

3701-16-16 **Resident services; resident medications; mental health referral system.**

(A) A community alternative home shall provide the following services to residents who require such services and to other residents upon request:

- (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 is away from the home;
- (3) Assistance with self-administration of medication, in accordance with section 3724.021 of the Revised Code and paragraph (D) of this rule; and
- (4) Preparation of special diets, other than complex therapeutic diets, for residents who require them, pursuant to the instructions of a physician or a licensed dietitian and in accordance with paragraph (B) of rule 3701-16-19 of the Administrative Code.

Nothing in this paragraph shall be construed to permit personal assistance or assistance with activities of daily living to be imposed upon a resident who is capable of performing the activity in question without assistance.

(B) If a resident requires services that the home does not offer or is not authorized to provide, the home either shall arrange for the services to be provided or shall transfer the resident to an appropriate setting in accordance with section 3724.10 of the Revised Code and rule 3701-16-23 of the Administrative Code.

(C) No community alternative home shall admit or retain a resident unless a physician or a dentist who has prescribed medication for the resident certifies in writing that the resident is capable of administering medication to himself or herself, with or without assistance as authorized by section 3724.021 of the Revised Code, or unless any medication prescribed for the resident will be administered by one of the following:

- (1) A person or agency providing skilled nursing care under division (B)(2) of section 3724.02 of the Revised Code and paragraph (E)(1) of this rule;
- (2) A physician;
- (3) A dentist;
- (4) A podiatrist licensed under Chapter 4731. of the Revised Code.

(D) Employees of a community alternative home, and volunteers directed by employees, may do any of the following:

- (1) Remind a resident when to take medication, and observe to ensure that the resident follows the directions on the container;

- (2) Assist a resident in self-administration of medication by taking the medication from the storage area and handing it to the resident. The employee or volunteer shall check the name on the prescription label and verify that the resident's name on the prescription label corresponds to the resident requesting the medication before handing it to the resident. The employee or volunteer may read the label and direction on the medication container to the resident upon request. The employee or volunteer also may remind the resident when prescribed medication needs to be refilled. Employees and volunteers shall not assist a resident with self-administration of a prescription medication that belongs to another resident. If the resident is physically unable to open the container, an employee or volunteer may open the container for the resident; and
 - (3) Assist a resident who is mentally alert but physically impaired or in a weakened state in removing oral or topical medication from containers and in consuming or applying the medication upon request by or with the consent of the resident. If the resident is unable to place a dose of medicine to his or her mouth without spilling it, an employee or volunteer may place the dose in a container and place the container to the mouth of the resident. As used in this paragraph, "topical medication" means a medication other than a debriding agent used in the treatment of a skin condition or minor abrasion, and eye, nose, or ear drops excluding irrigations.
- (E) No home shall provide skilled nursing care, or admit or retain any resident in need of skilled nursing care, unless all of the following are met:
- (1) The care will be provided by a licensed health professional acting within their scope of practice, or a governmental agency, not employed by or affiliated with the home, who is, or is working under the direction and review of, a registered nurse, physician, or dentist, not employed by or affiliated with the home;
 - (2) The person or agency does not train employees of the home to assist in providing skilled nursing care;
 - (3) When a resident requires supervision of special diets, or a complex therapeutic diet, and the person or agency providing the skilled nursing care to meet the resident's need is not a home health agency or a hospice care program, licensed under Chapter 3712. of the Revised Code, the person or agency providing the service shall, at minimum, consult with a dietitian licensed under Chapter 4759. of the Revised Code.
- (F) In addition to the requirements of paragraph (D) of this rule, community alternative homes shall handle residents' medications in accordance with this paragraph.
- (1) The home shall ensure that residents' prescription medications are kept in locked storage areas, except that medications requiring refrigeration shall be refrigerated. The home shall take reasonable precautions to prohibit access to the refrigerated medications by other residents. All prescribed medications shall be clearly labeled with the resident's name, the name of the medication and the prescription number, if any, the date dispensed, the name of the physician, and the instructions for use.

- (2) The home shall not remove and repackage medication from the pharmacy-dispensed container.
 - (3) The home shall send a resident's medications with him or her upon permanent transfer or discharge, or dispose of the medications with the consent of the resident and in accordance with applicable state and federal laws, regulations and rules.
 - (4) The home shall not recommend over-the-counter medications to residents. Over-the-counter medications shall be taken at the discretion of the resident.
 - (5) The home shall keep a written list of all medications prescribed for each resident and shall make a good-faith effort to keep the list current.
- (G) A community alternative home shall create and maintain a referral system to appropriately licensed mental health and substance abuse agencies.

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