

TO BE RESCINDED

5123:2-3-04 **General requirements.**

- (A) The purpose of this rule is to establish general requirements of the licensee to operate a residential facility. This rule and all other rules for licensed residential facilities will focus on the achievement of outcomes that are important to the individuals served in licensed facilities.
- (B) The licensee is responsible for the overall operation of the residential facility including, but not limited to, submitting such reports as may be required and ensuring that the residential facility is in compliance with all rules adopted under Chapter 5123:2-3 of the Administrative Code, rules adopted under other chapters of the Administrative Code pursuant to section 5123.19 of the Revised Code, and all applicable federal, state and local regulations, statutes, rules, codes, and ordinances.
- (C) The licensee shall provide or arrange for the transportation of the individuals residing in the residential facility as identified in the individual's plan.
- (D) The licensee and all employees shall interact with individuals in a way to safeguard the rights of individuals enumerated under sections 5123.62 and 5123.65 of the Revised Code. The licensee shall be responsible for meeting the requirements established under sections 5123.63 and 5123.64 of the Revised Code.
- (E) If the licensee is a natural person, he/she shall obtain a criminal records check that meets the requirements of rule 5123:2-3-06 of the Administrative Code. The administrator of a residential facility shall also obtain a criminal records check that meets the requirements of that rule. Unless the rehabilitation standards established by the department in paragraph (M) of rule 5123:2-3-06 of the Administrative Code or the requirements of paragraph (N) of that rule have been met, no licensee or administrator shall operate a residential facility if he/she has been convicted of or pleaded guilty to any of the offenses listed or described in paragraphs (G)(1) to (G)(4) of rule 5123:2-3-06 of the Administrative Code. The requirements of this paragraph shall apply only to persons who apply for a license or who become the administrator of a residential facility on or after the effective date of this rule. The requirements of this paragraph shall not apply to licensees, or their administrators, who are natural persons seeking a new license due to one of the following:
- (1) A rebuilding of existing licensed beds at the same site or a relocation of existing licensed beds to a new site in accordance with rule 5123:2-16-01 of the Administrative Code;
 - (2) A change in the licensed capacity of the residential facility in accordance with rule 5123:2-16-01 of the Administrative Code;

- (3) A change of funding source in accordance with rule 5123:2-16-01 of the Administrative Code; or
 - (4) A significant change in ownership in accordance with rule 5123:2-16-01 of the Administrative Code.
- (F) The licensee shall monitor the physical and psychological health of individuals and coordinate and arrange timely access to needed and preventative evaluations and treatments. The licensee shall ensure that appropriate records and knowledgeable staff accompany individuals to physical and psychological evaluations or are available to provide pertinent information related to the treatment indicated in the individual's plan.

Effective:

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

Certification

Date

Promulgated Under: 119.03
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