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~~5123:2-3-01~~ 5123-3-01 Licensed residential facilities - administration and operation.

(A) Purpose

This rule sets forth requirements for administration and operation of residential facilities licensed in accordance with section 5123.19 of the Revised Code.

(B) Definitions

For the purposes of this rule, the following definitions apply:

(1) "Abuser registry" has the same meaning as in rule 5123-17-03 of the Administrative Code.

(2) "Accredited college or university" means a college or university accredited by a national or regional association recognized by the secretary of the United States department of education or a foreign college or university of comparable standing.

(3) "Administrator" means the person responsible for administration of the residential facility who shall be directly and actively involved in the day-to-day operation of the residential facility and oversee provision of services by the residential facility.

(4) "Certificate of high school equivalence" has the same meaning as in section 3301.80 of the Revised Code and includes the equivalent of a certificate of high school equivalence described in division (C) of that section.

(5) "Department" means the Ohio department of developmental disabilities.

~~(3) "Direct services position" has the same meaning as in section 5123.081 of the Revised Code and includes staff who provide habilitation services.~~

(6) "Direct support professional" means a person who is employed in a "direct services position" as that term is defined in section 5123.081 of the Revised Code.

(7) "Health-related activities" has the same meaning as in rule 5123:2-6-01 of the Administrative Code.

(8) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(9) "Individual" means a person with a developmental disability.

(10) ~~"Individual plan" or "individual~~ "Individual service plan" means the written description of services, supports, and activities to be provided to an individual and includes an "individual program plan" as that term is used in 42 C.F.R. 483.440 as in effect on the effective date of this rule.

(11) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(12) "License" means written approval by the department to a licensee to operate a

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residential facility.

- (13) "Licensee" has the same meaning as in section 5123.19 of the Revised Code.
- (14) "Operator" means ~~the licensee or an entity with which the licensee has established a contract for~~ the entity responsible for management of and provision of services at the residential facility.
- (15) "Person-centered planning" has the same meaning as in rule ~~5123:2-3-03~~ 5123-3-03 of the Administrative Code.
- ~~(16) "Professional staff" means employees of the residential facility who are licensed, certified, or registered by the state to provide professional services in the field in which they practice.~~
- (16) "Related party" has the same meaning as in section 5123.16 of the Revised Code.
- (17) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.
- (18) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department. If there is a question as to whether an entity is providing specialized services, an operator may request that the director of the department make a determination. The director's determination is not subject to appeal. Programs or services available to the general public are not specialized services.
- (19) "Supervisory staff" means employees of the residential facility who provide direction or exercise supervision over one or more ~~employees in direct services positions~~ direct support professionals.
- (20) "Support staff" means employees of the residential facility who are not direct support professionals such as those in human resources positions, secretaries, clerks, housekeepers, maintenance workers, and laundry workers ~~who are not in direct services positions, who are not supervisory staff, and who are not professional staff.~~
- (21) "Volunteer" means a person who donates time, effort, and/or talent to meet a need or advance the mission of a residential facility and who is not paid or otherwise remunerated by the residential facility. "Volunteer" does not include a family member, guardian, friend, or other associate of an individual simply interacting with that individual.

(C) General requirements

- (1) A residential facility shall be licensed by the department in accordance with section 5123.19 of the Revised Code. The license to operate a residential facility is not transferable and is valid only for the licensee, the premises named on the license, the number of individuals specified on the license, and the term specified on the license.

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The license shall be available at the residential facility and shown to anyone upon request. ~~The licensee shall take all actions necessary to maintain the license.~~

(2) A licensee shall serve as operator of the residential facility or contract with another entity to serve as operator of the residential facility. When a licensee contracts with another entity to serve as operator:

(a) The licensee and operator shall enter into an agreement that establishes the operator's responsibility to provide the licensee all information necessary to comply with paragraphs (C)(4)(a) to (C)(4)(g) of this rule.

(b) The licensee remains responsible for ensuring compliance with all rules and regulations governing the residential facility.

