

173-36-01

**Definitions**Introduction and definitions.

~~As used in Chapter 173-36 of the Administrative Code:~~

(A) Introduction: This chapter establishes the standards for certification of adult foster homes, the responsibilities of operators of adult foster homes, and the rights of residents of adult foster homes.

(B) Definitions for this chapter:

~~(A)~~(1) "Abuse" means the unreasonable confinement or intimidation of a resident, or the infliction of injury or cruel punishment upon a resident, resulting in physical harm, pain, or mental anguish has the same meaning as in section 3722.12 of the Revised Code.

~~(B)~~(2) "Accommodations" means housing, three nutritious meals a day and meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and similar services that are not personal care services or skilled nursing care.

~~(C)~~(3) "Activity of daily living" ("ADL") has the same meaning as in rule 5101:3-3-06 of the Administrative Code.

~~(D)~~(4) "Adult" means an individual who is at least eighteen years of age, and , who is a who is not related to the consumer.

~~(E)~~(5) "Adult foster home" means a residence, other than a residence certified or licensed by the Ohio department of mental health, in which accommodations and personal care services are provided to one or two adults who are unrelated to the owner of the residence has the same meaning as in section 173.36 of the Revised Code.

~~(F)~~(6) "Applicant" means an individual seeking the certification of an adult foster home.

~~(G)~~(7) "Area agency on aging" ("AAA") means a public or non-profit entity that has entered into a contract with ODA to develop an area plan for a particular PSA and to administer programs on behalf of ODA within the particular PSA, in accordance with Section 306 of the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended, and as presented in rule 173-2-01 of the Administrative Code has the same meaning as in section 173.42 of the Revised Code.

~~(H)~~(8) "Caregiver" means an adult who provides a personal care services service

~~and/or~~ or supervision in an adult foster home.

~~(I)(9)~~ "Chemical restraint" ~~means a drug or medication that is used as a restraint to control behavior or to restrict an individual's freedom of movement and is not a standard treatment for the individual's medical or psychiatric condition~~ has the same meaning as in section 3721.10 of the Revised Code.

~~(J)(10)~~ "Exploitation" ~~means the unlawful or improper utilization of an adult resident (or the resident's resources) for personal or monetary benefit, profit, or gain~~ has the same meaning as in section 3722.12 of the Revised Code.

~~(K)(11)~~ "Home" means an adult foster home or a residence for which an operator is seeking certification as an adult foster home.

~~(L)(12)~~ "Neglect" ~~means failure to provide a resident with the goods or services necessary to prevent physical harm, mental anguish, or mental illness~~ has the same meaning as in section 3722.12 of the Revised Code.

~~(M)(13)~~ "ODA" means "the Ohio department of aging."

~~(N)(14)~~ "Operator" means the adult who provides ~~for day to day operations~~ administration, accommodations, a personal care services service, ~~and/or~~ or supervision in a home on a day-to-day basis.

~~(O)(15)~~ "Owner" means a person who holds title to a residence, or a person who leases the residence from the person who holds title.

~~(P)(16)~~ "Part-time, intermittent basis" means fewer than eight hours in a twenty-four hour day, or fewer than forty hours per week.

~~(Q)(17)~~ "PASSPORT administrative agency" ("PAA") means a public or non-profit entity that has entered into a contract with ODA to provide administrative services on behalf of ODA within a particular PSA for medicaid waiver programs under the authority of ODA, the nonwaiver-funded PASSPORT program, and the RSS program.

~~(R)(18)~~ "Personal care services" ~~means services including, but not limited to, the following~~ has the same meaning as in section 3721.01 of the Revised Code:

~~(1) Assisting residents with ADLs;~~

~~(2) Assisting residents with self-administration of medication in accordance~~

~~with rule 3701-20-17 of the Administrative Code;~~

~~(3) Preparing special diets, other than complex therapeutic diets, for residents who require them, pursuant to the instructions of a physician or a licensed dietician, in accordance with rule 3701-20-17 of the Administrative Code.~~

~~"Personal care services" does not include skilled nursing care, as defined in section 3721.04 of the Revised Code.~~

~~(S)(19) "Physical restraint" includes, but is not limited to, a locked door or room, or any article, device, or garment that interferes with the free movement of a resident and that the resident is unable to remove easily has the same meaning as in section 3722.12 of the Revised Code.~~

~~(T)(20) "Planning and service area" ("PSA") means a geographical region of Ohio, the boundaries of which have been determined by ODA in accordance with Section 305 of the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended, and as presented in rule 173-1-03 of the Administrative Code has the same meaning as in section 173.011 of the Revised Code.~~

~~(U)(21) "Resident" means a consumer who resides in an adult foster home of an unrelated adult for purposes of receiving accommodations, personal care services, ~~and/or~~ or supervision in the adult foster home.~~

~~(V)(22) "Residential state supplement" ("RSS") means the program administered ~~pursuant to~~ under section 173.35 of the Revised Code and Chapter 173-35 of the Administrative Code under which the state supplements the SSI payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. RSS payments are used for the provision of accommodations, supervision, and personal care services to SSI recipients who ODA determines are at risk of needing institutional care.~~

~~(W)(23) "Residents' rights advocate" means one of the following has the same meaning as in section 3722.01 of the Revised Code.:~~

~~(1) An employee or representative of any state or local government entity that has a responsibility for residents and that has registered with the Ohio department of health under division (B) of section 3701.07 of the Revised Code; or,~~

~~(2) An employee or representative of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of~~

~~the "Internal Revenue Code of 1986", 100 Stat. 2085, 26 U.S.C.A. 501, as amended, that has registered with the Ohio department of health under section 3701.07 of the Revised Code, and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services to meet their needs.~~

~~(X)~~(24) "Short-term illness" means a medical condition for which recovery can be expected to occur with not more than one hundred and twenty days of skilled nursing care or requiring skilled nursing care provided on periodic, scheduled basis not to exceed one hundred and twenty days.

~~(Y)~~(25) "Skilled nursing care" ~~means~~ has the same meaning as in procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated section 3721.01 of the Revised Code.

~~(Z)~~(26) "Sponsor" ~~means~~ has the same meaning as an adult relative, friend, or guardian who has an interest in or a responsibility for the welfare of a resident of a certified adult foster home as in section 173.14 of the Revised Code.

~~(AA)~~(27) "Supervision" means the following:

~~(1)~~(a) Observing a resident to ensure the resident's health, safety and welfare while the resident engages in ADLs or other activities;

~~(2)~~(b) Reminding a resident to do or complete an activity (e.g., reminding a resident to engage in personal hygiene or other self-care activity); or,

~~(3)~~(c) Assisting a resident in making or keeping an appointment.

~~(BB)~~(28) "Topical medication" means a medication, such as a topical anti-infective, that is applied to a certain area of the skin and that only affects the area to which it is applied.

~~(CC)~~(29) "Unrelated adult" means an adult resident of an adult foster home who is not related to the caregiver or the caregiver's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, uncle, or as a child of an aunt or uncle.

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