

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 509

**Representative Fraizer
Cosponsor: Representative Ginter**

A BILL

To amend section 3721.02 of the Revised Code 1
regarding expedited licensure inspection 2
procedures for residential care facilities. 3

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

Section 1. That section 3721.02 of the Revised Code be 4
amended to read as follows: 5

Sec. 3721.02. (A) As used in this section, "residential 6
facility" means a residential facility licensed under section 7
5119.34 of the Revised Code that provides accommodations, 8
supervision, and personal care services for three to sixteen 9
unrelated adults. 10

(B) (1) The director of health shall license homes and 11
establish procedures to be followed in inspecting and licensing 12
homes. The director may inspect a home at any time. ~~Each~~ 13

Each home shall be inspected by the director at least once 14
prior to the issuance of a license and at least once every 15
fifteen months thereafter. The state fire marshal or a township, 16
municipal, or other legally constituted fire department approved 17
by the marshal shall also inspect a home prior to issuance of a 18

license, at least once every fifteen months thereafter, and at 19
any other time requested by the director. ~~A-~~ 20

A home does not have to be inspected prior to issuance of 21
a license by the director, state fire marshal, or a fire 22
department if ownership of the home is assigned or transferred 23
to a different person and the home was licensed under this 24
chapter immediately prior to the assignment or transfer. ~~A-In~~ 25
the case of a home that is licensed as a nursing home, the 26
nursing home does not need to be inspected before the director 27
increases the nursing home's licensed capacity if the beds being 28
added to the nursing home are placed in resident rooms that were 29
inspected, as part of the most recent previous inspection of the 30
nursing home, for the same number of residents proposed to be 31
placed in a room after the capacity increase. ~~The-~~ 32

The director may enter at any time, for the purposes of 33
investigation, any institution, residence, facility, or other 34
structure that has been reported to the director or that the 35
director has reasonable cause to believe is operating as a 36
nursing home, residential care facility, or home for the aging 37
without a valid license required by section 3721.05 of the 38
Revised Code or, in the case of a county home or district home, 39
is operating despite the revocation of its residential care 40
facility license. ~~The-~~ 41

The director may delegate the director's authority and 42
duties under this chapter to any division, bureau, agency, or 43
official of the department of health. 44

(2) (a) ~~If, prior to issuance of a license, a home~~ The 45
inspection procedures established under division (B) (1) of this 46
section shall include a process for conducting expedited 47
licensing inspections. An expedited licensing inspection may be 48

requested by an applicant seeking a license for a new home or, 49
in the case of an existing home that is licensed as a 50
residential care facility, an applicant seeking approval to 51
increase or decrease the facility's licensed capacity or to make 52
any other change for which the director requires a licensing 53
inspection to be conducted. 54

If an applicant submits a request for an expedited 55
licensing inspection and the request is submitted in a manner 56
and form approved by the director, the director shall commence 57
~~an~~ the inspection of the home not later than ten business days 58
after receiving the request. 59

(b) On request, submitted in a manner and form approved by 60
the director, the director may review plans for a building that 61
is to be used as a home for compliance with applicable state and 62
local building and safety codes. 63

(c) The director may charge a fee for an expedited 64
licensing inspection or a plan review that is adequate to cover 65
the expense of expediting the inspection or reviewing the plans. 66
The fee shall be deposited in the state treasury to the credit 67
of the general operations fund created in section 3701.83 of the 68
Revised Code and used solely for expediting inspections and 69
reviewing plans. 70

(C) A single facility may be licensed both as a nursing 71
home pursuant to this chapter and as a residential facility 72
pursuant to section 5119.34 of the Revised Code if the director 73
determines that the part or unit to be licensed as a nursing 74
home can be maintained separate and discrete from the part or 75
unit to be licensed as a residential facility. 76

(D) In determining the number of residents in a home for 77

the purpose of licensing, the director shall consider all the 78
individuals for whom the home provides accommodations as one 79
group unless one of the following is the case: 80

