ belongings within fourteen calendar days of admission and update the record at least annually thereafter. Any single item with a purchase price of fifty dollars or more purchased by or on behalf of an individual who has been assessed to need assistance with management of personal possessions, shall be added to the record when acquired and deleted from the record when discarded or lost.
- ~~(4) Any single item with a purchase price of fifty dollars or more purchased by or on behalf of an individual who has been assessed to need assistance with management of personal possessions, shall be added to the record when acquired and deleted from the record when discarded or lost.~~

~~(5)~~(4) ~~The~~An operator shall not discard an individual's clothing ~~and~~ or personal ~~items~~ belongings without the consent of the individual or the individual's guardian, as applicable.

(5) If operation of a residential facility is transferred from one operator to another, the outgoing operator shall convey individuals' clothing and personal belongings to the incoming operator.

~~(H)~~(I) Community participation ~~and day activities~~ for individuals who reside in an intermediate care ~~facilities~~ facility for individuals with intellectual disabilities

(1) The operator of an intermediate care facility for individuals with intellectual disabilities shall ensure that each individual: ~~routinely has information in formats the individual understands about day activities offered by other providers and opportunities to explore and experience community participation in accordance with his or her individual plan and desired outcomes as they relate to community employment in accordance with rule 5123:2-2-05 of the Administrative Code.~~

(a) Has opportunities to access age-appropriate activities, engage in meaningful employment and non-work activities, and pursue activities with persons of the individual's choosing.

(b) Routinely has information in formats the individual understands about activities and programs related to community employment in accordance with rule 5123:2-2-05 of the Administrative Code offered by other providers as well as opportunities to explore and experience community participation in accordance with the individual service plan and the individual's desired outcomes.

~~(2)~~(c) ~~The operator shall ensure that each individual participates~~Participates in ~~day~~ activities that foster community participation unless ~~his or her~~ the individual service plan indicates why, based on evaluations and assessments, such participation is medically contraindicated.

~~(3)~~(d) ~~The operator shall ensure that individuals have~~Has access to a variety of ~~day~~ activities that reflect what is important to the individual and what is important for the individual.

~~(4)~~(2) ~~Day~~The activities and programs described in paragraph (D)(1) of this rule shall not be provided in an intermediate care facility for individuals with intellectual disabilities or within two hundred feet of the intermediate care facility for individuals with intellectual disabilities except that: ~~an~~

~~intermediate care facility for individuals with intellectual disabilities that was providing day activities in or on the grounds of the intermediate care facility for individuals with intellectual disabilities prior to July 1, 2005 may continue to provide day activities at that same location.~~

(a) An intermediate care facility for individuals with intellectual disabilities that was providing day activities in or on the grounds of the intermediate care facility for individuals with intellectual disabilities prior to July 1, 2005 in accordance with paragraph (H)(4) of rule 5123:2-3-04 of the Administrative Code in effect on the day immediately prior to the effective date of this rule, may continue to provide day activities at that same location.

(b) An individual may choose to participate in activities and programs through virtual support under the following conditions:

(i) Virtual support does not have the effect of isolating the individual from the community or preventing the individual from interacting with people with or without disabilities;

(ii) The use of virtual support has been agreed to by the individual and the individual's team and is specified in the individual service plan; and

(iii) The use of virtual support complies with applicable laws governing the individual's right to privacy and the individual's protected health information.

~~(J)~~ (J) Individuals' service records

(1) An operator shall ensure:

~~(a)~~ (a) The following current records for each individual ~~shall be~~ are maintained at the residential facility:

~~(a)~~ (i) A photograph of the individual.

~~(b)~~ (ii) Legal status of the individual.

~~(c)~~ (iii) Individual ~~plan or individual~~ service plan, ~~as applicable,~~ including documentation of informed consent for services, supports, and activities provided.

~~(d)~~ (iv) A signed authorization to seek medical treatment or

documentation to demonstrate that attempts to secure such authorization were unsuccessful.

~~(e)~~(v) Medication and/or treatment records which indicate the person who prescribed the medication and/or treatment and the date, time, and person who administered the medication and/or treatment.

~~(2)~~(b) The following records for each individual ~~shall be~~ are maintained by the operator in an accessible location and ~~shall be~~ provided upon request to the department for review at the residential facility or at another location mutually agreed upon by the operator and the department.:

~~(a)~~(i) Former versions of records specified in ~~paragraphs (I)(1)(a) to (I)(1)(e)~~ paragraph (J)(1)(a) of this rule.

~~(b)~~(ii) Admission and referral records.

~~(c)~~(iii) All service documentation including notations of progress.

~~(d)~~(iv) Records of all medical and dental examinations and immunization records as appropriate based upon the individual's age.

~~(e)~~(v) Records of major unusual incidents and unusual incidents.

~~(f)~~(vi) Major unusual incident investigation files.

~~(g)~~(vii) Reconciliations of the individual's account transaction record as described in rule ~~5123:2-2-07~~ 5123-2-07 of the Administrative Code.

~~(h)~~(viii) Records of negotiable items owned by the individual which can be transferred or converted to cash (such as bonds or promissory notes).

~~(i)~~(ix) Records of clothing and personal ~~items~~ belongings for individuals who have been assessed to need assistance with management of personal possessions.

~~(j) Termination of services summary which shall be prepared within seven calendar days following termination of services pursuant to rule 5123:2-3-05 of the Administrative Code. The termination of services summary shall include the individual's progress during residence and new address of residence. In the event of an individual's death, a termination of services summary shall be completed within thirty calendar days of death and include the disposition of the individual's personal items.~~

(x) A written accounting prepared within thirty calendar days following termination of an individual's residency at the residential facility that documents:

(a) Circumstances of termination of residency (e.g., the individual moved to another residential setting, the individual died, or the operator terminated services in accordance with rule 5123-3-05 of the Administrative Code);

(b) The individual's new address;

(c) Conveyance of the individual's records, identification documents, prescriptions, and prescribed medications;

(d) Disposition of the individual's clothing and personal belongings; and

(e) Release or disposition of the individual's personal funds in accordance with rule 5123-2-07 of the Administrative Code.

~~(3)~~(2) If operation of a residential facility is transferred from one operator to another, the outgoing operator shall convey the records specified in ~~paragraphs (I)(1) and (I)(2)~~ paragraph (J)(1) of this rule to the incoming operator.

~~(4)~~(3) All information contained in an individual's ~~record~~ records shall be considered ~~privileged and~~ confidential. Records shall be maintained in accordance with state and federal regulations in such a manner to ensure their confidentiality and protect them from unauthorized disclosure.

~~(5)~~(4) ~~The~~An operator shall develop a records retention schedule for all records in accordance with applicable state and federal requirements.