~~(2) (3) A licensee providing~~ When home and community-based services ~~under a medicaid waiver administered by the department~~ are provided at a residential facility, the licensee or the operator, as applicable, shall submit an application for approval to provide home and community-based services in accordance with procedures established by the department, obtain and maintain a medicaid provider agreement with the Ohio department of medicaid, and comply with rules in ~~Chapter~~ Chapters 5123-9 and 5123:2-9 of the Administrative Code for the specific home and community-based services provided.

~~(4) The operator shall annually obtain a fire inspection and if applicable, a water and sewer inspection, which shall be provided to the department upon request. [Moved to 5123-3-02.]~~

(4) A licensee shall:

~~(5) (a) The operator shall disclose or report in writing to~~ Electronically notify the department if the licensee, operator, or administrator has been or is ever formally charged with, convicted of, ~~or~~ pleads guilty to, or is found eligible for intervention in lieu of conviction for any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code within fourteen calendar days after the date of such charge, conviction, ~~or~~ guilty plea, or finding.

~~(6) (b) The operator shall disclose or report in writing to~~ Electronically notify the department within fourteen calendar days if the licensee, operator, or administrator is or becomes a related party of a person or government entity for which the department refused to issue or renew or revoked a supported living certificate pursuant to section 5123.166 of the Revised Code.

~~(7) (c) The operator shall provide to~~ Electronically notify the department within fourteen calendar days of occurrence, and provide the name, ~~country of birth,~~ date of birth, and social security number for any person ~~owning~~ newly acquiring a financial interest of five per cent or more in the residential facility (including a direct, indirect, security, or mortgage financial interest).

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~~(8)~~ ~~(d) The operator shall provide~~ Provide and maintain on file with the department, ~~current United States mail~~ the licensee's and the operator's current physical address, telephone number, and electronic mail ~~addresses~~ address.

~~(10)~~ ~~(e) The operator shall maintain~~ At the point of application for licensure and upon request by the department, provide:

(i) A certificate of a continuing policy of general liability insurance in the amount of at least ~~five hundred thousand~~ one million dollars which includes coverage for individuals' losses due to theft or property damage.

(ii) Proof of a continuing line of credit in the licensee's name in an amount of at least ten thousand dollars.

(f) Electronically notify the department within seven calendar days of any bankruptcy petition for which the licensee or operator is the subject and provide related documents to the department upon request.

(g) Electronically notify the department within fourteen calendar days of determining that the administrator has had a professional registration, certification, or license (other than a driver's license) suspended or revoked.

(5) An operator shall:

~~(3)~~ ~~(a) The operator shall comply~~ Comply with rules in Chapter ~~5123:2-3~~ 5123-3 of the Administrative Code, rules in other chapters of the Administrative Code adopted by the department to license or regulate the operation of residential facilities, and all applicable federal, state, and local regulations including but not limited to, the Americans with Disabilities Act, fire safety code, wage and hour, workers' compensation, unemployment compensation, and withholding taxes.

(b) Have written policies and procedures that address management practices regarding:

(i) Person-centered planning and self-determination;

(ii) Individuals' satisfaction with services delivered;

(iii) Internal monitoring and evaluation procedures to improve services delivered;

(iv) Supervision of staff;

(v) Training plan described in paragraph (D)(7) of this rule;

(vi) Service delivery;

(vii) Background investigations for employment in accordance with rule 5123-2-02 of the Administrative Code; and

(viii) Volunteers (when the residential facility engages volunteers).

