

5122-35-09 Responsibilities of operators.

The operator of a certified adult foster home shall comply with all of the following:

(A) The operator shall provide accommodations, personal care services, and supervision, as needed by residents;

(B) The operator shall provide snacks and three nutritious, well-balanced meals, in accordance with the resident's dietary needs;

(C) Upon request by the AAA, the operator shall provide a written description of the previous week's meals to the AAA;

(D) The operator shall provide a laundry service, as needed, for the bed linens, towels, and clothing of the resident;

(E) In the event of acute illness, accident, nursing facility admission, or hospitalization of a resident, the operator shall contact the resident's physician and/or source of medical care immediately. The operator shall also notify any emergency contact pre-designated by the resident, and the resident's RSS case manager, if applicable, as soon as possible, but not later than twenty-four hours after the emergency occurs. The operator shall document the occurrence and contacts in the resident's record;

(F) The operator shall maintain on the premises, for each resident, a medical statement certifying that the resident is free from communicable disease, as defined by rule [3701-3-02](#) of the Administrative Code, that is signed and dated by a licensed physician, and is updated annually;

(G) The adult foster home operator shall enter into a resident agreement with each prospective resident that is signed and dated by the operator and the resident (or the resident's legal representative) prior to the date on which the resident moves into the home. The operator shall maintain the resident agreement on the premises of the home. The agreement shall include at least the following:

(1) An explanation of monthly charges for which the resident is financially responsible;

(2) A statement that no charges, fines, or penalties other than those stipulated in the agreement will be assessed against the resident;

(3) An explanation of the operator's policies for refunding monthly charges in the event of the resident's absence, discharge, or transfer from the home;

(4) An explanation of the extent and types of services the operator will provide to the resident;

(5) An explanation of residents' rights; and,

(6) A clause that outlines how the agreement may be terminated by either party.

(H) The operator shall not provide, admit, or retain any resident in need of skilled nursing care, unless all of the following apply:

(1) The care is provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period by a home health agency certified under Title XVIII of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C.301, as amended, or a hospice care program licensed under Chapter 3712. of the Revised Code;

(2) The home health agency does not train the caregiver to provide the skilled nursing care; and,

(3) The individual to whom the skilled nursing care is provided is suffering from a short-term illness.

(I) The operator shall discharge the resident if the resident's condition requires more skilled nursing care than permitted under paragraph (H) of this rule;

(J) An operator may not admit or retain any resident who is not capable of taking care of the resident's own medication and biologicals, as determined and documented by the resident's personal physician, unless the medication is administered by a home health agency or hospice home care program. The operator shall keep all medication in a locked area. The caregiver may do any of the following after the caregiver has received training:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container:

(2) Assist a resident in self-administration of medication by taking the medication from the locked area where it is stored and handing it to the resident. Prior to handing the medication to the resident, the caregiver shall check the name on the prescription label and verify that it is the name of the resident requesting the medication. The caregiver may read the label and directions to the resident upon request. The caregiver may remind the resident when the prescribed medication needs to be refilled. Caregivers shall not assist a resident with a prescription that belongs to another resident. If the resident is physically unable to open the container, a caregiver may open the container for the resident; and,

(3) Assist a physically impaired, but mentally alert resident in removing oral or topical medication from containers and in consuming or applying the medication upon request by or with the consent of the resident. If the resident is physically unable to place a dose of medicine in the resident's mouth without spilling it, a caregiver may place the dose in a container and place the container in the mouth of the resident.

(K) If the adult foster home operator agrees to manage a resident's funds, the operator shall do the following:

(1) Deposit any amount over two hundred dollars in an interest-bearing account separate from the home's operating accounts;

(2) Deposit any amount less than two hundred dollars in either a petty cash fund or an interest bearing account;

(3) Ensure that all interest earned on funds belonging to a resident is credited to the resident;

(4) Provide the resident with access to the resident's money at all times and encourage the resident to manage the resident's own money independently; and,

(5) Limit any purchases on behalf of the resident by the operator or a caregiver using a resident's funds to only those purchases that are requested by the resident and for which a receipt can be produced.

(L) Upon the request of the resident, the operator shall provide a written statement regarding the status of the resident's property. The operator shall provide the resident with a final accounting and return all of the resident's property to the resident at time of permanent transfer or discharge. Upon the death of the resident, the operator shall release all of the resident's property to the individual administering the resident's estate;

(M) No operator, caregiver, or staff person of an adult foster home, or the family member of an operator, caregiver, or staff person, may serve as the legal guardian of a resident, unless the individual was appointed guardian prior to July 13, 2003;

(N) The operator shall notify the AAA of any incidents or issues of the physical facility that may have an impact on provider certification;

(O) The operator shall reside in the home and shall be present in the home a sufficient amount of time to meet the needs of residents;

(P) The operator shall notify each resident's PAA case manager and sponsor of the caregiver's planned absences from the home. The operator shall also document this in the resident's records. An alternative caregiver shall be designated to carry out the duties of the primary caregiver when the caregiver is on vacation or absent for more than six continuous hours; and,

(Q) The operator shall submit to the AAA for review, contingency plans covering the unexpected absence, vacation, or disability of the caregiver. The AAA shall review the contingency plans and shall disapprove the plans if determined to be insufficient to protect the residents in the home and shall require the applicant to submit new plans. These plans shall be approved by the AAA before the home is certified or recertified.

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