

*****DRAFT - NOT FOR FILING*****

5122-30-26 Provisions of personal care in ~~type 1 and 2~~ class one and two facilities.

(A) The provisions of this rule are applicable to ~~type 1 and 2~~ class one and two residential facilities which are required to provide personal care services. The provision of room and board shall be secondary or ancillary to the primary purpose of the facility to provide personal care, but the provision of room and board for an individual resident need not terminate in the event that personal care assistance is no longer needed by or is being provided for the individual resident. Additionally, the facility may admit a person not in need of personal care, but shall be required to be licensed as a ~~type 2~~ class two facility if the facility provides personal care to at least one resident with mental illness or provides personal care to at least three residents, unless the facility is otherwise required to be licensed as a category one facility. The provision of personal care service to a child or adolescent shall also include the consent of the parent, guardian or custodian, as appropriate. Such personal care to a child or adolescent shall be age appropriate, and consistent with specified client rights requirements ~~and, as appropriate, ISP recommendation~~.

For the purposes of this rule, personal care services shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor his or her sponsor is a party.

(B) Personal care services include, but are not limited to, the following:

(1) Assistance with walking and moving, dressing, grooming, toileting, oral hygiene, hair care, dressing, eating, and nail care.

(2) Budgeting and management of money.

(3) Assistance with self-administration of medication in accordance with rule 5122-30-28 of the administrative code.

(4) Preparation of special diets, other than complex therapeutic diets, for residents who require them, pursuant to the instructions of a physician or a licensed dietitian and in accordance with paragraph (B) of rule 5122-33-20 of the Administrative Code.

~~(B)(C) Personal care services: include assisting residents in activities of daily living, assisting residents with self-administration of medications and/or the preparation of special diets, as specified in division (A)(1)(e) of section 5119.22 of the Revised Code.~~

(1) Personal care service, advice and assistance shall be provided to each ~~mental health~~ resident in accordance with that resident's individual needs and preferences. The facility shall provide personal care services to residents who require those services and may provide personal care services to other residents upon request. The requirement to provide such personal care shall not be construed to require or permit the imposition of such activity, advice, or assistance on any matter in which the resident is able to perform the activity under his own direction.

(2) Personal care service, advice, or assistance shall be provided in a manner and to an extent that supports individual stability, growth, privacy and personal dignity. No commentary or information about any resident's personal care skills or needs shall be communicated to any other persons without the permission of the resident.

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- (D) If a resident requires certain personal care services that the facility does not offer, the facility either shall arrange for the services to be provided or shall transfer the resident to an appropriate setting within fourteen days of becoming aware of such a need..
- ~~(C)~~ (E) Each resident, in conjunction with the facility staff and the referring ~~mental health~~ entity, if applicable, ~~or the resident's current mental health provider,~~ shall determine the individualized personal care services to be provided, and the resulting specific obligations and responsibilities of the facility to provide for those personal care needs.
- ~~(4)~~ (F) The agreed-upon, specific personal care services to be performed by the facility for the individual resident shall be written in ~~the individualized~~ a personal care service plan developed by the facility within fourteen days of a resident's admission, ~~and the residential agreement between the facility and the resident.~~ A class one facility may develop a separate personal care service plan or may include the personal care services to be provided in the resident's individualized treatment plan.
- ~~(2)~~ (2) ~~Monthly progress notation documentation of personal care services rendered shall be maintained in the residential facility.~~
- ~~(D)~~ (D) ~~Personal care service, advice, or assistance may be provided to a resident in regard to the budgeting and management of his money~~
- ~~(E)~~ (E) ~~Residents shall be encouraged to participate in community activities, social events and mental health services. The facility staff shall demonstrate a reasonable effort to facilitate and support such involvement by providing at least one local daily newspaper or current community activity brochures and advertisements, and provide transportation or information about the accessibility of transportation.~~
- ~~(F)~~ (F) ~~The facility shall demonstrate reasonable provision for social and recreation activities, or opportunity for such activities, within the facility by residents. This shall include, but not be limited to, the provision of television. Sufficient, well lighted space shall be provided for engaging in crafts, reading, or games. The staffing pattern for the facility shall assure reasonable amounts of time for staff to engage in social and recreational activity with residents.~~
- ~~(G)~~ (G) ~~The operator(s), and/or staff shall be responsible for the care of a child/adolescent.~~
- ~~(1)~~ (1) ~~Alternative arrangements for the care of a child/adolescent in the facility, by someone other than the operator, or staff, shall be approved in writing from the custodian, guardian, or parent.~~
- ~~(2)~~ (2) ~~The operator shall have a prior written plan of care for the child/adolescent in emergency situations. This plan shall be approved by the custodian, guardian, or parent.~~
- ~~(H)~~ (H) ~~An operator shall have prior written approval, from the parent/guardian/custodian, for each child/adolescent specifying whether or not the child/adolescent may be left unattended, and if so, for what period of time.~~