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- (9) ~~(c) The operator shall demonstrate~~ Demonstrate that it has an established internal ~~system compliance program~~ to ensure compliance with requirements for:
- (i) Residential facilities in accordance with rules in Chapter ~~5123:2-3~~ 5123-3 of the Administrative Code;
 - (ii) Background investigations and appropriate actions in accordance with rule ~~5123:2-2-02~~ 5123-2-02 of the Administrative Code, for its administrator, licensee, operator, ~~and each employee, contractor, and employee of a contractor who is engaged in a direct services position~~ supervisors of direct support professionals, direct support professionals, and when applicable, volunteers; and
 - (iii) Service delivery, service documentation, and billing for services in accordance with ~~rules in Chapter 5123:2-9 of the Administrative Code for the specific home and community-based services provided.~~ Chapter 5123. of the Revised Code and rules adopted pursuant to that chapter for supported living services and the specific home and community-based services provided; and
 - (iv) Management of individuals' funds.
- ~~(11)~~ (d) ~~The operator shall participate~~ Participate as requested by the department in service delivery system data collection initiatives ~~such as the national core indicators staff stability survey.~~
- ~~(12)~~ (e) ~~The~~ Ensure the operator and its employees ~~shall~~ interact with individuals in a way to safeguard the rights of individuals enumerated in sections 5123.62 and 5123.65 of the Revised Code.
- ~~(13)~~ (f) ~~The licensee shall be responsible for meeting~~ Meet the requirements established under sections 5123.63 and 5123.64 of the Revised Code.
- (6) When a residential facility is governed by a board of directors, board members shall:
- (a) Ensure the fiscal integrity of the residential facility by reviewing and approving the residential facility's annual audit, if otherwise required, or annual financial statements and by monitoring the residential facility's financial status including trends and challenges;
 - (b) Review and evaluate all compliance review reports by the department or the Ohio department of health and the operator's response, including the plan of correction;
 - (c) Monitor the effectiveness of the operator's internal compliance program described in paragraph (C)(12) of this rule; and
 - (d) Promote the delivery of high-quality services.

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~~(14) Swimming pools on the grounds of residential facilities including residential facilities in apartment complexes, shall be used by individuals only in the presence of a person who holds "American Red Cross" or equivalent lifeguarding certificate or shallow water lifeguarding certificate if the pool is less than five feet deep, unless otherwise specified in the individual plan or individual service plan. [Moved to 5123-3-02.]~~

(D) Staffing

An operator shall:

- (1) ~~The operator shall conduct~~ Conduct background investigations and take appropriate actions in accordance with rule ~~5123:2-2-02~~ 5123-2-02 of the Administrative Code for the administrator ~~or operator serving as administrator, and each employee, contractor, and employee of a contractor who is engaged in a direct services position,~~ supervisors of direct support professionals, direct support professionals, and when applicable, volunteers. The administrator shall consent to be enrolled in the Ohio attorney general's retained applicant fingerprint database (also known as "Rapback"). When the licensee and/or operator is a natural person, ~~he or she~~ the licensee and/or operator shall be subject to background investigations in accordance with the requirements for candidates set forth in rule ~~5123:2-2-02~~ 5123-2-02 of the Administrative Code and consent to be enrolled in the Ohio attorney general's retained applicant fingerprint database (also known as "Rapback").
- ~~(2) The operator shall enroll each employee, contractor, and employee of a contractor who is engaged in a direct services position in the Ohio attorney general's retained applicant fingerprint database ("Rapback").~~
 - ~~(a) An employee, contractor, and employee of a contractor who is engaged in a direct services position employed by or under contract with the operator on the day immediately prior to the effective date of this rule shall be enrolled in "Rapback" at the point he or she is next subject to a criminal records check by the bureau of criminal identification and investigation in accordance with rule 5123:2-2-02 of the Administrative Code.~~
 - ~~(b) An employee, contractor, and employee of a contractor who is engaged in a direct services position hired or engaged by the operator on or after the effective date of this rule shall be enrolled in "Rapback" at the point of his or her initial criminal records check by the bureau of criminal identification and investigation in accordance with rule 5123:2-2-02 of the Administrative Code.~~
- (2) ~~The operator shall provide annual written notice to each employee, contractor, and employee of a contractor~~ Annually notify in writing, each of its staff members explaining the conduct for which the ~~employee, contractor, or employee of a contractor~~ staff member may be placed on the abuser registry and setting forth the requirement for each ~~employee, contractor, and employee of a contractor who is engaged in a direct services position~~ staff member who is a supervisor of direct support professionals or a direct support professional to report in writing to the

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operator, if ~~he or she~~ the staff member is ~~every~~ formally charged with, is convicted of, ~~or~~ pleads guilty to, or is found eligible for intervention in lieu of conviction for any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code within fourteen calendar days after the date of such charge, conviction, ~~or~~ guilty plea, or finding.

