3701-17-03 LICENSE FEE; APPLICATION; ISSUANCE; REVOCATION.

...(C) The initial application for a license to operate a nursing home shall be accompanied by:

...(3) A statement of ownership containing the following information:

(a) If the operator is an individual, the individual's name, address, and telephone number. If the operator is an association, corporation, or partnership, the business activity, address, and telephone number of the entity and the name of every person who has an ownership interest of five per cent or more in the entity;
(b) If the operator does not own the building or buildings or if the operator owns only part of the building or buildings in which the nursing home is housed, the name of each person who has an ownership interest of five per cent or more in the buildings;
(c) The name and address of any nursing home and any facility described in divisions (A)(1)(a) and (A)(1)(c) of section 3721.01 of the Revised Code in which the operator or administrator, or both, have an ownership interest of five per cent or more or with which the operator or administrator have been affiliated with through ownership or employment in the five years prior to the date of the application;

...(G) An operator who operates one or more nursing homes in more than one building shall obtain a separate license for each building except if such buildings are on the same lot and constitute a single nursing home, such nursing home may be operated under a single license.

(H) The license shall be posted in a conspicuous place in the nursing home.

3701-17-05 PROHIBITIONS.

(A) No nursing home, except a nursing home that is owned and operated by, and physically part of, a hospital registered under section 3701.07 of the Revised Code, may use the word "hospital" in its name or letterhead. Any nursing home that is physically part of a hospital shall inform a prospective resident, prior to admission, that the home is licensed as a nursing home and is not part of the acute care service of the hospital.

3701-17-06 RESPONSIBILITY OF OPERATOR AND NURSING HOME ADMINISTRATOR; QUALITY ASSURANCE COMMITTEE.

(A) The operator is responsible for the operation of the nursing home, for payment of the annual license renewal fee to the director, for such reports as may be required, and for compliance with Chapter 3721, Chapters 3701-13 and 3701-61, and rule 3701-17-01 to 3701-17-26 of the Administrative Code, and all federal, state, and local laws applicable to the operation of a nursing home.

(B) Each operator shall appoint an administrator. The administrator is responsible for the day-to-day operation of the nursing home in accordance with rules 370117-01 to 3701-17-26 of the Administrative Code, for implementing the provisions of section 3721.12 of the Revised Code, and for ensuring that individuals used by the home are competent to perform their job responsibilities and that services are provided in accordance with
acceptable standards of practice.
(C) Each nursing home shall establish and maintain a quality assurance committee consisting of the director of nursing, the medical director or physician designee and at least three other members of the home’s staff.
(1) The quality assurance committee shall meet at least quarterly to systematically monitor and evaluate the quality of care and quality of life provided in the home, review and investigate incidents and accidents that have occurred in the home, including, but not limited to, those related to the use of restraints as required by rule paragraph (H) of rule 3701-17-15 of the Administrative Code, identify problems and trends, and develop and implement appropriate plans of action to correct identified problems.
(2) The records of the quality committee meetings are not required to be disclosed to the director. The director shall verify through interviews with committee members and, as necessary, direct care staff that the home has a quality assurance committee which addresses quality concerns, that staff know how to access that process, and that the committee has established a protocol or method for addressing specific quality problems in the nursing home that the home believes to have now been resolved.
(3) Good faith attempts by the committee to identify and correct quality deficiencies will not be used as a basis for sanctions.

3701-17-07 QUALIFICATIONS AND HEALTH OF PERSONNEL.

