

3701-17-57 Resident agreement: other information to be provided upon admission; risk agreements.

- (A) A residential care facility shall not admit an individual who requires services or accommodations beyond that which a residential care facility is authorized to provide under paragraph (D) of rule 3701-17-51 of the Administrative Code or beyond that which the specific facility provides.
- (B) Except for residents receiving hospice care, no residential care facility shall admit or retain an individual who:
 - (1) Requires skilled nursing care that is not authorized by section 3721.011 of the Revised Code or is beyond that which the specific facility can provide;
 - (2) Requires medical or skilled nursing care at least eight hours per day or forty hours per week;
 - (3) Requires chemical or physical restraints as defined in paragraph (L) of rule 3701-17-59 of the Administrative Code;
 - (4) Is bedridden with limited potential for improvement;
 - (5) Has stage III or IV pressure ulcers. For purposes of this rule, "pressure ulcers" means any lesion caused by unrelieved pressure, or pressure in combination with shear and/or friction, which results in damage to the underlying tissue. Pressure ulcers must be staged in accordance with the "Updated Staging System" issued by the "National Pressure Ulcer Advisory Panel" (2007); or
 - (6) Has a medical condition that is so medically complex or changes so rapidly that it requires constant monitoring and adjustment of treatment regimen on an ongoing basis.
- (C) A residential care facility shall enter into a written resident agreement with each prospective resident prior to beginning residency in the residential care facility. The agreement shall be signed and dated by the operator or administrator and the prospective resident or, if the prospective resident is physically or cognitively unable to sign and consents, another individual designated by the prospective resident. The facility shall provide both the prospective resident and any other individual signing on the resident's behalf with a copy of the agreement and shall explain the agreement to them.
- (D) The agreement required by paragraph (C) of this rule shall include at least the following items:
 - (1) An explanation of all charges to the resident including security deposits, if any are required;
 - (2) A statement that all charges, fines, or penalties that shall be assessed against the resident are included in the resident agreement;
 - (3) A statement that the basic rate shall not be changed unless thirty days written notice is given to the resident or, if the resident is unable to understand this information, to his or her sponsor;

- (4) An explanation of the residential care facility's policy for refunding charges in the event of the resident's absence, discharge, or transfer from the facility and the facility's policy for refunding security deposits;
 - (5) An explanation of the services offered by the facility, the types of skilled nursing care that the facility provides or allows residents to receive in the facility, the providers that are authorized to render that care, and the limitations of the type and duration of skilled nursing care that is offered;
 - (6) An explanation of the extent and types of services the facility will provide to the resident and who is responsible for payment;
 - (7) A statement that the facility must discharge or transfer a resident when a resident needs skilled nursing care beyond the limitations identified in paragraph (D)(5) of this rule.
- (E) Prior to admission or upon the request of a prospective resident or prospective resident's sponsor, the residential care facility shall provide the resident or resident's sponsor with a copy and explain the contents of the following policies:
- (1) The facility's residents' rights policy and procedures required by section 3721.12 of the Revised Code;
 - (2) The facility's smoking policy required by paragraph (T) of rule 3701-17-63 of the Administrative Code;
 - (3) The facility's policy regarding advance directives and an explanation of the rights of the resident under state law concerning advance directives. A residential care facility may not require an execution of an advance directive as a condition for admission;
 - (4) The definition of skilled nursing care as defined in rule 3701-17-50 of the Administrative Code;
 - (5) For individuals seeking residency on a special care unit, the facility's policy on care for residents in the special care unit. The policy shall include:
 - (a) A statement of mission or philosophy that reflects the needs of the special population;
 - (b) Admission criteria to the special care unit, including screening criteria, if applicable;
 - (c) Transfer and discharge criteria and procedures;
 - (d) A weekly staffing plan for the special care unit, if applicable, including:
 - (i) A statement of how this plan differs from the staffing plan for the remainder of the facility; and
 - (ii) The necessary increase in supervision, due to decreased safety awareness or other assessed condition, of residents with cognitive impairments or serious mental illness in the special care unit;
 - (e) A description of activities offered, including frequency and type, and how the activities meet the needs of the type of residents in that special care unit,

including how these activities differ from those offered in the remainder of the facility, if applicable;

- (f) A listing of the costs of the services provided by the facility to the resident;
 - (g) Specialized staff training and continuing education practices;
 - (h) The process used for assessment and the provision of services, including the method for altering services based on changes in condition;
 - (i) If necessary, how the facility addresses the behavioral healthcare needs of residents;
 - (j) The physical environment and design features to support the functioning of residents;
 - (k) The involvement of families and the availability of family support programs for residents; and
 - (l) Any services or other procedures that are over and above those provided in the remainder of the facility, if applicable.
- (6) An explanation of the facility's ability to accommodate disabled residents or potentially disabled residents and the facility's policy regarding transferring residents to units that accommodate residents with disabilities; and
- (7) Any other facility policies that residents must follow.
- (F) A residential care facility may enter into a risk agreement with a resident or the resident's sponsor with the consent of the resident. Under a risk agreement, the resident or sponsor and the facility agree to share responsibility for making and implementing decisions affecting the scope and quantity of services provided by the facility to the resident. The facility shall identify the risks inherent in a decision made by a resident or sponsor not to receive a service provided by the facility. A risk agreement is valid only if it is made in writing. The residential care facility shall maintain a copy of any risk agreement in the resident's record.
- (G) Each residential care facility that has a policy of entering into risk agreements shall provide each prospective resident, or the prospective resident's sponsor with the consent of the resident, a written explanation of the policy and the provisions that may be contained in a risk agreement. At the time the information is provided, the facility shall obtain a statement signed by the individual receiving the information acknowledging that the individual received the information. The facility shall maintain the signed statement on file. Any waiver of the resident's rights under section 3721.13 of the Revised Code contained in the risk agreement is void.

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