

5122-33-13 General staffing requirements.

(A) As used in this rule and rule 5122-33-14 of the Administrative Code, "staff member" means an individual working in an ACF, including the owner; the manager; a full-time, part-time, or temporary paid employee; an individual working on contract; or a volunteer. "Staff member" does not include an individual staying temporarily in an adult family home in the absence of staff members under paragraph (F) of this rule.

(B) In addition to meeting the minimum staffing requirements of paragraph (C) of this rule, each ACF shall provide a sufficient number of staff members and appropriate scheduling of staff time to meet the care and supervisory needs of its residents in a timely manner and to provide necessary meal preparation, housekeeping, laundry, and home maintenance for the residents. The owner or manager shall establish a schedule for staff coverage that includes coverage during vacations, emergency situations, and long-term absences due to illness. The facility shall not require a resident to supervise other residents, provide personal care services, perform any staff functions, or manage the facility.

(C) At any time a resident meeting any one of the requirements in paragraphs (C)(1) to (C)(4) of this rule is present in the facility including non-waking hours, weekends, and holidays, the ACF shall ensure the physical presence in the facility of at least one staff member who meets the conditions specified in paragraphs (H) to (J) of this rule except as further provided in paragraph (F) of this rule:

(1) The resident requires assistance with walking and moving, bathing, toileting, dressing, or eating;

(2) The resident requires ongoing supervision;

(3) The resident is non-ambulatory as defined in paragraph (C)(6) of rule 5122-33-09 of the Administrative Code;

(4) The resident is prescribed one or more medications to be taken or applied on an "as required" or pro re nata (PRN) basis; or

(5) If the resident requires assistance, as authorized by paragraph (C) of rule 5122-33-17 of the Administrative Code, with self-administration of any prescription medications, a staff member shall be present at the time of the self-administration of the medication or medications and remain on duty for a sufficient amount of time to observe medication acceptance and reaction.

(D) As required by paragraph (C)(1) of rule 5122-33-23 of the Administrative Code, an adult care facility shall ensure that a staff member is present in the facility if the facility is locked and the residents do not have keys.

(E) In addition to meeting the requirements of paragraph (C) of this rule, if the residents' bedrooms are not accessible by staff members from an inside corridor or area, the facility shall do all of the following:

(1) The facility shall equip each resident's bedroom with a resident-activated call signal system. As used in this paragraph, "call signal system" means a set of devices that are connected electrically, electronically, by radio frequency transmission, or in a like manner and that effectively can alert the staff member or members on duty of emergencies or resident needs; and

(2) When only one staff member is on duty, the facility shall designate another staff member who can be contacted immediately in case of emergency.

(F) An adult family home may temporarily use an individual who is not a staff member to stay in the facility. An individual temporarily providing coverage in a home under this paragraph:

(1) Shall be at least eighteen years of age;

(2) Shall be capable of calling for emergency assistance and assisting residents in responding to an emergency;

(3) Shall not be a resident of the adult care facility;

(4) Shall not be left alone with residents for more than four consecutive hours in any twenty-four hour period and not for more than nine hours in any thirty-day period; and

(5) Shall not provide personal care services such as assistance with walking or moving, bathing, toileting, dressing or eating or assistance with self-administration of medications.

(G) The facility's manager shall meet the requirements of paragraphs (H) to (J) of this rule, shall provide not fewer than sixteen hours of service in the facility during each calendar week, and shall be responsible for the daily operation of the facility, as required by rule 5122-33-12 of the Administrative Code. If the manager is unable to provide at least sixteen hours of service in the facility in a given calendar week because of a vacation, illness, or other temporary situation, he or she shall designate a staff member, who shall not be less than twenty-one years of age, to serve as acting manager. The manager or acting manager shall be readily available at all other times when he or she is not present at the facility.

(H) Each member of an adult care facility's staff, except for a volunteer not providing personal care services, shall possess both of the following qualifications:

(1) Each staff member other than the manager shall be at least eighteen years of age. The manager shall be at least twenty-one years of age; and

(2) Each staff member shall demonstrate an ability to read, write, and understand directions.

(I) Each ACF shall comply with the following tuberculosis testing requirements:

(1) The facility shall require each individual working in an ACF, in any capacity, for ten or more hours in any thirty-day period to be tested for tuberculosis no later than five working days after beginning employment.

(2) The required tuberculosis test shall include a single blood assay for M. tuberculosis (BAMT) test, or the two-step Mantoux test using five tuberculin units of purified protein derivative, or if the individual has a documented history of a significant BAMT or Mantoux test, a chest x-ray.

(a) The individual shall not have any resident contact until after the results of the BAMT test, or first step of the Mantoux test have been obtained and recorded in millimeters of induration. Only a single Mantoux or BAMT is required if the individual has documentation of either a single step Mantoux test or a two-step Mantoux test or BAMT having been performed within one year of commencing work.

(b) The first step of the Mantoux test should be read within forty eight to seventy two hours following application. If the first step in the Mantoux test is nonsignificant, a second step shall be performed at least seven, but not more than twenty-one days after the first step was performed.

(c) If the tuberculosis testing performed pursuant to paragraphs (I)(2)(a) and (I)(2)(b) of this rule is nonsignificant, a single Mantoux or BAMT test shall be performed annually within thirty days of the anniversary date of the most recent testing.

(d) If the results of the BAMT test or either step of the Mantoux test are significant, the individual shall have a chest x-ray and shall not enter the home until after the results of the chest x-ray have been obtained and the individual is determined to not have active pulmonary tuberculosis. Whenever a chest x-ray is required by paragraph (I) of this rule, a new chest x-ray need not be performed if the individual has had a chest x-ray no more than thirty days before the date of the significant BAMT or Mantoux test. Additional tuberculosis testing is not required after one medically documented significant test. A subsequent chest x-ray is not required

unless the individual develops symptoms consistent with active tuberculosis.