...(I) All individuals used by the nursing home who function in a professional capacity shall meet the standards applicable to that profession, including but not limited to, possessing a current Ohio license, registration, or certification, if required by law.
(J) The operator or administrator shall ensure that each staff member, consultant and volunteer used by the nursing home receives orientation and training to the extent necessary to perform their job responsibilities prior to commencing such job responsibilities independently. The orientation and training shall include appropriate orientation and training about residents’ rights, the physical layout of the nursing home, the applicable job responsibilities, the home’s policies and procedures applicable to assuring safe and appropriate resident care, emergency assistance procedures, and the disaster preparedness plan.
(K) Except as provided in Chapter 3701-13 of the Administrative Code, no nursing home shall employ a person who applies on or after January 27, 1997, for a position that involves the provision of direct care to an older adult, if the person:
(1) Has been convicted of or pleaded guilty to an offense listed in division (C)(1) of section 3721.121 of the Revised Code; or
(2) Fails to complete the form(s) or provide fingerprint impressions as required by division (B)(3) of section 3721.121 of the Revised Code.

3701-17-07.1 REQUIRED TRAINING AND COMPETENCY EVALUATION FOR NURSE AIDES WORKING IN LONG-TERM CARE FACILITIES.

(A) For the purposes of this rule:
(1) "Licensed health professional" means all of the following:
(a) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;
(b) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the
Revised Code;
(c) A physician as defined in section 4730.01 of the Revised Code;
(d) A physician's assistant for whom a physician holds a valid certificate of registration
issued under section 4730.04 of the Revised Code;
(e) A registered nurse, including those authorized to practice in an advance practice role, or
a licensed practical nurse licensed under Chapter 4723. of the Revised Code;
(f) A social worker or independent social worker licensed, or social work assistant certified
under Chapter 4757. of the Revised Code;
(g) A speech pathologist or audiologist licensed under Chapter 4753. of the Revised Code;
(h) A dentist or a dental hygienist licensed under Chapter 4715. of the Revised Code;
(i) An optometrist licensed under Chapter 4725. of the Revised Code;
(j) A pharmacist licensed under Chapter 4729. of the Revised Code;
(k) A psychologist licensed under Chapter 4732. of the Revised Code;
(l) A chiropractor licensed under Chapter 4734. of the Revised Code;
(m) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of
the Revised Code;
(n) A dietitian licensed under Chapter 4759. of the Revised Code;
(o) A respiratory care professional licensed under Chapter 4761. of the Revised Code; and
(p) A massage therapist licensed under section 4731.17 of the Revised Code.

(2) "Long-term care facility" or "facility" means either of the following:
(a) A nursing home as defined in section 3721.01 of the Revised Code, other than a nursing
home or part of a nursing home certified as an intermediate care facility for the mentally
retarded under Title XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as
amended; or
(b) A facility or part of a facility that is certified as a skilled nursing facility or a nursing
facility under Title XVIII or XIX of the Social Security Act.

(3) "Nurse aide" means an individual who provides nursing and nursing-related services to
residents in a long-term care facility, other than a licensed health professional practicing
within the scope of his or her license or an individual who provides nursing or nursing-
related services as a volunteer without monetary compensation.

(4) "Nursing and nursing-related services" when performed by a nurse aide in a long term
care facility, means activities including attending to the personal care needs of residents,
and providing personal care services and activities delegated by a nurse which may include
implementation of portions of the nursing regimen, as defined in section 4723.01 of the
Revised Code, for residents whose care does not require nursing assessment or the
judgment of a nurse during the performance of the delegated activity. Nursing and nursing-
related services does not include activities that are part of the nursing regimen which
require the specialized knowledge, judgment, and skill of a registered nurse or the
application of the basic knowledge and skill required of a licensed practical nurse licensed
under Chapter 4723. of the Revised Code or any other activities that are required to be
performed by a licensed nurse under Chapter 4723. of the Revised Code. Nursing and
nursing-related services" does not include assisting residents with feeding when
performed by a dining assistant pursuant to rule 3701-17-07.2 of the Administrative Code.

(5) To "use an individual as a nurse aide" means to engage the individual to perform
nursing and nursing-related services in and on behalf of a long-term care facility.

