



Ohio Administrative Code

Rule 5123:2-3-02 Licensed residential facilities - physical environment standards, fire safety, and emergency response planning.

Effective: October 1, 2016

(A) Purpose

This rule establishes minimum physical environment and safety standards to ensure that individuals living in residential facilities licensed in accordance with section 5123.19 of the Revised Code are provided a safe, healthy, and homelike living environment that meets their specific needs.

(B) Definitions

(1) "Adult" means an individual age eighteen and older.

(2) "Business day" means a day of the week, excluding Saturday, Sunday, or a legal holiday as defined in section 1.14 of the Revised Code.

(3) "Child" means an individual less than age eighteen.

(4) "Fire safety drill" means a documented simulation of the actions to be taken in response to a fire emergency.

(5) "Individual" means a person with a developmental disability.

(6) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(7) "Licensee" has the same meaning as in section 5123.19 of the Revised Code.

(8) "Operator" means the licensee or an entity with which the licensee has established a contract for the management of and provision of services at the residential facility.



(9) "Physical evacuation" means that the individuals residing in the residential facility physically leave the facility or, in the case of a facility that is classified as I-1 or I-2 occupancy pursuant to section 308 of the Ohio building code, individuals residing in the facility must be moved to a separate fire area within the facility that is separated by a two-hour rated firewall.

(10) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(11) "State/local authority" means:

(a) For fire safety, the state fire marshal's office or the local fire department; or

(b) For emergency response, a chapter of the "American Red Cross" or the county emergency management agency.

(C) Physical environment standards and configuration

(1) The operator shall ensure that the residential facility remains in compliance with the feasibility, space, and usage requirements for residential facilities set forth in paragraphs (D) and (E) of rule 5123:2-3-08 of the Administrative Code.

(2) All areas of the interior, exterior, and grounds of the residential facility and all electrical, plumbing, and heating systems of the residential facility shall be maintained in a clean and sanitary manner and in good repair at all times and adequate to meet the needs of the individuals.

(3) All solid waste shall be disposed of immediately after production or shall be stored in leak-proof containers with tight-fitting covers which provide protection from animals, rodents, and insects until time of disposal. Such waste shall be disposed of through a public disposal service, a private contract service, or otherwise in accordance with the requirements of the Ohio department of health and any local regulations, rules, codes, or ordinances.

(4) The operator shall take measures to eliminate and prevent the presence of insects, rodents, and other vermin in and around the residential facility. Opened doors and windows shall be screened. The extermination of insects, rodents, and other vermin shall be done in such a manner as not to



create a fire or other safety or health hazard.

(5) Disinfectants, pesticides, poisons, and other toxic substances shall be properly labeled and stored separate from food products. All substances defined as "hazardous substances" or which are labeled "warning," "caution," or "danger" shall be used in a manner that ensures the health and safety of individuals served in the residential facility.

(6) Gasoline, kerosene, paints, and other flammable materials and liquids shall be stored in a safe manner and in accordance with the manufacturer's label. Storage of combustible and non-combustible materials shall not produce conditions that create a fire, safety, or health hazard.

(7) The licensee shall ensure that sidewalks, escape routes, and entrances are free of obstacles and ice and snow.

(8) The operator shall maintain the heating system, and cooling system if applicable, of the residential facility in safe operating condition. The residential facility shall be maintained at a comfortable and healthy temperature based on the individuals' needs and desires.

(9) No bedroom shall be occupied by more than two individuals.

(10) No bedroom shall be occupied by individuals of the opposite sex unless both occupants are consenting adults or both occupants are less than age six.

(11) No bedroom shall be occupied by an adult and a child unless the occupants are related to one another.

(12) No part of the residential facility shall be off limits to individuals except for staff quarters, bathrooms located in or adjacent to staff quarters, bedrooms of other individuals unless consent is given, and mechanical and boiler rooms or other areas of the facility that present a health or safety risk to an individual as identified in his or her individual plan or individual service plan.

(D) Furnishings, equipment, and supplies



(1) The operator shall provide the residential facility with safe, sanitary, comfortable, and homelike equipment, furniture, and appliances in good repair and appropriate for the age and ability of individuals.

(2) The operator shall provide a means (e.g., telephone, wireless telephone, or computer) for communicating with others to which individuals have free access at all times and in a manner that affords an individual privacy.

(3) The operator shall ensure a sufficient supply of soap and basic toiletries (i.e., deodorant, shampoo, oral hygiene items, and feminine hygiene products), toilet paper, clean towels and washcloths, and first aid supplies is available to meet the needs of the individuals.

(4) The operator shall provide each individual with a bed or crib that is clean, comfortable, sturdy, safe, and in good condition and appropriate for the individual's age and ability. Hideaway beds, roll away beds, sleeper sofas, and futons shall not be used.

(a) Cribs shall be used only for individuals less than age five. An individual needing to sleep in a crib shall sleep in a crib which is at least six inches longer than the individual's extended length.

(b) Side rails and/or bed enclosures shall be used only as approved in the individual plan or individual service plan.

(c) No individual shall sleep on an exposed mattress or on an exposed mattress cover. Waterproof mattress covers shall be provided for infants and individuals who are incontinent.

(d) The operator shall provide each individual with bedding appropriate to the weather and climate. Linens and bedding for each bed or crib shall be maintained to provide clean and sanitary sleeping accommodations for each individual.

(5) The operator shall provide each individual with closet and drawer space in his or her bedroom for in-season clothing and personal possessions with racks and shelves accessible to the individual.

