



Ohio Administrative Code

Rule 5122-30-26 Provisions of personal care in type 1 and 2 facilities.

Effective: January 1, 2018

(A) The provisions of this rule are applicable to 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 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 class 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.

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 teaching of money management skills.

(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.

(C) Personal care services:

(1) Personal care service, advice and assistance shall be provided to each 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.

(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. If the services are provided, they shall be at no extra cost to the resident and shall be paid for by the facility.

(E) Each resident, in conjunction with the facility staff and the referring entity, if applicable, 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.

(F) The agreed-upon, specific personal care services to be performed by the facility for the individual resident shall be written in a personal care service plan developed by the facility within fourteen days of a resident's admission. 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.