(B) No long-term care facility shall use an individual as a nurse aide for more than four
months unless the individual is competent to provide the services he or she is to provide;
the facility has received from the nurse aide registry, established under section 3721.32 of the Revised Code, the information concerning the individual provided through the registry; and one of the following is the case:

(1) The individual was used by a facility as a nurse aide on a full-time, temporary, per diem, or other basis at any time during the period commencing July 1, 1989, and ending January 1, 1990, and successfully completed, not later than October 1, 1990, a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code, and former rule 3701-18-07 of the Administrative Code, in effect prior to October 1, 1990;

(2) The individual either has successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code and Chapter 3701-18 of the Administrative Code or has satisfied the requirements of paragraph (B)(2)(a) and (B)(2)(b) of this rule and, in either case, also has completed successfully the competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code and the applicable rules of Chapter 3701-18 of the Administrative Code. An individual shall be considered to have satisfied the requirement of having successfully completed a training and competency evaluation program approved by the director if the individual meets both of the following:

(a) The individual, as of July 1, 1989, completed at least sixty hours divided between skills training and classroom instruction in the topic areas described in divisions (B)(1) to (B)(8) of section 3721.30 of the Revised Code; and

(b) The individual received, as of that date, at least the difference between seventy-five hours and the number of hours actually spent in training and competency evaluation in supervised practical nurse aide training or regular in-service nurse aide education. For an individual to satisfy the requirements of this paragraph, the combination of skills training, classroom instruction, supervised practical nurse aide training and inservice nurse aide education shall have addressed the topic areas and subject matter components prescribed by former rule 3701-18-07 of the Administrative Code and its appendix in effect at the time of the determination.

(3) Prior to July 1, 1989, if the long-term care facility is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or prior to January 1, 1990, if the facility is not so certified, the individual completed a program that the director determines included a competency evaluation component no less stringent than the competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code and former rule 3701-18-07 of the Administrative Code in effect at the time of the determination and was otherwise comparable to the training and competency evaluation programs being approved by the director under division (A) of section 3721.31 of the Revised Code and Chapter 3701-18 of the Administrative Code;

(4) The individual is listed in a nurse aide registry maintained by another state and that state certifies that its program for training and evaluation of competency of nurse aides complies with Titles XVIII and XIX of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and regulations adopted thereunder;

(5) Prior to July 1, 1989, the individual was found competent to serve as a nurse aide after the completion of a course of nurse aide training of at least one hundred hours' duration. The determination of competency shall have been made by the director or by an instructor of the course of nurse aide training.
(6) The individual is enrolled in a prelicensure program of nursing education approved by the board of nursing or by an agency of another state that regulates nursing education, has provided the long-term care facility with a certificate from the program indicating that the individual has successfully completed the courses that teach basic nursing skills including infection control, safety and emergency procedures and personal care, and has successfully completed the competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code and the applicable rules of Chapter 3701-18 of the Administrative Code; or

(7) The individual has the equivalent of twelve months or more of full-time employment in the preceding five years as a hospital aide or orderly and has successfully completed a competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code and the applicable rules of Chapter 3701-18 of the Administrative Code. Before allowing an individual to serve as a nurse aide for more than four months in accordance with this paragraph, a facility shall receive registry verification that the individual has met the competency requirements under this paragraph unless the individual can prove that he or she has recently met the requirements and has not yet been listed on the registry. In the event that an individual has not yet been listed on the registry, facilities shall follow up by contacting the nurse aide registry to ensure that such an individual actually becomes listed on the registry. Once the facility receives written registry verification, it shall maintain such verification on file.

(C) During the four month period provided for in paragraph (B) of this rule, during which a long-term care facility may, subject to paragraph (H) of this rule, use as a nurse aide an individual who does not have the qualifications specified in paragraphs (B)(1) to (B)(7) of this rule, a facility shall require the individual to participate in one of the following:

(1) If the individual has successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code and Chapter 3701-18 of the Administrative Code, a competency evaluation program conducted by the director;

(2) If the individual is enrolled in a prelicensure program of nursing education described in paragraph (B)(6) of this rule, and has completed or is working toward completion of the courses described in that paragraph, or the individual has the experience described in paragraph (B)(7) of this rule, a competency evaluation program conducted by the director; or

(3) A training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code and, in addition, the competency evaluation program conducted by the director under division (D) of section 3721.31 of the Revised Code and the applicable rules of Chapter 3701-18 of the Administrative Code.