- (3) ~~The operator shall be~~ Be current in payment of payroll taxes, workers' compensation premiums, and unemployment compensation premiums.
- (4) ~~The operator shall ensure~~ Ensure that staff are on duty on the basis of the needs of individuals being served. Staff schedules shall be prepared in advance and available for review at each residential facility.
- (5) ~~The operator shall provide~~ Provide sufficient support staff so that ~~staff in direct services positions~~ direct support professionals are not required to perform support services to the extent that these duties interfere with the exercise of their primary duties.
- (6) ~~The operator shall maintain~~ Maintain personnel records for each employee in accordance with the residential facility's personnel policies.
- ~~(8) The operator shall maintain a written record, which may include an electronic record, of initial and continuing training completed by each staff member and volunteer. Documentation of training shall include the name of the person receiving the training, date of training, training topic, duration of training, instructor's name if applicable, and a brief description of the training. This information shall be made available upon request by the department and may be maintained at the residential facility or other accessible location.~~
- (7) Develop and implement a written training plan for its administrator, supervisors of direct support professionals, direct support professionals, support staff, and when applicable, volunteers that:
 - (a) Is consistent with the needs of individuals served, best practice, and the requirements set forth in appendix A, appendix B, and appendix C to this rule.
 - (b) Describes the method (e.g., written test, skills demonstration, or documented observation by supervisor) that will be used to establish competency in areas of training.
 - (c) Is updated at least once every twelve months and identifies who is responsible for arranging or providing the training and projected timelines for completion of the training.
- (8) Maintain a written record of training completed by its administrator, supervisors of direct support professionals, direct support professionals, support staff, and volunteers that includes a description of the training completed, the date of training, the duration of training, and when applicable, the instructor's name.

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(E) Requirements for administrator

- (1) The operator shall employ an administrator ~~except where the operator serves as the administrator.~~ When the operator is a natural person, the operator may serve as the administrator provided the operator meets the requirements for administrators set forth in this rule.
- (2) The administrator ~~or operator serving as administrator~~ shall:
 - (a) Have a valid birth certificate.
 - (b) Be at least twenty-one years of age.
 - (c) Have a valid social security ~~number and one of the following forms of identification:~~ card and a valid government-issued photo identification.
 - ~~(i) State of Ohio identification;~~
 - ~~(ii) Valid driver's license; or~~
 - ~~(iii) Other government-issued photo identification.~~
 - (d) Be able to read, write, and understand English at a level sufficient to comply with all requirements set forth in administrative rules governing the services provided.
 - ~~(d) Except for a person who, on the day immediately prior to the effective date of this rule, was employed by or under contract with a residential facility as the administrator, hold a high school diploma or general education development certificate.~~
 - ~~(e) Except for a person who, on the day immediately prior to the effective date of this rule, was employed by or under contract with a residential facility as the administrator, either:~~
 - ~~(i) Hold a bachelor's degree from an accredited college or university; or~~
 - ~~(ii) Have at least four years of full-time (or equivalent part-time) paid work experience as a supervisor of programs or services for individuals with developmental disabilities.~~
 - ~~(f) Except for a person who, on the day immediately prior to the effective date of this rule was employed by or under contract with a residential facility as the administrator, have at least one year of full-time (or equivalent part-time) paid work experience in the provision of services to individuals with developmental disabilities which included responsibility for:~~
 - ~~(i) Personnel matters;~~
 - ~~(ii) Supervision of employees;~~

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~~(iii) Program services; and~~

~~(iv) Financial management.~~

(e) Have at least:

(i) One year of full-time (or equivalent part-time) paid work experience in the provision of specialized services; or

(ii) Four years of experience providing care to a family member (i.e., parent, child, or sibling) with a developmental disability.

(f) Have at least one year of full-time (or equivalent part-time) paid work experience in:

(i) Supervision of employees;

(ii) Development, oversight, and/or supervision of programs or services; and

(iii) Financial management of an organization.

(g) Except for a person who, on September 30, 2016, was employed by or under contract with a residential facility as the administrator, hold either:

(i) A bachelor's degree from an accredited college or university; or

(ii) A high school diploma or certificate of high school equivalence and have at least:

(a) Four years of full-time (or equivalent part-time) paid work experience as a supervisor of specialized services; or

(b) Four years of experience providing care to a family member (i.e., parent, child, or sibling) with a developmental disability.

(h) Successfully complete the training specified in appendix A to this rule.

