

173-39-02.16

Assisted living service.

(A) "Assisted living service" means a service that promotes aging in place by supporting a consumer's independence, choice, and privacy through the provision of one or more components of the service which are a personal care service, a supportive service, an on-duty response service, meals, social and recreational programming, a non-medical transportation service, and a nursing service.

(B) Minimum requirements for an assisted living service:

(1) In general:

(a) Type of provider: Only a residential care facility that the Ohio department of health licenses under rules 3701-17-50 to 3701-17-68 of the Administrative Code and that ODA certifies as an assisted living provider may provide the service.

(b) Components of the service:

(i) The provider shall maintain the capacity to provide each of the components of the service and shall provide any one or more components of the service that the consumer's case manager authorizes in the consumer's service plan, except as provided in paragraph (B)(1)(b)(ii) of the rule. The components of the service are as follows:

(a) A personal care service;

(b) A housekeeping service, a laundry service for personal and non-personal laundry, a routine maintenance service, or another supportive service;

(c) An on-duty response service on a twenty-four-hours-per-day basis to meet, in a timely manner, the consumer's unpredictable care needs, supervisory needs, emotional needs, reasonable requests for services, and to adequately assist the consumer in performing all activities of daily living;

(d) Three meals per day provided in accordance with paragraph (B) of rule 3701-17-60 of the Administrative Code, including special diets, as defined in rule 3701-17-50 of the Administrative Code;

(e) Social and recreational programming;

(f) A scheduled, non-medical transportation service, as agreed upon by the consumer and the provider; and,

(g) A nursing service that includes all of the following:

(i) A health assessment, including the initial health assessment under paragraph (C) of rule 3701-17-58 of the Administrative Code and the subsequent health assessment required under paragraph (D) of rule 3701-17-58 of the Administrative Code;

(ii) Monitoring of the consumer according to the standards of practice for the consumer's condition;

(iii) Medication management; and,

(iv) Part-time, intermittent skilled nursing care, as described in rule 3701-17-59.1 of the Administrative Code, when not available to the consumer through a third-party payer.

(ii) The provider may subcontract with a subcontractor to furnish one or more, but not all, of the components of the service that the case manager authorizes for the consumer.

(c) Review of the service plan: The provider's registered nurse or licensed practical nurse shall:

(i) Contact each consumer quarterly to assess, then document the consumer's satisfaction with his/her service plan, and whether the service plan continues to meet his/her needs;

(ii) Document, at least quarterly, whether each consumer's service delivery records show that the consumer is receiving the services as the case manager authorized them in the consumer's service plan; and,

(iii) Document, at least quarterly, whether staff members are providing personal care as required under paragraph (D) of rule 3701-17-59 of the Administrative Code.

(2) Facility requirements:

(a) Residential living units:

(i) The provider shall provide each consumer with a private, residential living unit that is designated solely for the consumer, except as permitted under paragraph (B)(2)(a)(ii) of this rule.

(ii) The provider shall only allow a consumer to share a private, residential living unit if:

(a) The consumer requests to share his/her unit;

(b) The consumer shares his/her unit with a person with whom the consumer has an existing relationship; and,

(c) The consumer's case manager verifies that the conditions of paragraphs (B)(2)(a)(ii)(a) and (B)(2)(a)(ii)(b) are met and authorizes sharing the unit in the consumer's service plan.

(iii) The unit shall have a lock that allows the consumer to control access to the unit at all times, unless, the provider maintains documentation from a physician that was issued within the previous three hundred sixty-five days in which the physician determines that the consumer's diagnosis indicates that the consumer's ability to lock the unit is likely to have an adverse effect on the consumer's health or welfare;

(iv) The unit shall include a bathroom with a toilet, a sink, and a shower/bathtub, all of which are in working order; and,

(v) The unit shall include identifiable space, separate from the sleeping area, that provides seating for the resident and one or more visitors for socialization.

(b) Common areas: The provider shall provide common areas that are accessible to the consumer, including a dining area (or areas) and an activity center (or centers). A multi-purpose common area may serve as both a dining area and an activity center.

(3) Staffing and staff qualifications:

(a) Nurses: The provider shall retain, either directly or through the use of a subcontractor, the services of a registered nurse or a licensed practical nurse as those terms are defined in Chapter 4723. of the Revised Code.

(b) On-duty response staff: The provider shall furnish a sufficient number of on-duty staff members to meet the on-duty response service requirement under paragraph (B)(1)(b)(i)(c) of this rule.

(c) Minors: The provider shall not allow any staff member who is under eighteen years of age to:

(i) Assist with medication management;

(ii) Provide a transportation service; or,

(iii) Provide hands-on assistance with bathing, toileting, or transferring without on-site supervision.

(d) Training requirements: The provider shall document that, before each staff member provides his/her first service to a consumer, he/she is trained in the following subject areas:

(i) Principles and philosophy of assisted living;

(ii) The aging process;

(iii) Intermittent cuing, redirecting, and environmental cues for cognitively-impaired consumers and/or behaviorally-impaired consumers;

(iv) Confidentiality;

(v) The consumer service plan process; and,

(vi) The consumer's right to assume responsibility for decisions related to his/her care.

(C) Rates:

(1) One unit of assisted living service is equal to one day.

(2) The maximum rates allowable for a unit of the service are established in the appendix to rule 5101:3-1-06.5 of the Administrative Code.

(D) Definitions for this rule:

(1) "Medication management" includes knowing what medications a consumer is self-managing, ordering medication, medication reminders, and medication administration.

(2) "On duty" (as in "on-duty staff") has the same meaning as in rule 3701-17-50 of the Administrative Code.

(3) "Personal care service" has the same meaning as in rule 3701-17-50 of the Administrative Code.

(4) "Staff member" has the same meaning as in rule 3701-17-50 of the Administrative Code.

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