



Ohio Administrative Code

Rule 173-39-02.16 ODA provider certification: assisted living service.

Effective: November 1, 2020

(A) Definitions for this rule:

(1) "Assisted living service" means all of the following:

(a) A service promoting aging in place by supporting the individual's independence, choice, and privacy.

(b) A service that includes the following:

(i) Hands-on assistance, supervision, and/or cuing of ADLs, IADLs, and other supportive activities.

(ii) Nursing activities, including the following:

(a) Initial and subsequent health assessments under rule 3701-16-08 of the Administrative Code.

(b) Monitoring the individual according to the standards of practice for the individual's condition.

(c) Medication management according to rule 3701-16-09 of the Administrative Code.

(d) Part-time, intermittent skilled nursing care, as described in rule 3701-16-09.1 of the Administrative Code, when not available to the individual through a third-party payer.

(iii) Coordinating three meals per day and snacks according to rule 3701-16-10 of the Administrative Code with access to food according to rule 5160-44-01 of the Administrative Code.

(iv) Coordinating the social, recreational, and leisure activities required under rule 3701-16-11 of the Administrative Code to promote community participation and integration, including non-medical transportation to services and resources in the community.



- (v) Any maintenance required under rule 3701-16-15 of the Administrative Code.
- (vi) The resident call system required under rule 3701-16-14 of the Administrative Code
- (c) A service that does not include the following:
 - (i) Housing.
 - (ii) Meals.
 - (iii) Twenty-four-hour skilled nursing care.
 - (iv) One-on-one supervision of an individual.
- (2) "Medication management" includes knowing what medications an individual is self-managing, assistance with self-administration of medication, ordering medication, medication reminders, and medication administration.
- (3) "Resident call system" has the same meaning as in rule 3701-16-01 of the Administrative Code.
- (4) "Staff member" and "staff" have the same meanings as in rule 3701-16-01 of the Administrative Code.
- (B) Requirements for an ODA-certified provider of the assisted living service (service):
 - (1) General requirements: The provider is subject to rule 173-39-02 of the Administrative Code.
 - (2) RCF qualifications:
 - (a) Licensure: Only a provider who maintains a current, valid RCF license from ODH and maintains compliance with Chapter 3721. of the Revised Code and Chapters 3701-13 and 3701-16 of the Administrative Code qualifies to provide this service.



(b) Website: The provider shall display the following on its website:

(i) Whether the provider is currently certified by ODA to provide the service under the assisted living program.

(ii) Whether the provider is currently accepting individuals who are enrolling in the assisted living program.

(c) Resident units:

(i) Private resident unit:

(a) The provider shall provide each individual with a private resident unit designated solely for the individual, except as permitted under paragraph (B)(2)(c)(i)(b) of this rule.

(b) The provider shall only allow an individual to share a private resident unit if:

(i) The individual requests to share his or her unit;

(ii) The individual shares his or her unit with a person with whom the individual has an existing relationship; and,

(iii) ODA's designee verifies that the conditions of paragraphs (B)(2)(c)(i)(b)(i) and (B)(2)(c)(i)(b)(ii) of this rule are met and authorizes sharing the unit in the individual's person-centered services plan

(ii) Lock: Each resident unit shall have a lock that allows the individual to control access to the resident unit at all times, unless the provider maintains documentation from a physician, that is also documented in the individual's person-centered service plan in accordance with rule 5160-44-02 of the Administrative Code, that was issued within the previous three hundred sixty-five days in which the physician determines the individual's diagnosis indicates the individual's ability to lock the resident unit is likely to have an adverse effect on the individual's health or welfare.



(iii) Bathroom: Each resident unit shall include a bathroom with a toilet, a sink, and a shower/bathtub, all of which are in working order.

(iv) Social space: Each resident unit shall include identifiable space, separate from the sleeping area, that provides seating for the individual and one or more visitors for socialization.

(d) Common areas: The provider shall provide common areas accessible to the individual, 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) Availability: The provider shall maintain adequate staffing levels to comply with rule 3701-16-05 of the Administrative Code and to provide hands-on assistance, supervision, and/or cuing of ADLs in a timely manner in response to individual's unpredictable care needs, supervisory needs, emotional needs, and reasonable requests for services through the resident call system twenty-four hours per day.

(4) Minors: Staff members under eighteen years of age do not qualify to do any of the following:

(a) Assist with medication management.

(b) Provide transportation.

(c) Provide personal care without on-site supervision, in accordance with rule 3701-16-06 of the Administrative Code.

(5) Initial staff qualifications: Only a person who successfully completes training in the following subject areas qualifies to provide this service:

(a) Principles and philosophy of assisted living.

(b) The aging process.

(c) Cuing, prompting, and other means of effective communication.



- (d) Common behaviors for cognitively-impaired individuals, behaviorally-impaired individuals, or other individuals and strategies to redirect or de-escalate those behaviors.
- (e) Confidentiality.
- (f) The person-centered planning process established in rule 5160-44-02 of the Administrative Code, which includes supporting full access of individuals to the greater community.
- (g) The individual's right to assume responsibility for decisions related to his or her care.
- (6) In-service training: The provider shall ensure each employee providing this service successfully completes any training requirements in rule 3701-16-06 of the Administrative Code and makes verification of successful completion of those requirements available to ODA or its designee upon request.
- (7) Quarterly assessments: The provider's RN or LPN shall complete all of the following for each individual:
- (a) Contact the individual quarterly to assess and document the individual's satisfaction with his or her activities plan, and whether the activities plan continues to meet his or her needs.
- (b) Document, at least quarterly, whether the individual's records demonstrate the individual is receiving activities as ODA or its designee authorized them in the individual's person-centered service plan.
- (c) Document, at least quarterly, whether staff are providing personal care to the individual in the manner in which rule 3701-16-09 of the Administrative Code requires for personal care services, as defined in rule 3701-16-01 of the Administrative Code.
- (8) Subcontracting: The provider may subcontract to provide one or more, but not all, of the service activities described in paragraphs (A)(1)(b) of this rule that ODA or its designee authorizes for the individual. The provider is responsible to assure that any service provided by a sub-contractor is



compliant with this chapter.

(C) Units and rates:

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

(2) ODM establishes the maximum-allowable rates for a unit of service in the appendix to rule 5160-1-06.5 of the Administrative Code.

(3) Rule 5160-33-07 of the Administrative Code establishes the rate-setting methodology for a unit of the service.