

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 384

**Senator Liston
Cosponsor: Senator Ingram**

To amend section 3721.04 of the Revised Code to
prohibit counting nurse and nurse aide nondirect
care duties towards the direct care staffing
hour requirements for nursing homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3721.04 of the Revised Code be
amended to read as follows:

Sec. 3721.04. (A) The director of health shall adopt and
publish rules governing the operation of homes, which shall have
uniform application throughout the state, and shall prescribe
standards for homes with respect to, but not limited to, the
following matters:

(1) The minimum space requirements for occupants and
equipping of the buildings in which homes are housed so as to
ensure healthful, safe, sanitary, and comfortable conditions for
all residents, so long as they are not inconsistent with
Chapters 3781. and 3791. of the Revised Code or with any rules
adopted by the board of building standards and by the state fire
marshal;

(2) The number and qualifications of personnel, including

management and nursing staff, for each class of home, and the 20
qualifications of nurse aides, as defined in section 3721.21 of 21
the Revised Code, used by long-term care facilities, as defined 22
in that section; 23

(3) The medical, rehabilitative, and recreational services 24
to be provided by each class of home; 25

(4) Dietetic services, including but not limited to 26
sanitation, nutritional adequacy, and palatability of food; 27

(5) The personal and social services to be provided by 28
each class of home; 29

(6) The business and accounting practices to be followed 30
and the type of patient and business records to be kept by such 31
homes; 32

(7) The operation of adult day-care programs provided by 33
and on the same site as homes licensed under this chapter; 34

(8) The standards and procedures to be followed by 35
residential care facilities in admitting and retaining a 36
resident who requires the application of dressings, including 37
requirements for charting and evaluating on a weekly basis; 38

(9) The requirements for conducting weekly evaluations of 39
residents receiving skilled nursing care in residential care 40
facilities. 41

(B) The director may adopt whatever additional rules are 42
necessary to carry out or enforce the provisions of sections 43
3721.01 to 3721.09 and 3721.99 of the Revised Code. 44

(C) The following apply to the director when adopting 45
rules under division (A) (1) of this section regarding the 46
equipping of the buildings in which homes are housed: 47

(1) The rules shall not require that each resident 48
sleeping room, or a percentage of the resident sleeping rooms, 49
have a bathtub or shower that is directly accessible from or 50
exclusively for the room. 51

(2) The rules shall require that the privacy and dignity 52
of residents be protected when the residents are transported to 53
and from bathing facilities, prepare for bathing, and bathe. 54

(D) The following apply to the director when adopting 55
rules under division (A) (2) of this section regarding the number 56
and qualifications of personnel in homes: 57

(1) When adopting rules applicable to residential care 58
facilities, the director shall take into consideration the 59
effect that the following may have on the number of personnel 60
needed: 61

(a) Provision of personal care services; 62

(b) Provision of part-time, intermittent skilled nursing 63
care pursuant to division (C) of section 3721.011 of the Revised 64
Code; 65

(c) Provision of skilled nursing care to residents 66
pursuant to division (D) of section 3721.011 of the Revised 67
Code. 68

(2) When adopting rules applicable to nursing homes, the 69
director shall require each nursing home to do both of the 70
following: 71

(a) Have sufficient direct care staff on each shift to 72
meet the needs of the residents in an appropriate and timely 73
manner; 74

(b) Have the following individuals provide a minimum daily 75

average of two and one-half hours of direct care per resident:	76
(i) Registered nurses, including registered nurses who perform administrative and supervisory duties;	77 78
(ii) Licensed practical nurses, including licensed practical nurses who perform administrative and supervisory duties;	79 80 81
(iii) Nurse aides.	82
(3) <u>The rules relating to the calculation of the minimum daily average hours of direct care per nursing home resident that must be provided by certain individuals under division (D) (2) (b) of this section shall not include hours in which a director of nursing, assistant director of nursing, registered nurse, licensed practical nurse, or nurse aide are engaging in activities that are not direct care, including all of the following:</u>	83 84 85 86 87 88 89 90
(a) <u>Staff scheduling, staff training, and staff meetings unrelated to patient care;</u>	91 92
(b) <u>Billing or billing-related issues;</u>	93
(c) <u>Activities that are conducted pursuant to regulatory and administrative requirements unrelated to patient care, including licensure renewal and the department of health complaint investigation process;</u>	94 95 96 97
(d) <u>Maintaining the physical environment of the facility, including food preparation, laundry, and housekeeping.</u>	98 99
(4) <u>The rules prescribing qualifications of nurse aides used by long-term care facilities, as those terms are defined in section 3721.21 of the Revised Code, shall be no less stringent than the requirements, guidelines, and procedures established by</u>	100 101 102 103

the United States secretary of health and human services under 104
section 1819 of the "Social Security Act," 101 Stat. 1330-160 105
(1987), 42 U.S.C. 1395i-3, as amended, and section 1919 of the 106
"Social Security Act," 101 Stat. 1330-182 (1987), 42 U.S.C. 107
1396r, as amended. 108

(E) The following apply to the director when adopting 109
rules under division (A) (2) of this section regarding the number 110
and qualifications of personnel in nursing homes or rules under 111
division (A) (5) of this section regarding social services to be 112
provided by nursing homes: 113

(1) The rules shall not prescribe the number of 114
individuals licensed as social workers under Chapter 4757. of 115
the Revised Code that a nursing home with one hundred twenty or 116
fewer beds must employ. 117

(2) The rules shall require each nursing home with more 118
than one hundred twenty beds to employ on a full-time basis one 119
individual licensed as a social worker under Chapter 4757. of 120
the Revised Code. 121

(3) The rules shall require each nursing home to offer its 122
residents medically related social services that assist the 123
residents in attaining or maintaining their highest practicable 124
physical, mental, and psychosocial well-being. 125

Section 2. That existing section 3721.04 of the Revised 126
Code is hereby repealed. 127