(1) The home is a home for the aging, in which case all 81
the individuals in the part or unit licensed as a nursing home 82
shall be considered as one group, and all the individuals in the 83
part or unit licensed as a rest home shall be considered as 84
another group. 85

(2) The home is both a nursing home and a residential 86
facility. In that case, all the individuals in the part or unit 87
licensed as a nursing home shall be considered as one group, and 88
all the individuals in the part or unit licensed as an adult 89
care facility shall be considered as another group. 90

(3) The home maintains, in addition to a nursing home or 91
residential care facility, a separate and discrete part or unit 92
that provides accommodations to individuals who do not require 93
or receive skilled nursing care and do not receive personal care 94
services from the home, in which case the individuals in the 95
separate and discrete part or unit shall not be considered in 96
determining the number of residents in the home if the separate 97
and discrete part or unit is in compliance with the Ohio basic 98
building code established by the board of building standards 99
under Chapters 3781. and 3791. of the Revised Code and the home 100
permits the director, on request, to inspect the separate and 101
discrete part or unit and speak with the individuals residing 102
there, if they consent, to determine whether the separate and 103
discrete part or unit meets the requirements of this division. 104

(E) (1) The director of health shall charge the following 105
application fee and annual renewal licensing and inspection fee 106
for each fifty persons or part thereof of a home's licensed 107

capacity:	108
(a) For state fiscal year 2010, two hundred twenty	109
dollars;	110
(b) For state fiscal year 2011, two hundred seventy	111
dollars;	112
(c) For each state fiscal year thereafter, three hundred	113
twenty dollars.	114
(2) All fees collected by the director for the issuance or	115
renewal of licenses shall be deposited into the state treasury	116
to the credit of the general operations fund created in section	117
3701.83 of the Revised Code for use only in administering and	118
enforcing this chapter and rules adopted under it.	119
(F) (1) Except as otherwise provided in this section, the	120
results of an inspection or investigation of a home that is	121
conducted under this section, including any statement of	122
deficiencies and all findings and deficiencies cited in the	123
statement on the basis of the inspection or investigation, shall	124
be used solely to determine the home's compliance with this	125
chapter or another chapter of the Revised Code in any action or	126
proceeding other than an action commenced under division (I) of	127
section 3721.17 of the Revised Code. Those results of an	128
inspection or investigation, that statement of deficiencies, and	129
the findings and deficiencies cited in that statement shall not	130
be used in either of the following:	131
(a) Any court or in any action or proceeding that is	132
pending in any court and are not admissible in evidence in any	133
action or proceeding unless that action or proceeding is an	134
appeal of an action by the department of health under this	135
chapter or is an action by any department or agency of the state	136

to enforce this chapter or another chapter of the Revised Code;	137
(b) An advertisement, unless the advertisement includes	138
all of the following:	139
(i) The date the inspection or investigation was	140
conducted;	141
(ii) A statement that the director of health inspects all	142
homes at least once every fifteen months;	143
(iii) If a finding or deficiency cited in the statement of	144
deficiencies has been substantially corrected, a statement that	145
the finding or deficiency has been substantially corrected and	146
the date that the finding or deficiency was substantially	147
corrected;	148
(iv) The number of findings and deficiencies cited in the	149
statement of deficiencies on the basis of the inspection or	150
investigation;	151
(v) The average number of findings and deficiencies cited	152
in a statement of deficiencies on the basis of an inspection or	153
investigation conducted under this section during the same	154
calendar year as the inspection or investigation used in the	155
advertisement;	156
(vi) A statement that the advertisement is neither	157
authorized nor endorsed by the department of health or any other	158
government agency.	159
(2) Nothing in division (F)(1) of this section prohibits	160
the results of an inspection or investigation conducted under	161
this section from being used in a criminal investigation or	162
prosecution.	163
Section 2. That existing section 3721.02 of the Revised	164

Code is hereby repealed.

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