

# LICENSED RESIDENTIAL FACILITY *RULES*

Presented by:

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# LICENSED RESIDENTIAL FACILITY RULES

- ▶ DODD initiated the development of Licensure Rules revisions over two years ago
- ▶ OCID/OPRA/VFA/OACB and several advocacy groups participated in meetings during that time and submitted comments during clearance process



# LICENSED RESIDENTIAL FACILITY RULES

- ▶ Intent was to have rules more consolidated and as uniform as possible for all licensed residential settings (ICF/IID and HCBS)
- ▶ This was in conjunction with the new Provider Certification Rules impacting Independent and Agency Providers and in some areas mirror or are comparable
- ▶ Rules impacted are: 5123:2-3-01 through 5123:2-3-10 (previously 01-26)

# LICENSED RESIDENTIAL FACILITY RULES

- ▶ Rules are available on the DODD website at <http://dodd.ohio.gov/RulesLaws/Pages/Rules-Under-Development.aspx>
- ▶ As of October 1, 2016, Rules will be located at <http://dodd.ohio.gov/RulesLaws/Pages/RulesInEffect.aspx>
- ▶ Licensure Rules Roll-Out Memo was sent out in March of 2016
- ▶ New Review Tools were sent out in July

# LICENSED RESIDENTIAL FACILITY RULES

## Elimination of Existing Requirements

- ▶ Preparation of Menus
- ▶ Conducting physical evacuation during fire safety drill once per year
- ▶ TB testing for staff of residential facilities other than ICFs

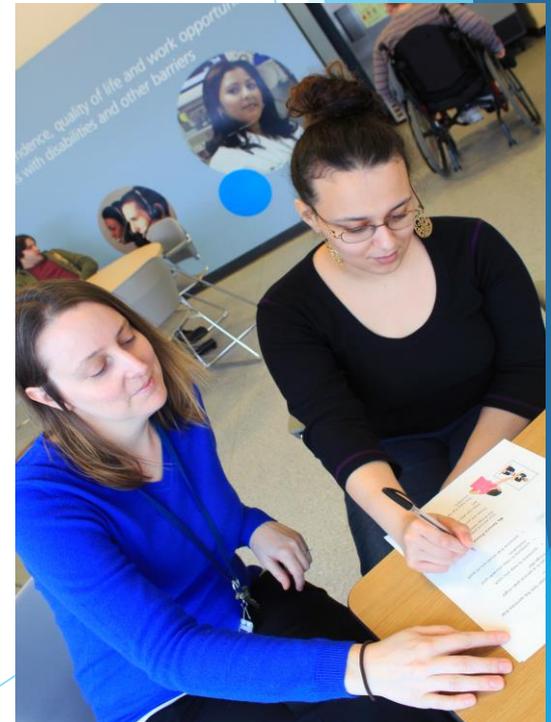
***\* PLEASE NOTE THAT MANY OF THE NEW RULES NOW REFERENCE OTHER DODD RULES, SO YOU MUST BE AWARE OF, AND IN COMPLIANCE WITH REFERENCED RULES AS WELL.***

# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-01 Licensed Residential Facilities- Administration and Operation

### Administrator

- ▶ Rapback enrollment required for licensee, operator or administrator
- ▶ Administrator must report charge, conviction, guilty plea within 14 days to DODD - Report to Licensure Manager

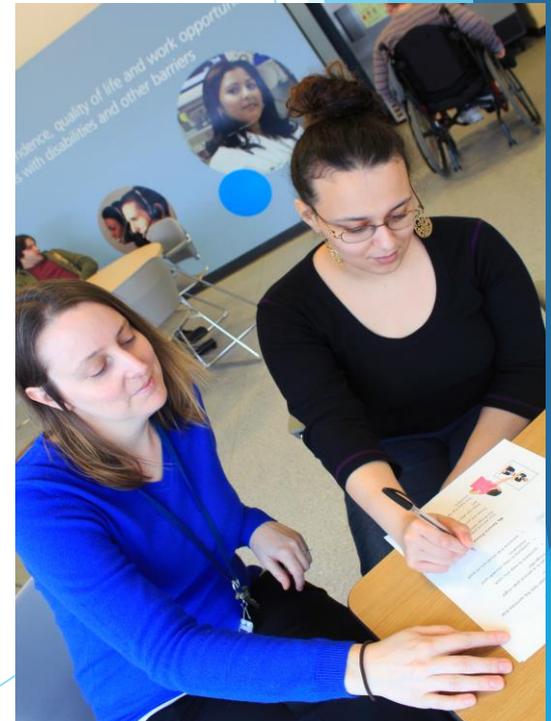


# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-01 Licensed Residential Facilities-Administration and Operation