(D) No long-term care facility shall continue for longer than four months to use as a nurse aide an individual who previously met the requirements of paragraph (B) of this rule but since most recently doing so has not performed nursing and nursing-related services for monetary compensation for twenty-four consecutive months, unless the individual successfully completes additional training and competency evaluation by complying with paragraphs (D)(1) and (D)(2) of this rule:

(1) Doing one of the following:

(a) Successfully completing a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code and Chapter 3701-18 of the Administrative Code;
(b) Successfully completing a training and competency evaluation program described in paragraph (B)(4) of this rule; or
(c) Meeting the requirements specified in paragraph (B)(6) or (B)(7) of this rule; and
(2) In the case of an individual who is described in paragraph (D)(1)(a) or (D)(1)(c) of this rule, successfully completing the competency evaluation program conducted by the director under division (D) of section 3721.31 of the Revised Code and the applicable rules under Chapter 3701-18 of the Administrative Code.

(E) During the four-month period provided for in paragraph (D) of this rule during which a long-term care facility may, subject to paragraph (H) of this rule, use as a nurse aide an individual who does not have the qualifications specified in paragraphs (D)(1) and (D)(2) of this rule, a facility shall require the individual to participate in one of the following:
(1) If the individual has successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code and Chapter 3701-18 of the Administrative Code, a competency evaluation program conducted by the director;
(2) If the individual is enrolled in a prelicensure program of nursing education described in paragraph (B)(6) of this rule and has completed or is working toward completion of the courses described in that paragraph or the individual has the experience described in paragraph (B)(7) of this rule, a competency evaluation program conducted by the director; or
(3) A training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code and Chapter 3701-18 of the Administrative Code and, in addition, the competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code and the applicable rules of Chapter 3701-18 of the Administrative Code.

(F) For the purposes of paragraphs (C) and (E) of this rule, an individual shall be considered to be participating in a training and competency evaluation program or a competency evaluation program, as applicable, if, at minimum, the individual has a document signed by a representative of the program attesting that the individual is scheduled to attend the program.
(G) The four month periods provided for in paragraphs (B) and (D) of this rule include any time, on or after June 1, 1990, that an individual is used as a nurse aide on a full time, temporary, per diem or other basis by the facility or any other long-term care facility.

(H) A long-term care facility shall not permit an individual used by the facility as a nurse aide while participating in a training and competency evaluation program to provide nursing and nursing-related services unless both of the following are the case:
(1) The individual has completed the number of hours of training that he or she must complete prior to providing services to residents as prescribed by paragraph (A)(4) of rule 3701-18-05 of the Administrative Code through the program in which the individual is enrolled; and
(2) The individual is under the personal supervision of a registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code. An individual used by a long-term care facility as a nurse aide while participating in a training and competency evaluation program shall wear a name pin at all times that clearly indicates that the individual is a trainee. As used in this paragraph, "personal supervision" means being present physically on the floor where the individual is providing services, being available at all times to respond to requests for assistance from the individual, and being within a distance which...
allows the nurse periodically to observe the individual providing services.

(I) No long-term care facility shall impose on a nurse aide any charge for participation in
any competency evaluation program or training and competency evaluation program
approved by the director under division (A) of section 3721.31 of the Revised Code and
Chapter 3701-18 of the Administrative Code or conducted by the director under division
(C) of section 3721.31 of the Revised Code and the applicable rules of Chapter 3701-18 of
the Administrative Code, including any charge for textbooks, other required course
materials or a competency evaluation.