(E) Fire safety plan and emergency response plan



(1) Each residential facility shall have a fire safety plan and an emergency response plan that are approved by the state/local authority.

(a) The fire safety plan shall include, but is not limited to:

(i) A policy that addresses smoking regulations and the storage of combustible materials;

(ii) A fire safety training program that includes provisions for rescue, alarm, containment, and evacuation;

(iii) Designation of meeting places in case of a physical evacuation of the residential facility; and

(iv) A procedure for permitting re-entry to the residential facility following a fire safety drill and/or physical evacuation.

(b) The emergency response plan shall include, but is not limited to:

(i) Designating a tornado shelter or safe area in the residential facility and the procedure for accessing the area;

(ii) Responses to weather-related emergencies or other disasters when relocation of individuals is not required; and

(iii) Responses to weather-related emergencies or other disasters when relocation of individuals is required, including designation of a pre-arranged evacuation site in case of a physical evacuation of the residential facility.

(2) A current graphic floor plan shall be posted unobstructed on each floor of the residential facility and in an area most appropriate for the posting of staff information. The graphic floor plan shall include, but is not limited to:

(a) A primary and secondary means of exit from each floor;



- (b) The location of pull stations and fire control system panels, when applicable;
 - (c) Fire escapes;
 - (d) The telephone number of the local fire department or "911";
 - (e) Designated tornado shelter or safe area; and
 - (f) Designated meeting places in case of fire.
- (3) No exit, stairway, corridor, ramp, elevator, fire escape, or other means of exit from a building shall be used for storage purposes or be otherwise obstructed from use.
- (4) A fire extinguisher approved by the state/local authority shall be located on each floor and in the natural path of escape from a fire, at readily accessible and visible points which are not likely to be obstructed.
- (5) Each residential facility with six or more individuals shall be equipped with:
- (a) An automatic sprinkler system meeting the requirements of "National Fire Protection Association" 13-D, "Sprinkler Systems in One and Two Family Dwellings." The sprinkler system shall be interconnected with the smoke and fire detection and alarm system.
 - (b) An automatic sprinkler system meeting the requirements of "National Fire Protection Association" 13, "Standard for the Installation of Sprinkler Systems," when a residential facility has seventeen or more individuals, or when a residential facility with six to sixteen individuals cannot be physically evacuated in twelve minutes or less. The sprinkler system shall be interconnected with the smoke and fire detection and alarm system. A new residential facility with six to sixteen individuals classified as I-1 occupancy pursuant to section 308 of the Ohio building code on or after May 18, 1995, shall be required to have a sprinkler system meeting the requirements of "National Fire Protection Association" 13-R, "Installation of Sprinkler Systems in Residential Occupancies Up to Four Stories in Height."



- (c) A smoke and fire detection and alarm system meeting the requirements of "National Fire Protection Association" 72, "National Fire Alarm Code," depending upon the nature of the physical facility involved and such other standards as required by the appropriate building and fire officials.
- (d) Fire alarm pull stations near each main exit and in the natural path of escape from a fire, at readily accessible and visible points which are not likely to be obstructed.
- (6) Each residential facility with five or fewer individuals shall be equipped with:
- (a) At least a single station smoke detector on each floor of the facility. Each smoke detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping. Where sleeping rooms are on an upper level, the smoke detector shall be placed at the center of the ceiling directly above the stairway. All smoke detectors shall be installed and maintained in accordance with the manufacturer's recommendations. When the smoke detectors are wall-mounted, they shall be located within twelve inches, but no closer than four inches, of the ceiling. Installation shall not interfere with the operating characteristics of the smoke detector. When activated, the smoke detector shall provide an alarm audible in the residential facility.
- (b) An approved fire alarm system, which includes bells, sirens, horns, lights, or other equipment as may be appropriate, when services are provided to individuals who are visually and/or hearing impaired.
- (c) An automatic sprinkler system meeting the requirements of "National Fire Protection Association" 13-D, "Sprinkler Systems in One and Two Family Dwellings," and a smoke detection system as required by paragraph (E)(6)(a) of this rule when the residential facility cannot be physically evacuated in three minutes or less.
- (7) The operator shall ensure that all sprinkler systems, fire alarms, extinguishing systems, and other safety equipment are properly maintained.
- (8) The department may utilize the "National Fire Protection Association 101: Life Safety Code" (2011 edition) to determine if additional life safety requirements are needed.



- (9) The operator shall conduct and document at least three fire safety drills in a twelve-month period with one conducted during the morning, one conducted during the afternoon or evening, and one conducted during the time when individuals are routinely asleep.
- (10) The operator shall conduct and document at least one tornado drill in a twelve-month period.
- (11) Fire safety drills and tornado drills may be announced or unannounced and shall be conducted in accordance with the assessed needs of individuals as identified in their individual plans or individual service plans.
- (12) Residential facility staff shall be trained in fire safety, operation of fire safety equipment and warning systems, and emergency response plan in accordance with rule 5123:2-3-01 of the Administrative Code.
- (13) Each individual shall participate in documented training of the residential facility's fire safety plan and emergency response plan within thirty calendar days of residency and at least once during every twelve-month period thereafter. The training shall be appropriate for the individual's needs based on the results of an assessment.
- (14) Except at an intermediate care facility for individuals with intellectual disabilities, individuals may be trained to assist one another in case of fire or other emergency to the extent their abilities permit without additional personal risk and as indicated in their individual plans or individual service plans.
- (15) The operator shall report to the department within one business day any fire to which a local fire department responded.
- (16) The operator shall report to the department within one business day when an emergency requires the operator to relocate individuals from the residential facility.