

5122-35-01 Introduction and definitions.

(A) Introduction: This chapter establishes the standards for certification of adult foster homes, the responsibilities of operators of adult foster homes, and the rights of residents of adult foster homes.

(B) Definitions for this chapter:

(1) "Abuse" has the same meaning as in section 5119.81 of the Revised Code.

(2) "Accommodations" means housing, three nutritious meals a day and meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and similar services that are not personal care services or skilled nursing care.

(3) "Activity of daily living" ("ADL") has the same meaning as in rule [5101:3-3-06](#) of the Administrative Code.

(4) "Adult" means an individual who is at least eighteen years of age, and who is not related to the consumer.

(5) "Adult foster home" has the same meaning as in section 5119.69 of the Revised Code.

(6) "Applicant" means an individual seeking the certification of an adult foster home.

(7) "Area agency on aging" ("AAA") has the same meaning as in section [173.42](#) of the Revised Code.

(8) "Caregiver" means an adult who provides a personal care service or supervision in an adult foster home.

(9) "Chemical restraint" has the same meaning as in section [3721.10](#) of the Revised Code.

(10) "Exploitation" has the same meaning as in section 5119.81 of the Revised Code.

(11) "Home" means an adult foster home or a residence for which an operator is seeking certification as an adult foster home.

(12) "Neglect" has the same meaning as in section 5119.81 of the Revised Code.

(13) "ODMH" means "the Ohio department of mental health."

(14) "Operator" means the adult who provides administration, accommodations, a personal care service, or supervision in a home on a day-to-day basis.

(15) "Owner" means a person who holds title to a residence, or a person who leases the residence from the person who holds title.

(16) "Part-time, intermittent basis" means fewer than eight hours in a twenty-four hour day, or fewer than forty hours per week.

(17) "PASSPORT administrative agency" ("PAA") means a public or non-profit entity that has entered into a contract with ODMH to provide administrative services on behalf of ODMH within a particular PSA for medicaid waiver programs under the authority of ODMH, the nonwaiver-funded PASSPORT program, and the RSS program.

(18) "Personal care services" has the same meaning as in section [3721.01](#) of the Revised Code:

(19) "Physical restraint" has the same meaning as in section 5119.81 of the Revised Code.

(20) "Planning and service area" ("PSA") has the same meaning as in section [173.011](#) of the Revised Code.

(21) "Resident" means a consumer who resides in an adult foster home of an unrelated adult for purposes of receiving accommodations, personal care services, or supervision in the adult foster home.

(22) "Residential state supplement" ("RSS") means the program administered under section 5119.69 of the Revised Code and Chapter 5122-36 of the Administrative Code under which the state supplements the SSI payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. RSS payments are used for the provision of accommodations, supervision, and personal care services to SSI recipients who ODMH determines are at risk of needing institutional care.

(23) "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 nonprofit 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.

(24) "Short-term illness" means a medical condition for which recovery can be expected to occur with not more than one hundred and twenty days of skilled nursing care or requiring skilled nursing care provided on periodic, scheduled basis not to exceed one hundred twenty days.

(25) "Skilled nursing care" has the same meaning as in section [3721.01](#) of the Revised Code.

(26) "Sponsor" has the same meaning as in section [173.14](#) of the Revised Code.

(27) "Supervision" means the following:

(a) Observing a resident to ensure the resident's health, safety and welfare while the resident engages in ADLs or other activities;

(b) Reminding a resident to do or complete an activity (e.g., reminding a resident to engage in personal hygiene or other self-care activity); or,

(c) Assisting a resident in making or keeping an appointment.

(28) "Topical medication" means a medication, such as a topical anti-infective, that is applied to a certain area of the skin and that only affects the area to which it is applied.

(29) "Unrelated adult" means an adult resident of an adult foster home who is not related to the caregiver or the caregiver's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, uncle, or as a child of an aunt or uncle.

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