(J) No long-term care facility shall require that an individual used by the facility as a nurse
aide or seeking employment as a nurse aide pay or repay, either before or while the
individual is employed by the facility or when the individual leaves the facility’s employ,
any costs associated with the individual’s participation in a competency evaluation
program or training and competency evaluation program approved or conducted by the
director.

(K) In addition to competency evaluation programs and training and competency
evaluation programs required by this rule, each long-term care facility shall provide all of
the following to each nurse aide it uses:

(1) An orientation program that includes at least an explanation of the organizational
structure of the facility, its policies and procedures, its philosophy of care, a description of
its resident population, and an enumeration of its employee rules. The orientation program
shall be of sufficient duration to cover the topics enumerated in this paragraph adequately
in light of the size and nature of the facility, its resident population, and the anticipated
length of employment of the nurse aide. The orientation program for nurse aides
permanently employed by the long-term care facility shall be at least three hundred and
sixty minutes in length to occur during the first forty hours worked, with one hundred and
eighty minutes occurring before the nurse aide has any resident contact;

(2) Regular performance review to assure that individuals working in the facility as nurse
aides are competent to perform the nursing and nursing-related services they perform.
Performance reviews shall be conducted at least ninety days after the nurse aide completes
successfully the competency evaluation program conducted by the director under division
(C) of section 3721.31 of the Revised Code and the applicable rules of Chapter 3701-18 of
the Administrative Code or commences work in the facility and annually thereafter. The
performance review shall consist, at minimum, of an evaluation of the nurse aide’s working
knowledge and clinical performance and shall be conducted by the aide’s immediate
supervisor or a nurse designated by the facility to conduct the performance evaluations.
The facility shall maintain a written record of each performance review; and

(3) Regular in-service education, both in groups and, as necessary in specific situations, on
a one-to-one basis, based on the outcome of performance reviews required by paragraph
(K)(2)(a) of this rule. For the purposes of this provision, "specialty unit" means a discrete
part of the nursing home that houses residents who have common specialized care needs,
including, but not limited to, dementia care, hospice care, and mental health care units.
(a) Formal in-service education shall include an instructional presentation and may include
skills demonstration with return demonstration and inservice training. In-service training
may be provided on the unit as long as it is directed toward skills improvement, is provided
by trained individuals and is documented.
(b) In-service education shall be sufficient to ensure the continuing competence of nurse
aides and address areas of weakness as determined in nurse aides’ performance reviews.
and shall address the special needs of residents as determined by the facility staff. It also shall include, but is not limited to, training for nurse aides providing nursing and nursing-related services to residents with cognitive impairment. The in-service education for nurse aides working in specialty units shall address the special needs of the residents in the unit.

(c) The facility shall assure that each nurse aide receives at least twelve hours of formal in-service education each year and that each nurse aide who works in a specialty unit receives sufficient additional hours of training each year to meet the special needs of the residents of that specialty unit. In-service education may be obtained through web-based training programs. For purposes of this paragraph, the year within which a nurse aide must receive continuing education is calculated based on the commencement of employment.

(d) The facility shall maintain a written record of each formal in-service session which shall include a description of the subject matter, the identity of the individual or individuals providing the in-service education, a list of the nurse aides and other individuals attending the session that is signed by each attendee and the duration of the session.

3701-17-07.3 NURSE AIDE REGISTRY.

(A) The director shall maintain a nurse aide registry listing all individuals who have met the competency requirements of division (A) of section 3721.32 of the Revised Code. The registry also shall include both of the following:

(1) The statement required by section 3721.23 of the Revised Code detailing findings by the director under that section regarding alleged abuse or neglect of a resident or misappropriation of resident property;

(2) Any statement provided by an individual under section 3721.23 of the Revised Code disputing the director's findings.