~~(g) Except for a person who, on the day immediately prior to the effective date of this rule, was employed by or under contract with a residential facility as the administrator, successfully complete within thirty calendar days of hire as the administrator or operator serving as administrator, the department provided web-based orientation for administrators of residential facilities.~~

~~(h) Except for a person who, on the day immediately prior to the effective date of this rule, was employed by or under contract with a residential facility as the administrator, successfully complete within sixty calendar days of hire as the administrator or operator serving as administrator, training in accordance with standards established by the department in:~~

~~(i) Service documentation;~~

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- ~~(ii) Fiscal administration and/or billing for services, as applicable;~~
- ~~(iii) Internal compliance programs;~~
- ~~(iv) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and~~
- ~~(v) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department.~~
- ~~(i) Successfully complete, commencing in the second year of employment as the administrator or operator serving as administrator, annual training in accordance with standards established by the department in:~~
 - ~~(i) A residential facility's role and responsibilities with regard to services including person-centered planning, community participation and integration, self-determination, and self-advocacy;~~
 - ~~(ii) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and~~
 - ~~(iii) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department since the previous year's training.~~
- (3) The operator shall designate in writing a staff member to whom executive authority has been delegated in the temporary absence of the administrator.
- (4) The operator shall ~~report in writing to the department~~ electronically notify the department within fourteen calendar days when the administrator ~~or operator serving as administrator~~ leaves or joins the residential facility's employ. ~~The notification shall indicate when the operator anticipates filling the position and to whom executive authority has been delegated in the interim.~~
 - (a) When the administrator leaves a residential facility's employ, the operator shall provide the operator's plan for identifying a new administrator and identify the person to whom executive authority has been delegated in the interim period.
 - (b) A person newly appointed or employed as administrator shall complete the department-provided web-based orientation for administrators of residential facilities described in appendix A to this rule within thirty calendar days of appointment or hire.
- (5) An administrator shall electronically notify the department if the administrator:
 - (a) Serves as administrator for more than one licensee.
 - (b) Is or was the administrator of a residential facility at a point in time within the last five years when the residential facility had its license revoked or not renewed.

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- (F) Requirements for ~~staff, including supervisory staff and professional staff, in direct services positions~~ direct support professionals
- (1) The operator shall ensure that each ~~employee, contractor, and employee of a contractor engaged in a direct services position~~ direct support professional:
- (a) Is at least eighteen years of age.
 - ~~(b) Has a valid social security number and one of the following forms of identification:~~
 - ~~(i) State of Ohio identification;~~
 - ~~(ii) Valid driver's license; or~~
 - ~~(iii) Other government issued photo identification.~~
 - (b) Holds a high school diploma or ~~general education development~~ certificate of high school equivalence, except for persons who, on ~~the day immediately prior to the effective date of this rule~~ September 30, 2016, were employed by or under contract with a residential facility in a direct services position.
 - (c) Is able to read, write, and understand English at a level sufficient to comply with all requirements set forth in administrative rules governing the services provided.
 - ~~(e) Successfully completes prior to providing direct services, eight hours of training in accordance with standards established by the department in:~~
 - ~~(i) Overview of serving individuals with developmental disabilities including implementation of individual plans or individual service plans;~~
 - ~~(ii) The role and responsibilities of direct services staff with regard to services including person-centered planning, community participation and integration, self-determination, and self-advocacy;~~
 - ~~(iii) Universal precautions for infection control, including hand washing and the disposal of bodily waste;~~
 - ~~(iv) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code;~~
 - ~~(v) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department; and~~
 - ~~(vi) An overview of fire safety and emergency procedures.~~
 - ~~(f) Successfully completes prior to providing direct services, training specific to each individual he or she will support that includes:~~
 - ~~(i) What is important to the individual and what is important for the individual;~~

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and

~~(ii) The individual's support needs including, as applicable, behavioral support strategy, management of the individual's funds, and medication administration/delegated nursing.~~

~~(g) Successfully completes within thirty calendar days of hire, and specific to each residential facility in which he or she works, training in fire safety, operation of fire safety equipment and warning systems, and emergency response plan. Until such time that a staff member completes the training required by this paragraph, he or she may provide direct services only when there is another staff member who has current training required by this paragraph present.~~

(2) An operator shall ensure that each direct support professional:

(a) Obtains within sixty calendar days of hire and thereafter maintains valid "American Red Cross" or equivalent certification in first aid which includes an in-person skills assessment completed with an approved trainer. Until such time that ~~a staff member obtains~~ certification in first aid, he or she is obtained, the direct support professional may provide direct services only when there is another staff member who holds valid certification in first aid present.