(e) If the chest x-ray does not indicate active pulmonary tuberculosis, but there is evidence of a significant BAMT or Mantoux test, the ACF shall require that the individual be evaluated and considered for preventive therapy. Thereafter, the ACF shall require the individual to report promptly any symptoms suggesting tuberculosis. The ACF shall maintain a listing of individuals with evidence or a history of conversion and annually document the presence or absence of symptoms of such an individual and maintain this documentation on file; and

(f) If the chest x-ray reveals active pulmonary tuberculosis, the ACF shall not permit the individual to enter the home until the appropriate local public health authority determines the individual is no longer infectious.

(3) If at any time an individual working in an ACF has tuberculosis or symptoms suggesting tuberculosis or has been exposed to tuberculosis, the facility shall not permit the individual to enter the home until appropriate tuberculosis testing or treatment is obtained.

(4) Operators shall retain documentation evidencing compliance with this paragraph and shall furnish such documentation to the director upon request.

(J) In addition to other training required by the rules, the facility shall ensure that each staff member, other than a volunteer who does not provide personal care services, completes the orientation and training prescribed by this paragraph. The facility shall ensure that the staff members receive this orientation and training within three working days after beginning employment with the facility.

(1) Each staff member shall have training in the facility's fire emergency and evacuation procedures and instruction in how to secure emergency assistance in the event of suspected fire, medical emergency, or other crisis.

(2) Each staff member shall have orientation and training applicable to the staff member's job responsibilities. The orientation and training required by this paragraph shall include at least orientation to the physical layout of the facility, the staff member's job responsibilities, the facility's policies and procedures, and residents' rights.

(3) Any staff member who stays in the facility with residents when no other staff members are present shall have received the training and orientation required by this paragraph.

(K) In addition to meeting the requirements of paragraphs (G) to (J) of this rule, all individuals who provide personal care services in an ACF shall meet the following training requirements:

(1) Each individual shall have first-aid training evidenced by one of the following:

(a) Currently valid documentation of successful completion of the "American Red Cross Standard First-Aid Course"; or

(b) Documentation of successful completion, within the past three years, of first aid training by a licensed physician or registered nurse, an emergency medical technician, or an instructor certified by the "American Red Cross." This training shall include recognition and emergency management of bleeding, burns, poisoning, respiratory distress including choking, musculoskeletal injury, wounds including animal and insect bites, sudden illness, shock, hypothermia, heat stroke and exhaustion, and frostbite; and

(2) Documentation that, prior to providing personal care services without supervision in the facility, the individual successfully completed training or continuing education that covers the correct techniques of providing personal care services to others. The training or continuing education shall be sufficient to ensure that the individual can demonstrate an ability to provide personal care services required by the individual's

job responsibilities properly.

(3) The documentation required by this paragraph shall be signed and dated by the provider of the training. Certificates from on-line or remote-learning first aid courses or training shall not be accepted for purposes of meeting the requirements of this rule.

(L) The owner or manager shall provide for ongoing training to ensure that individuals working in the facility maintain job competency and appropriate skills to care for individual residents of the facility.

(M) The manager shall obtain:

(1) An initial six hours of training within one year of hire or the effective date of initial licensure in topics such as, but not limited to, the following:

(a) Cleanliness/sanitary conditions;

(b) Conflict resolution;

(c) Documentation;

(d) Financial management: provider and resident;

(e) Resident screening and referral procedures;

(f) Role and responsibilities of adult care facilities; and

(g) Role and responsibilities of ombudspersons, other governmental systems and resources.

(2) Thereafter, the manager shall, over each twelve month period from the date of hire or initial licensing of the facility, obtain a minimum of six hours of continuing education covering topics pertinent to operating an ACF, including but not limited to topics enumerated in paragraph (M)(1) of this rule, as well as the following:

(a) Implementation and interpretation of ACF administrative rules and statute;

(b) Personal care service protocols; and

(c) Policy and procedure updates.

(3) If the manager is subject to annual training requirements set forth in paragraph (B) of rule 5122-33-14 of the Administrative Code, three of the training hours obtained may be credited toward requirements prescribed by this paragraph.

(N) Sources of training in paragraphs (L) and (M) of this rule may include physicians, registered nurses, social workers, psychologists, and counselors licensed under the applicable chapter of Title 47 of the Revised Code; organizations such as the American red cross, accredited learning institutions, mental health boards or agencies, other appropriate governmental entities, or other authorities recognized by the director of health as qualified to provide this training. In addition to classroom instruction, training may be provided through other means subject to the approval of the director as appropriate for the purposes of this rule.

(O) The owner or manager shall maintain documentation evidencing compliance with the training requirements of this rule. This documentation shall specify the topic, description, date, duration and source of training provided to all staff members in accordance with this rule.

(P) No individual shall work in an ACF under either of the following circumstances:

(1) During the communicable stage of a disease which may be transmitted in the performance of the individual's job responsibilities; or

(2) When the individual is under the influence of illegal drugs, or is using alcohol; or is using medications to the extent that the health or safety of any resident of the facility is jeopardized.

(Q) Except as provided in Chapter 3701-13 of the Administrative Code, no adult care facility shall employ a person who applies on or after January 27, 1997, for a position that involves the provision of direct care to an older adult, if the person:

(1) Has been convicted of or pleaded guilty to an offense listed in division (C)(1) of section 5119.85 of the Revised Code; or

(2) Fails to complete the form(s) or provide fingerprint impressions as required by division (B)(3) of section 5119.85 of the Revised Code.

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