(B) The department may not continue to list an individual on the registry as eligible to work in a long-term care facility unless the department has received verification in accordance with paragraph (C) of this rule that the individual provided at least seven and one-half consecutive hours or eight hours in a forty-eight-hour period of nursing and nursing-related services for compensation during the twenty-four month period immediately following either the date that the individual was placed on the registry or the most recent date of verified work. As used in this rule, “nursing and nursing-related services” means:

(1) Attending to the personal care needs of individuals;

(2) Providing personal care services as defined at divisions (A)(5)(a)(i) to (A)(5)(a)(iii) of section 3721.01 of the Revised Code; and

(3) Performing activities delegated by a nurse which may include implementation of portions of the nursing regimen, as defined by section 4723.01 of the Revised Code, for individuals whose care does not require nursing assessment or the judgment of a nurse during the performance of the delegated activity, but does not include activities that are part of the nursing regimen which require the specialized knowledge, judgment, and skill of a registered nurse or the application of the basic knowledge and skill required of a licensed practical nurse licensed under Chapter 4723. of the Revised Code or any other activities that are required to be performed by a licensed nurse under Chapter 4723. of the Revised Code.

(C) If an individual desires to remain on the registry as eligible to work as a nurse aide but is not eligible because more than twenty-four consecutive months have passed since the last date of verified work, the individual must do one of the following:
(1) Submit documentation showing that he or she has provided at least seven and one-half consecutive hours or eight hours in a forty-eight-hour period of nursing and nursing-related services for compensation during that twenty-four month period; or
(2) Successfully complete additional training and competency evaluation by complying with paragraphs (D)(1) and (D)(2) of rule 3701-17-07.1 of the Administrative Code.
(D) The documentation required in paragraph (C)(1) of this rule shall include either of the following:
(1) In the case of a facility, agency, or any other health care provider that is authorized under applicable law to provide services that include implementation of portions of a nursing regimen, as defined by section 4723.01 of the Revised Code, a statement verifying the dates that the individual performed nursing and nursing-related services for compensation; or
(2) A statement by a physician or nurse verifying that he or she has personal knowledge that the individual provided nursing and nursing-related services to a patient under the physician’s or nurse’s care. The statement shall further verify:
(a) The name of the individual that provided nursing and nursing-related services for such patient;
(b) The nature of the nursing and nursing-related services and the date or dates the individual last provided seven and one-half consecutive hours or eight hours in a forty-eight-hour period of nursing and nursing related services;
(c) That the individual received compensation for the services specified in paragraph (D)(2)(b) of this rule. If the physician or nurse is unable to verify that the individual was compensated for those services, the individual must provide further proof that he or she received compensation for the specified services.
(E) No long-term care facility shall continue for longer than four months to use as a nurse aide an individual who previously met the requirements of paragraph (B) of rule 3701-17-07.1 of the Administrative Code but is not able to verify in accordance with this rule that he or she is currently eligible to work in a long term care facility, unless the individual successfully completes additional training and competency evaluation by complying with paragraphs (D)(1) and (D)(2) of rule 3701-17-07.1 of the Administrative Code.

3701-17-08 PERSONNEL REQUIREMENTS.

(A) Each nursing home and home for the aging shall arrange for the services of an administrator who shall be present in the home to the extent necessary for effectively managing the home and assuring that needs of the residents are being met, but not less than sixteen hours during each calendar week.
...(B) Each nursing home shall employ a registered nurse who shall serve as director of nursing.

3701-17-13 MEDICAL SUPERVISION.

(A) Each nursing home operator shall arrange for the services of a physician to serve as the home’s medical director, the medical director shall:
(1) In collaboration with the administrator, the nursing director, and other health professionals, develop formal resident care policies for the nursing home that:
(a) Provide for the total medical and psycho-social needs of the resident, including admissions, transfer, discharge planning, range of services available to the resident,
emergency procedures and frequency of physician visits in accordance with resident needs and the applicable requirements of Chapter 3721. of the Revised Code and of rules 370117-01 to 3701-17-26 of the Administrative Code.

(b) Promote resident rights as enumerated in section 3721.13 of the Revised Code.

(2) Make available medical care for residents not under the care of their own physicians and to make available emergency medical care to all residents, provided their personal physicians are not readily available.