(b) Obtains within sixty calendar days of hire and thereafter maintains valid "American Red Cross" or equivalent certification in cardiopulmonary resuscitation which includes an in-person skills assessment completed with an approved trainer. Until such time that ~~a staff member obtains~~ certification in cardiopulmonary resuscitation, he or she is obtained, the direct support professional may provide direct services only when there is another staff member who holds valid certification in cardiopulmonary resuscitation present. ~~An intermediate care facility for individuals with intellectual disabilities that has nursing staff on site twenty-four hours per day, seven days per week may, in accordance with rule 5123:2-3-10 of the Administrative Code, request a waiver of the requirement for all direct services staff to hold certification in cardiopulmonary resuscitation.~~

(c) Successfully completes the training specified in appendix B to this rule.

~~(j) Successfully completes, commencing in the second year of employment or contract, annual training in accordance with standards established by the department in:~~

~~(i) The role and responsibilities of direct services staff with regard to services including person-centered planning, community participation and integration, self-determination, and self-advocacy;~~

~~(ii) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code;~~

~~(iii) The requirements of rule 5123:2-17-02 of the Administrative Code including~~

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~~a review of health and welfare alerts issued by the department since the previous year's training;~~

~~(iv) Fire safety and operation of fire safety equipment and warning systems specific to each residential facility in which he or she works; and~~

~~(v) The emergency response plan specific to each residential facility in which he or she works.~~

~~(2) An employee, contractor, or employee of a contractor engaged in a direct services position shall be deemed to have met the annual training requirements set forth in paragraph (F)(1)(j) of this rule if he or she is scheduled for training and the training is completed within thirty calendar days of the deadline.~~

~~(G) Additional requirements for supervisory staff~~

~~The operator shall ensure that within ninety calendar days of becoming a supervisor, supervisory staff successfully complete training in accordance with the residential facility's policies and procedures regarding:~~

~~(1) Service documentation;~~

~~(2) Fiscal administration and/or billing for services, as applicable; and~~

~~(3) Management of individuals' funds.~~

(G) Requirements for supervisory staff

The operator shall ensure that each staff member who supervises direct support professionals:

(1) Meets the requirements set forth in paragraphs (F)(1) and (F)(2) of this rule; and

(2) Has successfully completed training regarding all relevant duties and responsibilities of being a supervisor for the residential facility within ninety calendar days of becoming a supervisor.

(H) Requirements for support staff

~~(1) The operator shall ensure that prior to assuming their duties, support staff receive training in accordance with standards established by the department in:~~

~~(a) The role and responsibilities of the residential facility with regard to services including person-centered planning, community participation and integration, self-determination, and self-advocacy;~~

~~(b) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; (c) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department; and~~

~~(e) An overview of fire safety and emergency procedures.~~

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~~(2) The operator shall ensure that within thirty calendar days of hire and at least once annually thereafter, support staff receive training in:~~

~~(a) Fire safety and operation of the fire safety equipment and warning systems specific to each residential facility in which he or she works; and~~

~~(c) The emergency response plan specific to each residential facility in which he or she works.~~

The operator shall ensure that support staff successfully complete the training specified in appendix C to this rule.

(I) Volunteers

(1) A residential facility may engage volunteers to provide supplementary services.

(2) The operator shall ensure that volunteers are at all times under supervision of paid supervisory staff of the residential facility.

(3) The operator shall ensure that volunteers do not provide intimate personal care (such as dressing, showering, bathing, toileting, or changing undergarments), administer medication, or perform health-related activities.

(4) The operator shall ensure that volunteers who provide more than forty hours of service working directly with residents during a calendar year receive training ~~in:~~ specified in appendix D to this rule.

