



## Ohio Administrative Code

### Rule 3701-19-38 General requirements for pediatric respite care program personnel.

Effective: February 19, 2024

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(A) Each pediatric respite care program is obligated to utilize personnel that have appropriate training and qualifications for the services that they provide. Any staff member, including a volunteer, who functions in a professional capacity, is obligated to meet the standards applicable to that profession, including but not limited to possessing current Ohio licensure, registration, or certification, if required by law, and practicing within the applicable scope of practice.

(B) The pediatric respite care program is obligated to provide each staff member, including volunteer and contracted staff members, with a written job description delineating his or her responsibilities. The program is obligated to ensure that the services provided by staff members, including volunteers and contracted staff, are provided:

(1) In accordance with the patients' plans of care;

(2) In accordance with the policies and procedures developed by the interdisciplinary team;

(3) In accordance with current and accepted standards of practice;

(4) Documented in the patient's central clinical record; and

(5) By staff members who comply with the program's employee health policies.

(a) The pediatric respite care program is obligated to have written employee health policies which include the following requirements for any staff member, including a volunteer, temporary agency employee, or paid consultant used by the pediatric respite care program who has direct pediatric respite patient contact;

(b) The pediatric respite care program is obligated to have a written plan to ensure the health and safety of pediatric respite patients that includes policies and procedures regarding screening of staff,



including volunteers, for communicable diseases.

(c) The pediatric respite care program is obligated to have written policies and procedures regarding measures taken to prevent staff, including volunteers, with direct pediatric respite patient contact who have been diagnosed with a communicable disease from transmitting this disease to patients, care givers or other staff including when infected or ill staff must not render direct patient care; and

(d) The pediatric respite care program is obligated to document compliance with U.S. department of labor's occupational safety and health administration, U.S. centers for disease control and prevention and applicable Ohio department of health standards concerning health requirements for staff provision of services in health care settings, including requirements for maintaining tuberculosis control.

(C) Each pediatric respite care program is obligated to ensure that all personnel treat each patient and the patient's property with respect, not abuse or neglect patients, and not misappropriate a patient's property.

(D) Each pediatric respite care program is obligated to provide both orientation and ongoing training for its personnel, including volunteers if the pediatric respite care program utilizes volunteers.

(E) Each pediatric respite care program is obligated to evaluate the performance of each staff member regularly.

(F) Except as provided in Chapter 3701-13 of the Administrative Code, no pediatric respite care program will employ a person who applies on or after January 27, 1997, for a position that involves the provision of direct care, if the person:

(1) Has been convicted of or pleaded guilty to an offense listed in division (C)(1) of section 3712.09 of the Revised Code; or

(2) Fails to complete the form(s) or provide fingerprint impressions as required by division (B)(3) of section 3712.09 of the Revised Code.



(G) Nothing in this rule forbids the continuation of care or provision of services by a home health agency, hospice care program, or other personal care services provider that is under contract with the pediatric respite care patient or the pediatric respite care patient's family while the pediatric respite care patient is at the respite facility. If a pediatric respite care patient or pediatric respite care patient's family wishes to have privately contracted services continue while the pediatric respite care patient is in the respite facility, the pediatric respite care program will:

(1) Enter into a written agreement with each of the following:

(a) The pediatric respite care patient, the pediatric respite care patient's family, or both; and

(b) The provider of the identified service.

(2) The written agreement required by this paragraph will include a statement signed by all parties acknowledging that they understand the agreement and that the pediatric respite care patient's needs will be met while the pediatric respite care patient is in the respite facility. The agreement will not be considered complete without this signed statement, and the following information:

(a) Identification of the services to be provided; and

(b) An attestation that:

(i) All care will be provided within the provider's scope of practice;

(ii) All care provided shall be documented and made part of the pediatric respite care patient's medical record; and

(iii) All services will be furnished in accordance with the requirements of Chapter 3712. of the Revised Code and Chapters 3701-13 and 3701-19 of the Administrative Code.