

TO BE RESCINDED

5123:2-3-07 **Employment and staffing.**

(A) Purpose

The purpose of this rule is to ensure the outcomes related to health and safety of individuals residing in a residential facility are achieved in part by establishing requirements for employing staff, maintaining personnel records, and establishing minimum staffing standards.

(B) Employment requirements

- (1) The licensee shall be responsible for compliance with all applicable federal, state, and local regulations, statutes, rules, codes, or ordinances pertaining to employment including, but not limited to, civil rights agreements; job classifications; wages and hours; workers' compensation; withholding taxes; employment of minors; nondiscrimination of employment because of disability, race, color, religion, national origin, ancestry, sex, or age; and fair employment practices.
- (2) The licensee shall have written personnel policies that address applicable federal, state and local regulations pertaining to employment.
- (3) The licensee shall employ an administrator except where the licensee serves as the full-time administrator. The administrator of the residential facility shall have at least one year's working experience in the management, care, supervision, or training of individuals with mental retardation or other developmental disabilities. A staff person shall be designated in writing to whom executive authority has been delegated in the absence of the administrator.
- (4) All habilitation staff shall be at least eighteen years of age.
- (5) Volunteers shall be appropriately oriented and supervised to ensure the health and safety of the individuals.
- (6) Habilitation staff and support staff employed on or after the effective date of this rule shall be tested for tuberculosis in accordance with this paragraph. The required tuberculosis test shall include a two-step Mantoux tuberculin skin test administered by a person properly trained to administer tuberculin skin tests, or, if the person has a documented history of a significant Mantoux skin test, an x-ray. The person shall not work in the facility until after the results of the first skin test have been obtained and recorded in millimeters of

in duration. If the first step is non-significant, a second step shall be performed at least seven, but not more than twenty-one, days after the first step was performed. Only a single Mantoux is required if the person has documentation of either a single-step Mantoux test or a two-step Mantoux test within one year of commencing work.

- (a) If either step of the Mantoux test is significant, the person shall have a chest x-ray and shall not enter the residential facility until after the results of the chest x-ray have been obtained and the person is determined to not have active pulmonary tuberculosis. Whenever a chest x-ray is required by this paragraph, a new chest x-ray need not be performed if the person has had a chest x-ray no more than thirty days before the date of the significant Mantoux test. Additional Mantoux testing is not required after one medically documented significant test. A subsequent chest x-ray is not required unless the person develops symptoms consistent with active tuberculosis.
 - (b) For persons with a significant Mantoux test and the chest x-ray does not indicate active pulmonary tuberculosis, the facility shall require that the person be evaluated and considered for preventive therapy. Thereafter, the facility shall require the person to report promptly any symptoms of tuberculosis which include unexplained weight loss, loss of appetite, chronic cough of more than three weeks, fever, coughing, and spitting up blood and night sweats. The facility shall annually document the presence or absence of symptoms suggestive of tuberculosis in such a person and maintain this documentation on file.
 - (c) After initial screening for tuberculosis required by this paragraph and annually thereafter within one year plus or minus thirty days of the previous year's date of screening, a tuberculosis screening for symptoms suggestive of active tuberculosis shall be conducted for all habilitation and support staff. This screening shall include, at a minimum, questions about the signs and symptoms of tuberculosis as indicated in paragraph (B)(6)(b) of this rule. The frequency of any additional Mantoux skin test screenings or the need for a physician evaluation shall be dependent upon this assessment.
- (7) Professional program staff must be licensed, certified, or registered, as applicable by the state, to provide professional services in the field in which they practice.

(C) Staffing standards

- (1) Habilitation staff shall be on-duty on the basis of the needs of individuals. On-duty habilitation staff shall be determined by each individual's plan. Staff schedules shall be prepared and available for review for each residential facility.
- (2) The licensee must provide sufficient support staff so that habilitation staff are not required to perform support services to the extent that these duties interfere with the exercise of their primary duties.
- (3) At least one staff person who has current certification in first aid and CPR shall be present when individuals are being served by the licensee regardless of where services are being provided.
- (4) When there is a swimming pool on the grounds of the residential facility including facilities in apartment complexes, the pool shall only be used by the individuals in the presence of a person with "Red Cross" or equivalent lifeguard safety training unless the individual's plan indicates otherwise.

(D) Personnel records

Personnel records shall be maintained for each employee in accordance with the facility's personnel policies.

Effective:

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

Certification

Date

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