

## TO BE RESCINDED

5123:2-3-03                    **Establishing a term license.**

(A) Purpose

The purpose of this rule is to establish the standards used by the department to determine the license term of a residential facility.

(B) Definitions

- (1) "Licensure survey tool" means the instrument used by the department, as indicated in appendix A to this rule, to determine the licensee's compliance with licensure standards.
- (2) "Notice of license non-renewal" means that, as a result of a licensure survey and application of the provisions of this rule, the director declines to renew the license of a facility upon its expiration.
- (3) "Non-compliance" means any single deficiency that adversely affected the health and/or welfare of the individual or posed a significant risk of serious harm to the individual or the numbers of deficiencies of standards are widespread in relation to the sample surveyed as determined by the department.
- (4) "Partial compliance" means that several deficiencies of a standard have been identified and that those deficiencies did not adversely affect the health and/or welfare of an individual, and the numbers of deficiencies are not widespread and pose little or no significant risk of serious harm to the individual in relation to the sample surveyed as determined by the department.
- (5) "Substantial compliance" means that no deficiencies of a standard have been identified, or that any deficiencies are minimal in number, isolated, and pose little or no significant risk of serious harm to the individual in relation to the sample surveyed as determined by the department, and any deficiencies did not adversely affect the health and/or welfare of the individual.

(C) Scoring of rules and standards

- (1) Each standard shall consist of rules, which shall be evaluated by the department to determine the licensee's compliance with the rule.

(a) For standards one through ten, each rule shall be scored as follows:

- (i) Two points shall be given for each rule where substantial compliance is demonstrated by the licensee;
- (ii) One point shall be given for each rule where partial compliance is demonstrated by the licensee;
- (iii) No points shall be given for each rule where non-compliance is demonstrated by the licensee.

(b) For standard eleven ("General Requirements"), no more than three deficiencies may be cited in order to pass that standard.

(2) The scores for each standard shall be determined by adding the points accrued for each rule within that standard. The facility's score for each standard shall be compared to the following schedule to determine if the facility passed that standard.

Schedule of Scores Needed to Pass Standards

Standard Number	Standard	Total Possible Score	Score Needed to Pass Standard
1	Service Plan Development and Implementation	32	27
2	Personal Care/Dress	12	10
3	Individual Funds Management	16 (ICF/MR); 26 (Non-ICF/MR)	14 (ICF/MR); 22 (Non-ICF/MR)
4	Behavior Support	28	24
5	Incident Prevention and Reporting	14	12
6	Home Environment	22	19
7	Employment and Staffing	24	20
8	Facility Safety	20	17

9	Facility and Individual Records	16	14
10	Staff Training	26	22
11	General Requirements	Not Applicable	No More than 3 Deficiencies

## (D) Establishing the license term

The term of a license shall be established as follows:

## (1) A three-year license shall be issued when:

- (a) A facility passes all eleven standards; and
- (b) For facilities of fifteen or fewer, there are no deficiencies issued; or
- (c) For facilities of sixteen or more, there are no more than four deficiencies issued.

## (2) A two-year license shall be issued when:

- (a) A facility passes ten standards; and
- (b) For facilities of fifteen or fewer, there are no more than four deficiencies issued; or
- (c) For facilities of sixteen or more, there are no more than seven deficiencies issued.

## (3) A one-year license shall be issued when:

- (a) A facility passes less than ten, but at least eight standards; and/or
- (b) For facilities of fifteen or fewer, there are more than four but no more than fifteen deficiencies issued; or
- (c) For facilities of sixteen or more, there are more than seven but no more than fifteen deficiencies issued.

(4) A notice of license non-renewal is issued when:

(a) A facility passes less than eight standards; or

(b) Any facility is issued more than fifteen deficiencies.

(E) The term of a license shall be established following the licensee's appeal of any deficiencies in accordance with rule 5123:2-3-02 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 11/06/2015

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5123.04, 5123.19  
Rule Amplifies: 5123.04, 5123.19  
Prior Effective Dates: 01/17/2005, 01/01/2006