(3) Meet periodically with nursing and other professional staff to discuss clinical and administrative issues, including the need for additional staff, specific resident care problems and professional staff needs for education or consultants to assist in meeting special needs such as dentistry, podiatry, dermatology, and orthopedics, offer solutions to problems, and identify areas where policy should be developed. In carrying out this function, the medical director shall:

(a) Observe residents and facilities at least quarterly or more frequently as needed; and

(b) Review pharmacy reports, at least quarterly, including summaries of drug regimen reviews required by paragraph (H) of rule 3701-17-17 of the Administrative Code and the quality assurance activities required by paragraph (D) of rule 3701-17-06 of the Administrative Code, and take appropriate and timely action as needed to implement recommendations.

(4) Monitor the clinical practices of, and discuss identified problems with, attending physicians; act as a liaison between the attending physicians and other health professionals caring for residents and the residents’ families; and intervene as needed on behalf of residents or the home’s administration.

(5) Maintain surveillance of the health of the nursing home’s staff.

(6) Assist the administrator and professional staff in ensuring a safe and sanitary environment for residents and staff by reviewing incidents and accidents, identifying hazards to health and safety, and advising about possible correction or improvement of the environment.

3701-17-15 RESTRAINTS.

...(H) Members of the nursing home’s quality assurance committee, required by rule 3701-17-06 of the Administrative Code, shall review monthly the use of restraints and isolation and any incidents that resulted from their use, as well as incidents which resulted in the use of restraints or isolation. The review shall identify any trends, increases, and problems, the need for additional training, consultations or corrective action which shall be discussed and reflected in the minutes of the next quality assurance committee meeting.

3701-17-19 RECORDS AND REPORTS.

(A) Nursing homes shall keep the following records and such other records as the director may require:

(1) An individual medical record shall be maintained for each resident. Such record shall be started immediately upon admission of a resident to the home and shall contain the following:

(a) Admission record. Name, residence, age, sex, race/ethnicity, religion, date of admission, name and address of nearest relative or guardian, admission diagnoses from referral record and name of attending physician.
(b) Referral record. All records, reports, and orders which accompany the resident as required by rule 3701-17-10 of the Administrative Code.

(c) Nursing/care notes. A note of the condition of the resident on admission and subsequent notes as indicated to describe changes in condition, unusual events or accidents. Other individuals rendering services to the resident may enter notes regarding the services they render.

(d) Medication administration record. A doctor's order sheet upon which orders are recorded and signed by the physician, including telephone orders as required by rule 3701-17-13 of the Administrative Code; a nurse's treatment sheet upon which all treatments or medications are recorded as given, showing what was done or given, the date and hour, and signed by the nurse giving the treatment or medication; or other documentation authenticating who gave the medication or treatment.

(e) Resident progress notes. A sheet or sheets upon which the doctor, dentist, advanced practice nurse and other licensed health professionals may enter notes concerning changes in diagnosis or condition of the resident. Resident refusal of treatment and services shall also be documented in the progress notes.

(f) Resident assessment record. All assessments and information required by rule 3701-17-10 of the Administrative Code.

(g) Care plan. The plan of care required by rule 3701-17-14 of the Administrative Code.

(2) The nursing home shall maintain all records required by state and federal laws and regulations, as to the purchase, delivery, dispensing, administering, and disposition of all controlled substances including unused portions.

(3) The nursing home shall submit an annual report to the department of health on a form prescribed by the director for calendar year 1999.

(4) The nursing home shall maintain a record of all residents admitted to or discharged from the nursing home, and of any additional information necessary to complete the report required in paragraph (A)(3) of this rule.

(B) A record shall be kept showing the name and hours of duty of all persons who work in the home. The nursing home shall maintain each employee’s current home address in its personnel file.

(C) All records and reports required under rules 3701-17-01 to 3701-17-26 of the Administrative Code shall be prepared, maintained, filed, and transmitted when required, and shall be made available for inspection at all times when requested by the director or his authorized representative. The records may be maintained in electronic format, microfilm, or other method that assures a true and accurate copy of the records are available.

