



Ohio Administrative Code

Rule 5160-3-02.7 Emergency management and resident relocation plan for nursing facilities (NFs).

Effective: June 24, 2016

(A) Purpose.

The purpose of this rule is to set forth provisions for the preparation for, response to, and recovery from an emergency or disaster at a NF. The provisions of this rule are in addition to the requirements set forth in sections 5165.77, 5165.80, and 5165.81 of the Revised Code, and in rule 3701-17-25 of the Administrative Code.

(B) Emergencies and disasters.

"Emergencies and disasters" are unexpected situations or sudden occurrences of a serious or urgent nature that create a substantial likelihood that one or more of a facility's residents may be harmed and/or may need to be relocated. Events that may constitute an emergency or disaster include, but are not limited to, the following:

- (1) Tornado, severe wind, severe storm, flood, or other natural disaster.
- (2) Fire.
- (3) Explosion.
- (4) Loss of electrical power.
- (5) Release of hazardous chemicals or other hazardous material.
- (6) Outbreak of contagious disease.
- (7) Civil disturbance such as a riot.



(8) A labor strike that suddenly causes the number of staff members in a facility to be below that necessary for resident care.

(9) A missing resident, where there is the likelihood that the resident may be harmed while absent from the facility.

(C) Emergency and disaster plan.

(1) In accordance with 42 C.F.R. 483.75(m) (October 1, 2015), each facility shall have a detailed written plan of procedures to be followed in the event of an emergency or disaster. The emergency and disaster plan shall include the following components regarding resident relocation:

(a) Procedures for securing emergency shelter, including resident identification and tracking.

(b) Procedures for resident care, including supplies, equipment, and staffing.

(c) Procedures for contacting physicians, family, guardians, other individuals responsible for residents, and government agencies.

(d) Procedures for resident transportation, hospitalization, therapy, and other appropriate services, including post-emergency transportation.

(e) Procedures for records transfer.

(2) In accordance with 42 C.F.R. 483.75(m), each facility shall train all employees in the facility's emergency and disaster procedures when they begin to work in the facility, periodically review the procedures with existing staff, and carry out unannounced staff drills using those procedures.

(D) Notification.

(1) In the event of any emergency or disaster, the provider shall notify each resident's family, guardian, sponsor, next of kin, or other person responsible for the resident.



(2) In cases where residents are relocated, within one working day after the relocation of residents, the provider shall give notification of the following to the Ohio department of health (ODH):

(a) The name and location of the facility experiencing the emergency or disaster.

(b) The nature of the emergency or disaster.

(3) In cases where residents are relocated, within one working day after the relocation of residents, the provider shall give notification of the following to the county department of job and family services (CDJFS), the Ohio department of medicaid (ODM) bureau of long term care services and supports (BLTCSS) designated emergency relocation coordinator, and all applicable managed care plans:

(a) The name and location of the facility experiencing the emergency or disaster.

(b) The nature of the emergency or disaster.

(c) Any significant injuries to residents related to the emergency or disaster that result in hospitalization.

(d) The new location of residents.

(e) The plans for restoration or rehabilitation of the facility to allow residents to re-occupy the facility.

(f) An estimated timeframe for the resumption of facility operations, if applicable.

(4) In cases where residents are relocated, the provider shall submit weekly updates to the ODM BLTCSS emergency relocation coordinator, all applicable managed care plans, and ODH until the facility is permanently closed or all relocated residents are returned.

(E) Compliance and reimbursement.



In cases where residents are relocated, the provider should consult with the ODM BLTCSS emergency relocation coordinator regarding nursing facility functions that may be impacted by the temporary relocation of residents, including the following:

- (1) Level of care and pre-admission reviews.
- (2) Claims processing.
- (3) Minimum data sets (MDS) assessments and reporting.
- (4) Personal needs allowance (PNA) accounts.
- (5) Transportation.
- (6) Cost reporting.
- (F) Termination of NF services.

Pursuant to section 5165.01 of the Revised Code, a NF closure does not occur if all of the facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the facility not later than thirty days after the evacuation occurs.