

Baldwin's Ohio Administrative Code Annotated  
3701 Health Department (Refs & Annos)  
Public Health Council  
Chapter 3701-17. Nursing Homes and Residential Care Facilities (Refs & Annos)

OAC 3701-17-08

3701-17-08 Personnel requirements

Currentness

(A) Each nursing home shall arrange for the services of an administrator who shall be present in the home to the extent necessary for effectively managing the home and assuring that needs of the residents are being met, but not less than sixteen hours during each calendar week.

(B) Each nursing home shall:

(1) Employ a registered nurse who shall serve as director of nursing:

(a) This requirement may be met by two registered nurses who share the position as co-directors of nursing.

(b) The director of nursing or co-directors of nursing shall be on duty five days per week, eight hours per day predominantly between the hours of six a.m. and six p.m. to direct the provision of nursing services.

(c) The name of the director of nursing shall be posted in a place easily accessible to residents, resident's families or sponsors, and staff.

(2) Designate another registered nurse in its employ to serve as acting director of nursing in the event the director of nursing or co-directors of nursing are absent from the nursing home due to illness, vacation or an emergency situation. The name of the acting director of nursing shall be posted in a place easily accessible to residents, residents' families or sponsors, and staff.

(C) Each nursing home shall have sufficient direct care staff on each shift to meet the needs of the residents in an appropriate and timely manner and have the following individuals provide a minimum daily average of two and one-half hours of direct care and services per resident per day as follows:

(1) Nurse aides;

(2) Registered nurses, including registered nurses who perform administrative and supervisory duties; and

(3) Licensed practical nurses, including licensed practical nurses who perform administrative and supervisory duties.

(D) Each nursing home shall have a registered nurse on call whenever one is not on duty in the home. The name of the registered nurse who is on call shall be posted in a place easily accessible to residents, residents' families or sponsors, and staff.

(E) Each nursing home shall also have the following staff who are competent to perform the duties they are assigned:

(1) Activities program staff as required by paragraph (A) of rule 3701-17-09 of the Administrative Code;

(2) Dietary staff as required by paragraph (K) of rule 3701-17-18 of the Administrative Code;

(3) Pharmacy services staff as required by paragraph (A)(1) of rule 3701-17-17 of the Administrative Code; and

(4) Social services staff to assist the home in meeting the medically-related social service needs of the residents and the requirements of rule 3701-17-09 of the Administrative Code. Each nursing home with more than one hundred twenty beds shall employ, on a full-time basis, one individual licensed as a social worker under Chapter 4757. of the Revised Code.

(F) In addition to complying with the requirements in this rule, each nursing home shall maintain sufficient additional staff to provide, in a timely manner, adequate services and care to meet the needs of the residents admitted to or retained in the nursing home and to properly operate the dietary, housekeeping, laundry, and nursing home maintenance facilities.

(1) The nursing home shall determine the number and type of additional staff required based on the services needing to be performed as identified in the plans of care required by rule 3701-17-14 of the Administrative Code, and authorized scopes of practice.

(2) The additional staff shall meet the applicable qualifications of rules 3701-17-07 and 3701-17-07.1 of the Administrative Code and provide services in accordance with applicable scopes of practice.

(G) The nursing home shall establish a protocol for staff coverage that includes coverage during vacations, emergency situations, and long-term absences due to illness and unexpected absences and a contingency plan for back-up coverage.

(H) With input from the medical director and the director of nursing, the nursing home shall adjust the staffing levels based on the needs and acuity levels of the residents, but in no event shall the staffing fail to meet the requirements of this rule.

(I) A nursing home that is physically located in the same building or on the same lot as other licensed homes and facilities which are owned and operated by the same entity, or that provides an adult day care program in the nursing home, may use staff from the nursing home to provide services in the other licensed homes, facilities, or adult day care program or use appropriate and qualified staff from the other homes, facilities or adult day care program to meet part or all of the staffing requirements of this rule, if all of the following criteria are met:

(1) The nursing home at all times meets the minimal staffing levels required by this rule. No staff simultaneously assigned to the staffing schedules of the nursing home and another home, facility or an adult day program shall be counted towards meeting the staffing requirements of this rule;

(2) The other licensed homes and facilities at all times meet their applicable staffing level requirements. Shared nursing home staff shall not be counted towards meeting the minimum staffing requirements for the other licensed homes and facilities;

(3) Separate staffing schedules are maintained for the nursing home, residential care facility and adult day care program;

(4) The sharing of staff does not adversely affect the quality and timeliness of meeting the care needs of the nursing home and residential care facility residents and the participants of the adult day care program;

(5) The nursing home, residential care facility and adult day care program are within two minutes or less response time from each other; and

(6) The monitoring of the call signal systems in the nursing home and residential care facility are not disrupted and the use of call signal systems is not limited to emergency use only.

(J) Each nursing home shall maintain records necessary for the director to ascertain compliance with the requirements of this rule.

(K) Nothing in this rule shall be construed as authorizing an unlicensed individual to provide services that require the individual to be licensed under Title 47 of the Revised Code or a health care professional to provide services outside the professional's licensed scope of practice.

#### **Credits**

HISTORY: 2012-13 OMR pam. # 12 (A), eff. 6-13-13; 2011-12 OMR pam. # 9 (A), eff. 4-1-12; 2005-06 OMR pam. #11 (RRD); 2001-02 OMR 664 (R-E), eff. 10-20-01; 2000-2001 OMR 456 (RRD); 1992-93 OMR 682 (A), eff. 12-21-92 ; Prior HE-17-08.

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Notes of Decisions (2)

Rules and appendices are current through December 31, 2015

3701-17-08, OH ADC 3701-17-08