~~(a) The role and responsibilities of the residential facility with regard to services including person-centered planning, community participation and integration, self-determination, and self-advocacy;~~

~~(b) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code;~~

~~(c) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department; and~~

~~(d) An overview of fire safety and emergency procedures.~~

(5) The operator shall ensure that volunteers who provide more than forty hours of service working directly with residents during a calendar year undergo background investigations.

(a) The background investigation for a volunteer shall include:

(i) Requiring the volunteer to submit a statement to the operator with the volunteer's signature attesting that ~~he or she~~ the volunteer has not been convicted of, ~~or~~ pleaded guilty to, or been found eligible for intervention in lieu of conviction for any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code.

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- (ii) Requiring the volunteer to sign an agreement under which the volunteer agrees to notify the operator within fourteen calendar days if the volunteer is formally charged with, is convicted of, ~~or~~ pleads guilty to, or is found eligible for intervention in lieu of conviction for any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code. The agreement shall provide that failure to make the notification may result in termination of the volunteer's services.
- (iii) Establishing the volunteer is not included in any of the databases described in paragraph (C)(2) of rule ~~5123:2-2-02~~ 5123-2-02 of the Administrative Code.
- (iv) Obtaining a criminal records check conducted by the Ohio bureau of criminal identification and investigation. If the volunteer does not present proof that ~~he or she~~ the volunteer has been a resident of Ohio for the five-year period immediately prior to the date upon which the criminal records check is requested, the criminal records check shall include information from the federal bureau of investigation.
- (b) The operator shall, at a frequency of no less than once every five years, conduct a background investigation in accordance with paragraph ~~(I)(4)(a)~~ (I)(5)(a) of this rule for each volunteer.
- (c) The operator shall not engage or continue to engage a volunteer who:
 - (i) Is included in one or more of the databases described in ~~paragraph (C)(2)~~ paragraphs (C)(2)(a) to (C)(2)(f) of rule ~~5123:2-2-02~~ 5123-2-02 of the Administrative Code; or
 - (ii) Has a conviction for, pleads guilty to, or is found eligible for intervention in lieu of conviction for any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code if the corresponding exclusionary period as specified in paragraph (E) of rule ~~5123:2-2-02~~ 5123-2-02 of the Administrative Code has not elapsed.

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APPENDIX A

TRAINING REQUIREMENTS FOR ADMINISTRATOR

Within thirty calendar days of appointment or hire, the administrator shall successfully complete the department-provided web-based orientation for administrators of residential facilities including:

- (1) "National Alliance for Direct Support Professionals" code of ethics
- (2) Rights of individuals set forth in section 5123.62 of the Revised Code and the operator's responsibilities set forth in sections 5123.63 and 5123.64 of the Revised Code
- (3) Facilitating community participation and integration for individuals served
- (4) Service documentation
- (5) Fiscal administration and/or billing for services, as applicable
- (6) Rule 5123-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department
- (7) Internal compliance programs
- (8) Empathy-based care

On an annual basis, the administrator shall successfully complete:

- (1) Two hours of department-provided web-based training in:
 - (a) Essential topics relevant to the residential facility's role and responsibilities
 - (b) Empathy-based care
 - (c) Rule 5123-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department since previous year's training
- (2) Four hours of training selected by the administrator in topics relevant to services provided and individuals served by the residential facility and/or management of the residential facility

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APPENDIX B

TRAINING REQUIREMENTS FOR DIRECT SUPPORT PROFESSIONALS

Prior to providing direct services, each direct support professional shall successfully complete:

- (1) Training provided or arranged by the operator in:
 - (a) Mission, vision, values, and organizational structure of the residential facility
 - (b) Policies, procedures, and work rules of the residential facility
 - (c) Overview of specific services provided by the residential facility
 - (d) Service documentation
 - (e) An overview of fire safety and emergency procedures
- (2) Training provided by the department or by an entity using department-provided curriculum in:
 - (a) Empathy-based care
 - (b) Role of a direct support professional including "National Alliance for Direct Support Professionals" code of ethics
 - (c) Rights of individuals set forth in section 5123.62 of the Revised Code
 - (d) Implementation of individual service plans and service outcomes
 - (e) Recognizing and reporting major unusual incidents and unusual incidents
 - (f) Universal precautions for infection control
- (3) Training provided or arranged by the operator specific to the individual service plan of each individual the direct support professional will support regarding what is important to the individual and what is important for the individual (examples include but are not limited to, health and safety, community integration, employment goals, behavioral support strategy, management of the individual's funds, or medication administration/delegated nursing needs)

