

3701-16-01 **Definitions.**

As used in Chapter 3701. of the Administrative Code:

- (A) "Accommodations" means housing, meal preparation, laundry, housekeeping, transportation, social or recreational activities, maintenance, security, and similar services that are not skilled nursing care or personal assistance.
- (B) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.
- (C) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under division (B) of section 3701.241 of the Revised Code.
- (D) "AIDS" means the illness designated as acquired immunodeficiency syndrome.
- (E) "AIDS-related condition" means symptoms of illness related to HIV infection, including aids-related complex, that are confirmed by a positive HIV test.
- (F) "Caregiver" means an individual employed by or under contract with the operator or residence manager to give supervision and direct care to the residents of a community alternative home.
- (G) "Complex therapeutic diets" means calculated food regimens including, but not limited to, the following:
 - (1) Diabetic and other food regimens requiring a daily specific kilocalorie level;
 - (2) Renal food regimens;
 - (3) Dysphagia food regimens excluding simple textural modifications;
 - (4) Any other food regimens requiring a daily maximum or minimum level of one or more specific nutrients, or a specific distribution of one or more nutrients;
 - (5) Tube feedings; and
 - (6) Parenteral nutrition.
- (H) "Community alternative home" means a residence or home that provides accommodations, personal assistance, and supervision for three to five unrelated individuals who have AIDS or an AIDS-related condition. Community alternative home does not include:
 - (1) A home licensed as a nursing home, residential care facility, or home for the aging under Chapter 3721. of the Revised Code;
 - (2) An adult foster care facility as defined in section 5103.31 of the Revised Code;
 - (3) An institution for children as defined in section 5103.03 of the Revised Code;

- (4) A hospice care program as defined in section 3712.01 of the Revised Code;
- (5) An adult care facility as defined in section 3722.01 of the Revised Code;
- (I) "Dentist" means a person licensed under Chapter 4715. of the Revised Code.
- (J) "Department" means the department of health.
- (K) "Director" means the director of health or any official or employee of the department designated by the director of health.
- (L) "Home health agency" means an agency certified as a provider of home health services under Title XVIII of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.
- (M) "Living area" means a living room, family room, guest room, den, glass-enclosed porch, or any other family living area, including the dining area when not being used for the serving of meals. Living area does not mean a bedroom.
- (N) "Local health department" means the board of health, or entity having the duties of the board of health as authorized by section 3709.05 of the Revised Code, for the health district that has jurisdiction over the location of the community alternative home.
- (O) "Operator" means the person responsible for the overall operation of a community alternative home.
- (P) "Personal assistance" means services including but not limited to, the following:
 - (1) Assisting residents with self-administration of medication, in accordance with paragraph (D) of rule 3701-16-16 of the Administrative Code;
 - (2) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under Chapter 3724. of the Revised Code."Personal assistance" does not include "skilled nursing care" as defined in paragraph (U) of this rule.
- (Q) "Physician" means a person licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery.
- (R) "Registered nurse" means a registered nurse licensed under Chapter 4723. of the Revised Code.
- (S) "Residence manager" means the person responsible for the day-to-day operation of a community alternative home. The residence manager and the operator may be the same person.
- (T) "Residents rights advocate" means:

- (1) An employee or representative of any entity of state or local government that has a responsibility for residents of a community alternative home and has registered with the department under section 3701.07 of the Revised Code; or
 - (2) An employee or representative, other than an operator or employee of a community alternative home or nursing home, 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 department under section 3701.07 of the Revised Code, and whose purposes include educating and counseling residents, helping residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services.
- (U) "Skilled nursing care" means 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. "Skilled nursing care" includes, but is not limited to the following:
- (1) Irrigations, catheterizations, application of dressings, and supervision of special diets;
 - (2) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
 - (3) Special procedures contributing to rehabilitation;
 - (4) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;
 - (5) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.
- Nothing in this paragraph shall be construed to permit skilled nursing care to be imposed upon an individual who does not require skilled nursing care.
- (V) "Sponsor" means an adult relative, friend, or guardian of a resident of a community alternative home who has an interest in or responsibility for the resident's welfare.
- (W) "Supervision" means any of the following:
- (1) Assisting residents with activities of daily living as by reminding them to engage in personal hygiene and other self-care activities and, when necessary, observing or assisting while they attend to those activities;
 - (2) Reminding residents of appointments and being aware of a resident's general whereabouts when he or she is away from the home.

- (X) "Unrelated" means that a resident is not related to the operator or residence manager of a community alternative home or to his spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle or as the child of an aunt or uncle.
- (Y) "Volunteer" means an individual, used by a community alternative home, who receives no compensation for the work he does in a home or for residents of the home. Volunteer does not include an individual who provides uncompensated services under an agreement with the resident to which the home is not a party.

R.C. 119.032 review dates: 1/09/2009 and 01/01/2014

CERTIFIED ELECTRONICALLY
Certification

01/09/2009
Date

Promulgated Under: 119.03
Statutory Authority: 3724.05
Rule Amplifies: 3724.01
Prior Effective Dates: 8/29/88 (Emer.), 11/27/94, 2/13/99