### Administrator

- ▶ Administrator must complete Licensed Residential Facility Orientation
- ▶ Administrator requirements expanded to require a bachelor's degree or at least 4 yrs. experience as supervisor of DD programs
- ▶ Initial and Annual training requirements for administrators include specific areas: fiscal/billing, internal compliance programs, Individual rights and Health and Welfare Alerts, PCP, community integration, self determination and advocacy



# LICENSED RESIDENTIAL FACILITY RULES

## Direct Service Professionals

- ▶ Requirements for ALL direct service staff must hold a High School diploma or GED
- ▶ DSP training areas include person centered planning, community integration, self determination and advocacy
- ▶ Within 60 days of hire ALL direct service staff must be CPR & First aid certified



# LICENSED RESIDENTIAL FACILITY RULES

## Direct Service Professionals

- ▶ Individual specific ISP training must include the plan and what is important to/for the individual
- ▶ Facility specific Fire and Emergency Response Training within 30 days of hire
- ▶ Other topics for training include; Community Participation, Self-Determination, Self- Advocacy, Rights, MUI, Universal Precautions



# LICENSED RESIDENTIAL FACILITY RULES

## Other Agency Staff/Volunteers

- ▶ Additional/updated requirements for Supervisory staff including: Service Documentation, Fiscal Administration/Billing, Management of Individuals' Funds
- ▶ Support staff training requirements include; Overview of Fire & ER if they work in the residential building
- ▶ Volunteers addressed with expanded definitions. Training and background checks required for any individual volunteering more than 40 hours in a year (this does NOT include natural supports to an individual)

# LICENSED RESIDENTIAL FACILITY RULES

## Other Agency Administrative Requirements

- ▶ Must have a system for Internal Compliance
- ▶ Must ensure not only the rights of individuals, but distribution of rights in compliance with ORC 5123.63 and 5123.64
- ▶ Fire and Emergency Response plans must be approved by local or state authority
- ▶ Fire and Water Inspections required annually, but do not have to be submitted to DODD
- ▶ Swimming pool - under 5ft deep - allows Red Cross Shallow Water Lifeguarding Certificate

# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-02 Physical Environment, fire safety & emergency response planning

- ▶ No bedroom shall be occupied by more than 2 individuals
  - ▶ ICFs submit plan prior to 12/31/15 to achieve by 2025



# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-02 Physical Environment, fire safety & emergency response planning

### ▶ Fire Drills

- ▶ 3 per calendar year
- ▶ 1 in the morning, 1 in the afternoon/evening, 1 during sleep time
- ▶ 1 Tornado Drill
  
- ▶ Anything additional such as increased frequency, physical evacuation should be carried out per the ISP



# LICENSED RESIDENTIAL FACILITY RULES

## Other Physical Environment Requirements

- ▶ Maintain compliance with original feasibility
  - ▶ Changes require renovation approval
- ▶ Bathroom Ration of 1:4



# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-03 Person-Centered Planning:

- ▶ Purpose to assure that services are delivered in accordance with IP that is developed through person-centered planning.
- ▶ What is important to the individual and what is important for the individual shall drive the development of the IP
- ▶ Services may be prioritized based on needs/wants



# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-03 Person-Centered Planning:

- ▶ Person-Centered Planning Process
  - ▶ Comprehensive Functional Assessment (CFA)
  - ▶ Discovery
  - ▶ Team Meeting



# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-03 Person-Centered Planning:

- ▶ Person-Centered Plan Must;
  - ▶ Be implemented with informed consent
  - ▶ Include Supports/Services needed for successful transition to integrated community settings, both residential and vocational
    - ▶ Contact County Board if individual requests to receive services in a community-based setting
    - ▶ DODD is creating a guide to facilitate these conversations



# LICENSED RESIDENTIAL FACILITY RULES

- ▶ 5123:2-3-04 Provision of services & Maintenance of service records:
- ▶ ICFs shall ensure individuals:
  - ▶ Have information about day activities offered by other providers and opportunities to explore community participation
  - ▶ Participate in day activities that foster community participation unless IP indicates such is medically contraindicated
  - ▶ Have access to a variety of day activities
- ▶ *\*DODD memo indicates: “by 10/1/16 ICFs must develop and provide to the Dept. upon request, a written plan explaining how they will come into compliance by 10/1/17”*

# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-04 Provision of services & Maintenance of service records:

### ▶ Healthcare

- ▶ Self Administration - 5123:2-6-02
- ▶ Delegated Nursing - 5123-2-6-06
- ▶ Medication Administration - 5123:2-6-03
- ▶ Med Error Reports - 5123:2-3-07 & 5123:2-17-02

### ▶ Med Disposal Policy



# LICENSED RESIDENTIAL FACILITY RULES

- ▶ **Transportation**
  - ▶ Staff who provide transportation must;
    - ▶ Have a valid License
    - ▶ Be covered by insurance
    - ▶ Have an initial Driver's Abstract
    - ▶ Have a Driver's Abstract every 3 years
    - ▶ Have less than 6 points
  - ▶ Agency Transportation Policy



