

## **OHCA comments on Second Draft 3701-17**

Thank you for the opportunity to participate in the stakeholder meeting and comment on these rules. The stakeholder meeting was a positive discussion. I have tried to make my comments easy to review by going rule by rule. I added the rules I had no comments on to ensure I did not miss commenting on any specific rule. I look forward to meeting again to discuss these new additions with stakeholders. I also have facility representatives who would like to participate. I am always available to discuss these comments and can be reached at 614-288-0613 or [msmith@ohca.org](mailto:msmith@ohca.org).

Thank you,

Mandy Smith, OHCA Regulatory Director, HSE/CEAL/CEHCH/IPCO/LNHA/LMT/LPTA/QCP/RAC-CTA/WCC

### **3701-17-01**

No comments

### **3701-17-02**

No comments

### **3701-17-03.1**

No comments

### **3701-17-03**

Do we have to put all of this into the rule, or can we outline the need to complete an application and then have the application available on the department's web page?

I want to verify that under 3701-16-03, the renewal is only submitting things if there are changes, not having to do the full application annually, correct?

Except as provided in paragraph (C) of this rule, the operator or administrator will notify the director, residents and their sponsors or legal representatives and the regional long-term care ombudsman program, designated under section 173.16 of the Revised Code, serving the area where the home is located, in writing or electronically of any changes in the information contained in this paragraph no later than ten days after the change occurs

Also, we would recommend returning to the previous language for renewal without putting all this into the rule. This is an extreme amount of detail into the rule on what should be part of the renewal application. The previous language encompassed the need.

This also covers it:

(L) The director may request additional information at any time which the director determines to be necessary to assess compliance with the applicable criteria, standards, and criteria established by Chapter 3721. of the Revised Code and rules 3701-17-01 to 3701-17-26 of the Administrative Code. The applicant will truthfully respond and submit any additional information requested by the director within sixty days of the director's request unless the director specifies otherwise.

To verify, under 3701-16-03, the renewal is only submitting things if there are changes, not having to do the full application annually, correct?

#### **3701-17-04**

No comments

#### **3701-17-05**

No comments

#### **3701-17-06**

If elopements need to be reported, they can't all be required to be reported under neglect. There needs to be a separate reporting category. Same with cash on delivery and supply issues. Neglect has a specific definition, which doesn't apply to all cases.

A possible change in the control, ownership or operator of the facility or a change in the company to which the administrator reports.

Who is expected to report this? A "possible" change? An administrator cannot be expected to report changes they have not been made aware of; this requirement to report should rest solely on the facility's owners.

(1) Ensure the involvement of the following personnel in the QAPI program:

- (a) Medical director;
- (b) Nursing Home administrator;
- (c) Director of nursing;
- (d) Activities director;
- (e) Social services director;
- (f) Dietary manager;
- (g) Infection control coordinator;

- (h) A representative from the nursing home's contracted pharmacy;
- (i) A representative from the nursing home's nurse aides staff; and
- (j) The resident council president or their designee.

These individuals can be involved when appropriate, but it will not always be appropriate for them to be involved in every QAPI issue.

## **3701-17-07**

No comments

### **3701-17-07.1**

No comments

### **3701-17-07.2**

No comments

### **3701-17-07.3**

No comments

## **3701-17-08**

Fewer than 100 and over one hundred, but nothing for 100 beds exactly.

For nursing homes with over one hundred residents, the administrator will be present in the home on a full-time basis.

Is full-time defined?

The nursing home will maintain each employee's current home address in each employee's personnel file.

Due to the ever-changing addresses of some employees, this requirement cannot be operationalized. Verifying the current address annually and requesting the employee to update it if it changes at other times is doable, but maintaining the current address at all times is not.

## **3701-17-09**

Staff will assist residents with communication devices if the resident is unable to operate the device.

Within reason and as staffing restrictions allow.

**3701-17-10**

No comments

**3701-17-11**

Infection Control is beyond the federal requirements and should be the same as the federal requirements for the infection preventionist.

Why seven days for ICP and ten days for everyone else? Also, the requirements are beyond the federal requirements. **The one year of experience needs to be removed.** The 20 hours need to be removed. The federal requirements should be used and not added requirements. Here are the federal requirements:

§483.80(b) Infection preventionist

The facility must designate one or more individual(s) as the infection preventionist(s) (IP)(s) who are responsible for the facility's IPCP. The IP must:

§483.80(b)(1) Have primary professional training in nursing, medical technology, microbiology, epidemiology, or other related field;

§483.80(b)(2) Be qualified by education, training, experience or certification;

§483.80(b)(3) Work at least part-time at the facility; and

§483.80(b)(4) Have completed specialized training in infection prevention and control.

**3701-17-12**

(E) Report residents who are missing from the building without explanation or prior notification, to the director.

How and when, etc.?

**3701-17-13**

No comments

**3701-17-14**

No comments

**3701-17-15**

No comments

**3701-17-16**

No comments

**3701-17-17**

No comment

**3701-17-18**

No comments

**3701-17-19**

No comments

**3701-17-20**

No comments

**3701-17-21**

No comments

**3701-17-22**

and be sufficient to provide outdoor visitation in the event of a facility emergencies or a public health emergency.

Within the physical limitations of the facility.

Extermination of pests should be considered urgent and remediation is obligated to commence within as soon as possible

Remove the word within. As soon as reasonably possible.

**3701-17-23**

No comments

**3701-17-24**

No comments

## **3701-17-25**

No comments

## **3701-17-26**

No comments