(1) The nursing home shall maintain the records and reports required by paragraph (A)(1) of this rule in the following manner:

(a) The home shall safeguard the records and reports against loss, destruction, or unauthorized use and store them in a manner that protects and ensures confidentiality.

(b) The home shall maintain the records and reports for seven years following the date of the resident’s discharge, except if the resident is a minor, the records shall be maintained for three years past the age of majority but not less than seven years.

(c) Upon closure of the home, the operator shall provide and arrange for the retention of records and reports in a secured manner for not less than seven years.

(2) The nursing home shall maintain all other records and reports required by rules 3701-17-01 to 3701-17-26 of the Administrative Code for seven years.
(3) Upon the request of the resident, or legal representative, the nursing home shall provide:
(a) Access to medical and financial records and reports pertaining to the resident within twenty-four hours, excluding holidays and weekends; and
(b) Photocopies of any records and reports, or portions thereof, at a cost not to exceed the community standard for photocopying, unless otherwise specified by law, upon two working days advanced notice.
(D) All records and reports required by Chapter 3701-13 of the Administrative Code shall be maintained and made available in accordance with that chapter.

3701-17-25 DISASTER PREPAREDNESS AND FIRE SAFETY.

Each operator shall:
(A) Provide, maintain, and keep current a written disaster preparedness plan to be followed in case of emergency or disaster. A copy of the plan shall be readily available at all times within the nursing home. The nursing home shall ensure that each staff member, consultant and volunteer is trained and periodically updated about the home’s disaster preparedness plan and understands their role in the event of fire or other disaster or emergency. The plan shall include the following:
(1) Procedures for evacuating all individuals in the nursing home, including:
(a) Provisions for evacuating residents with physical or cognitive impairments;
(b) Provisions for transporting all of the residents of the nursing home to a predetermined appropriate facility or facilities that will accommodate all the residents in the event a disaster requires long-term evacuation of the nursing home; and
(c) A written transfer agreement, renewed biannually, with the appropriate facility or facilities for accommodating all of the residents of the nursing home in case of a disaster requiring evacuation of the nursing home;
(2) Procedures for locating missing residents;
(3) Procedures for ensuring the health and safety of residents during severe weather situations, such as tornadoes and floods, and designation of tornado shelter areas in the home; and
(4) Procedures, as appropriate, for ensuring the health and safety of residents in nursing homes located in close proximity to areas known to have specific disaster potential, such as airports, chemical processing plants, and railroad tracks.

(B) Conduct the following drills, unless the state fire marshal allows a home to vary from this requirement and the nursing home has written documentation to this effect from the state fire marshal:
(1) Twelve fire exit drills every year, at least every three months on each shift to familiarize nursing home personnel with signals and emergency action required under varied conditions. Fire exit drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions except that the movement of infirm and bedridden residents to safe areas or to the exterior of the structure is not required. Drills conducted between nine p.m. and six a.m. may use a coded announcement instead of an audible alarm; and
(2) At least two disaster preparedness drills per year, one of which shall be a tornado drill which shall occur during the months of March through July.
(C) Keep a written record and evaluation of each conducted drill and practice which shall include the date, time, employee attendance, effectiveness of the plan, and training format
used. This record shall be on file in the nursing home for three years.
(D) Provide and post in a conspicuous place in each section and on each floor of the nursing home a floor plan designating room use, locations of alarm sending stations, fire extinguishers, fire hoses, exits and flow of resident evacuation.
(E) Require at least one responsible employee to attend a fire safety course approved by the state fire marshal's office. The operator shall require all staff members to be periodically instructed in fire control and evacuation and disaster procedures and kept informed of their duties under the evacuation plan.
(F) Conduct at least monthly a fire safety inspection which shall be recorded on forms provided by the department and kept on file in the nursing home for three years.