# LICENSED RESIDENTIAL FACILITY RULES

## ▶ Food

- ▶ Menus are no longer required

## ▶ Clothing/Personal Belongings

- ▶ Inventory is only required if individual is assessed to need and is receiving assistance with managing



# LICENSED RESIDENTIAL FACILITY RULES

## ▶ Community Participation in Day Activities

- ▶ Provide Information on other Day Activity Services available
- ▶ Employment First - Path to Employment addressed in IP
- ▶ Offer a variety of activities with opportunities to experience community participation
- ▶ Continues requirement that day activity setting be outside the residential facility and at least 200 feet away



# LICENSED RESIDENTIAL FACILITY RULES

## Other New Requirements of 5123:2-3-04

- ▶ Transfer of all individual records when there is a change in operator/licensee
- ▶ Policy to ensure Confidentiality of records
- ▶ Records Retention Policy
- ▶ Termination of Services Summary to new provider

# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-05: Admission, termination of services and transfer:

- ▶ Discharge is not considered a “Termination” if it is a temporary placement in another ICF or a NF when the plan is for the individual to return to the licensed residential facility
- ▶ Allows the individual to waive 30 day bed hold after receiving discharge notice
- ▶ Defined “Emergency” as;
  - ▶ A situation in which there is documentation of attempt to serve, but the risk to the individual or others continues
  - ▶ A change in a person’s LOC no longer making them eligible for services in the licensed residential facility

# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-06: Compliance reviews, issuance of licenses, and adverse actions:

- ▶ To streamline the process this rule establishes procedures for issuing 3-year renewal licenses
- ▶ Procedural details about the process are incorporated into the rule

# LICENSED RESIDENTIAL FACILITY RULES

## Three year license:

- ▶ The outcome of the review has determined substantial compliance with all requirements
- ▶ An approved plan of correction has been verified to have been implemented.
- ▶ Licensure fee has been collected

## Fee for a 3 year license:

15 or fewer beds: \$300

16 or more beds: \$1,500



# LICENSED RESIDENTIAL FACILITY RULES

## Adverse actions

- ▶ **Suspension of admissions**: if Department determines facility has demonstrated a pattern of serious noncompliance or a violation poses a substantial risk to the health and safety of residents
  
- ▶ **Placement of a monitor**: if/when the Department determines the situation requires ongoing oversight to facilitate necessary corrective action. This is on-site monitoring *provided or arranged* by DODD 24/7 anytime an individual is in the facility

# LICENSED RESIDENTIAL FACILITY RULES

## ▶ Refusal to renew license

Opportunity to appeal and submit POC can result in 1 year license

## ▶ Revocation of license

DODD may initiate based on “demonstrated pattern of serious noncompliance or violation poses substantial risk to health and safety”

119 Hearings initiated no opportunity for appeal of cites or submission of POC

## ▶ Termination of license

More than 12 consecutive months since facility last occupied or licensee failed to provide notice of modifications or replacement in accordance with Admin. Code

119 Hearings initiated

# LICENSED RESIDENTIAL FACILITY RULES

## One Year License

### Tied to An Adverse Action

The department may initiate proceedings to refuse to renew the license of facility upon determination that “ the facility has demonstrated a pattern of serious noncompliance or a violation poses a substantial risk to the health and safety of individuals”

- ▶ Facility does have opportunity for appeal and POC submission and IF approved and verified will be issued a one year license

Fee for a one year license:

15 or fewer beds: \$100

16 or more beds: \$500



# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-08 Development of licensed residential beds

- ▶ Facility may continue to operate at capacity it is licensed for as of effective date of rule
- ▶ Approved development shall be permitted to proceed as proposed and approved
- ▶ Toilet and bathing facilities must be provided at a minimum ratio of one to four.



# LICENSED RESIDENTIAL FACILITY RULES

## 5123:2-3-08 Development of licensed residential beds

- ▶ Number of beds in an ICF shall not exceed 6: unless DODD determines that facility required capacity >6 to be financially viable (then not >8)
- ▶ Number of beds in a waiver home shall not exceed 4
- ▶ ICF Interim License
  - 15 or fewer beds: \$100
  - 16 or more beds: \$500

# LICENSED RESIDENTIAL FACILITY RULES

**5123:2-3-09 Standards for evaluating potential receivers**

**5123:2-3-10 Procedures to waive rule requirements**

**5123:2-3-07 Emergency Removal**

**5123:2-2-07 Personal Funds of the Individual**

# LICENSED RESIDENTIAL FACILITY RULES

## Further details:

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Thank you to Marilyn Weber and Carol Rolf for the use of some materials contained in this presentation

