



## Ohio Administrative Code Rule 3701-16-02 General provisions and prohibitions.

Effective: [March 1, 2018](#)

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(A) Nothing contained in rules 3701-16-01 to 3701-16-18 of the Administrative Code shall be construed as authorizing the supervision, regulation, or control of the spiritual care or treatment of residents who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination.

(B) For the purposes of rules 3701-16-01 to 3701-16-18 of the Administrative Code:

(1) Any residence, institution, hotel, assisted living facility, congregate housing project, or similar facility that meets the definition of a residential care facility or a home for the aging under section 3721.01 of the Revised Code is such a home regardless of how the facility holds itself out to the public;

(2) Any residence, institution, hotel, assisted living facility, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that provides for any number of residents, only housing, housekeeping, laundry, meals, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care is not a home required to be licensed under Chapter 3721. of the Revised Code or rules 3701-16-01 to 3701-16-18 of the Administrative Code; and

(3) Personal care services or skilled nursing care shall be considered to be provided by a residential care facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor his sponsor is a party.

(C) Nothing in paragraph (Z) of rule 3701-16-01 of the Administrative Code shall be construed to permit personal care services to be imposed upon a resident who is capable of performing the activity in question without assistance. Nothing in paragraph (II) of rule 3701-16-01 of the Administrative Code shall be construed to permit skilled nursing care to be imposed upon an



individual who does not require skilled nursing care.

(D) In addition to providing accommodations, supervision, and personal care services to its residents, a residential care facility is licensed to provide skilled nursing care to its residents as follows:

(1) Supervision of therapeutic diets;

(2) Application of dressings pursuant to division (A)(2) of section 3721.011 of the Revised Code and paragraph (J) of rule 3701-16-09 of the Administrative Code;

(3) Subject to division (B)(1) of section 3721.011 of the Revised Code, administration of medication;

(4) Subject to division (C) of section 3721.011 of the Revised Code, other skilled nursing care provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period; and

(5) Subject to division (D) of section 3721.011 of the Revised Code, skilled nursing care provided for more than one hundred twenty days in any twelve-month period to a resident whose physician has determined the skilled nursing care needed is routine, or to a hospice patient as defined in section 3712.01 of the Revised Code.

(E) A residential care facility may not admit or retain individuals requiring skilled nursing care or provide skilled nursing care beyond the limits established under section 3721.011 of the Revised Code and rules 3701-16-07 and 3701-16-09.1 of the Administrative Code.

(F) Each residential care facility shall provide services as outlined in the resident agreement in accordance with acceptable practices and the facility's policies and procedures.

(G) Each residential care facility shall comply with all the residents' rights provisions under Chapter 3721. of the Revised Code.

(H) A residential care facility shall not use the word "hospital" in its name, letterhead or advertising.



(I) A residential care facility shall not admit residents in excess of the maximum licensed bed capacity.

(J) Notwithstanding section 3721.011 of the Revised Code, a residential care facility in which residents receive skilled nursing care as described in section 3721.011 of the Revised Code is not a nursing home.

(K) An applicant for a license to operate a residential care facility shall not accept more than two residents who need personal care services, medication administration, supervision of therapeutic diets, application of dressings or skilled nursing care before receiving a license.

(L) In addition to the provisions listed in this rule, no person, firm, partnership, association, or corporation shall:

(1) Operate a residential care facility as defined in section 3721.01 of the Revised Code and paragraph (GG) of rule 3701-16-01 of the Administrative Code without obtaining a license from the director;

(2) Violate any of the conditions or requirements necessary for licensing after the license has been issued;

(3) Operate a residential care facility after the license for such has been revoked by the director;

(4) Interfere with the inspection of a licensed residential care facility by any state or local official when he or she is performing duties required of him or her by Chapter 3721. of the Revised Code. All licensed residential care facilities shall be open for inspection; or

(5) Violate any applicable provision of Chapter 3721. of the Revised Code or rules 3701-16-01 to 3701-16-18 of the Administrative Code.

(M) No county home or district home licensed under section 3721.07 of the Revised Code shall do any of the following:



- (1) Violate any of the conditions or requirements necessary for licensing after the licensed has been issued;
  - (2) Continue operation after its license has been revoked by the director of health;
  - (3) Fail to be open for an inspection, or interfere with an inspection, by a state or local official performing inspection duties under Chapter 3721. of the Revised Code; or
  - (4) Violate any of the provisions of this chapter or any rules adopted thereunder.
- (N) Nothing contained in rules 3701-16-01 to 3701-16-18 of the Administrative Code shall be construed to permit any individual to engage in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse if the individual does not hold a valid license issued under Chapter 4723. of the Revised Code.