

173-39-02.16      **Assisted living service.**

(A) As used in this rule, "assisted living service" ("AL") means a service that promotes aging in place by supporting individual independence, choice, and privacy through the provision of the following services, as authorized in a consumer's assisted living care plan:

(1) A personal care service, as defined in rule 3701-17-50 of the Administrative Code;

(2) A supportive service, such as housekeeping, personal and other laundry, or maintenance;

(3) Twenty-four-hours-per-day, on-site response capability to meet scheduled and/or unscheduled consumer needs;

(4) The co-ordination of the provision of three meals per day, as described in paragraph (B) of rule 3701-17-60 of the Administrative Code;

(5) Social and recreational programming;

(6) Non-medical scheduled transportation, as agreed upon by the consumer and the provider and ordered in the assisted living care plan; and,

(7) A nursing service that includes the following:

(a) Health assessments and monitoring;

(b) Medication oversight, to the extent permitted under state law;

(c) Part-time, intermittent skilled nursing care, as described in rule 3701-17-59.1 of the Administrative Code, when not available to the consumer through a third-party payor; and,

(d) Part-time, intermittent skilled nursing care, including supervision of special diets, administration of medication, and the application of dressings, as described in rule 3701-17-59 of the Administrative Code.

(B) One unit of assisted living service is equal to one day.

(C) Only a certified assisted living provider licensed as a residential care facility by the Ohio department of health, in accordance with rules 3701-50 to 3701-17-68 of the Administrative Code, may provide an assisted living service.

(D) An assisted living provider may contract with an outside provider to furnish some, but not all, of the assisted living services that a consumer is authorized to receive.

(E) Each provider of assisted living service, as described in paragraph (A) of this rule,

shall also provide a community transition service, as described in rule 173-39-02.17 of the Administrative Code, to any consumer who also qualifies for both an assisted living service and a community transition service.

(F) The provider's facility shall have common areas accessible to the consumer, including a dining area (or areas) and an activity center (or centers) that may also serve as a living or dining area (or areas).

(G) The provider shall provide each consumer with a personal residential living unit. The living unit shall:

(1) Be a single-occupancy unit, unless otherwise requested by the consumer;

(2) Be able to be locked by the consumer, unless contra-indicated in writing by the consumer's physician;

(3) Include a bathroom with a working toilet, a sink, and a shower or bathtub; and,

(4) Include identifiable space for socialization.

(H) The provider shall retain, either directly or through the use of a subcontractor, the services of a registered nurse or a licensed practical nurse pursuant to Chapter 4723, of the Revised Code.

(I) The provider shall furnish sufficient on-duty staff, as defined in paragraph (Y) of rule 3701-17-50 of the Administrative Code, on a twenty-four-hours-per-day basis to meet, in a timely manner, the consumer's unpredictable care, supervisory needs, emotional needs, reasonable requests for services, and to adequately assist the consumer in performing all activities of daily living.

(J) The provider shall document that, prior to service delivery, each facility staff member, as defined in paragraph (KK) of rule 3701-17-50 of the Administrative Code, received orientation in the following subject areas:

(1) Principles and philosophy of assisted living;

(2) The aging process;

(3) Intermittent cuing, redirecting, and environmental cues for cognitively-impaired consumers and/or behaviorally-impaired consumers;

(4) Confidentiality;

(5) The consumer care plan process; and,

(6) The consumer's right to assume responsibility for decisions related to his/her care.

(K) The provider shall assure and document that facility staff members, as defined in paragraph (KK) of rule 3701-12-50 of the Administrative Code, who provide an assisted living service and are under eighteen years of age, shall not perform the following:

(1) Assist with medication supervision, medication administration, or delegated nursing tasks;

(2) Provide transportation; or,

(3) Provide hands-on assistance with bathing, toileting, or transferring without on-site supervision.

(L) The provider shall assure and document that each staff member who provides a personal care service in an assisted living facility (with the exception of a licensed health professional whose scope of practice includes the provision of a personal care service) has annually completed a minimum of eight hours of continuing education, as described in paragraph (E)(4) of rule 3701-17-55 of the Administrative Code.

(M) The provider's registered nurse or licensed practical nurse shall do the following:

(1) Document quarterly contact with the consumer to assess consumer satisfaction with the assisted living care plan and the appropriateness of the assisted living care plan;

(2) Review service delivery records at least quarterly to assure implementation of the assisted living care plan as ordered; and,

(3) Document, at least quarterly, that the facility staff are providing personal care in accordance with paragraph (D) of rule 3701-17-59 of the Administrative Code.

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Certification

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Date

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