Within thirty calendar days of hire, each direct support professional shall successfully complete:

- Training provided or arranged by the operator in:
- (a) Person-centered planning and provision of services
 - (b) Facilitating community participation and integration for individuals served
 - (c) Provisions of rule 5123-17-02 of the Administrative Code relevant to the direct support professional's duties including a review of health and welfare alerts issued by the department
 - (d) Empathy-based care
 - (e) Specific to each residential facility in which the direct support professional works,

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training in fire safety, operation of fire safety equipment and warning systems, and emergency response plan. Until such time that a direct support professional completes this training, the direct support professional may provide direct services only when there is another staff member who has completed the training present.

On an annual basis, each direct support professional shall successfully complete:

- (1) Two hours of training provided by the department or by an entity using department-provided curriculum in topics relevant to the direct support professional's duties including:
 - (a) "National Alliance for Direct Support Professionals" code of ethics
 - (b) Rights of individuals set forth in section 5123.62 of the Revised Code
 - (c) Empathy-based care
- (2) Six hours of training provided or arranged by the operator in:
 - (a) Recognizing and reporting major unusual incidents and unusual incidents, residential facility-specific data regarding major unusual incidents, and strategies for preventing major unusual incidents
 - (b) Review of health and welfare alerts issued by the department since previous year's training
 - (c) Topics selected from the following list that are relevant to services provided and people served by the residential facility:
 - (i) Components of quality care (examples include but are not limited to, interpersonal relationships and trust; cultural competency; effective communication; person-centered philosophy, planning, and practice; implementing individual service plans; trauma-informed care; or empathy-based care)
 - (ii) Health and safety (examples include but are not limited to, signs and symptoms of illness or injury and procedure for response; or transportation safety)
 - (iii) Positive behavioral support (examples include but are not limited to, creating positive culture; general requirements for intervention and behavioral support strategies and role of the direct support professional including documentation; or crisis intervention techniques)
 - (d) Specific to each residential facility in which the direct support professional works, training in fire safety, operation of fire safety equipment and warning systems, and emergency response plan

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APPENDIX C

TRAINING REQUIREMENTS FOR SUPPORT STAFF

Prior to assuming duties, support staff shall successfully complete:

- (1) Training provided by the department or by an entity using department-provided curriculum in:
 - (a) Empathy-based care
 - (b) Rights of individuals set forth in section 5123.62 of the Revised Code
 - (c) Recognizing and reporting major unusual incidents and unusual incidents
- (2) An overview of fire safety and emergency procedures provided or arranged by the operator

Within thirty calendar days of hire, support staff shall successfully complete:

Training provided or arranged by the operator, specific to each residential facility in which the support staff works, in:

- (a) Fire safety, operation of fire safety equipment and warning systems
- (b) Emergency response plan

On an annual basis, each support staff shall successfully complete:

- (1) Training provided by the department or by an entity using department-provided curriculum in rights of individuals set forth in section 5123.62 of the Revised Code
- (2) Training provided or arranged by the operator in:
 - (a) Recognizing and reporting major unusual incidents and unusual incidents, residential facility-specific data regarding major unusual incidents, and strategies for preventing major unusual incidents
 - (b) Review of health and welfare alerts issued by the department since previous year's training

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APPENDIX D

TRAINING REQUIREMENTS FOR VOLUNTEERS

Volunteers who provide more than forty hours of service working directly with residents during a calendar year shall successfully complete:

- (1) Training provided by the department or by an entity using department-provided curriculum in:
 - (a) Role and responsibilities of a volunteer in supporting individuals served by the residential facility including "National Alliance for Direct Support Professionals" code of ethics
 - (b) Rights of individuals set forth in section 5123.62 of the Revised Code
 - (c) Recognizing and reporting major unusual incidents and unusual incidents
- (2) An overview of fire safety and emergency procedures provided or arranged by the operator