

TO BE RESCINDED

5123:2-3-01 **Definitions.**

As used throughout rules promulgated pursuant to Chapter 5123:2-3 of the Administrative Code, the following definitions shall apply:

- (A) "Adaptive behavior" means the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his or her chronological age and cultural group.
- (B) "Administrator" means the person responsible for the day-to-day operation of a residential facility.
- (C) "Adult" means an individual who is eighteen years of age or older.
- (D) "Basement" means the portion of a building which is partly or completely below grade. A basement is considered a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six feet for more than fifty per cent of the total perimeter or more than twelve feet at any point.
- (E) "Behavior support" has the same meaning as defined in rules adopted by the department.
- (F) "Child" means an individual who is under eighteen years of age.
- (G) "Consent" means an individual's agreement to allow a procedure or treatment to happen after a full disclosure of facts needed to make the decision. A full disclosure of facts shall be communicated to the individual in a manner the individual can understand. For purposes of this paragraph, "full disclosure" means providing all information about the purpose of the proposed procedure or treatment and the possible outcomes and consequences of agreeing to or not agreeing to the proposed procedure or treatment.
- (H) "County board" means a county board of mental retardation and developmental disabilities established under Chapter 5126. of the Revised Code.
- (I) "Crib" means a bed with sides which extend at least eighteen inches above the top of the mattress and which does not exceed sixty inches in length. Cribs and barred enclosures may not have tops.
- (J) "Department" means the Ohio department of mental retardation and developmental disabilities as established by section 121.02 of the Revised Code.

- (K) "Developmental disability" has the same meaning as defined in sections 5123.01 and 5126.01 of the Revised Code.
- (L) "Director" means the administrative head of the department as established by section 121.03 of the Revised Code or the director's designee.
- (M) "Guardian" means a guardian appointed by the probate court under Chapter 2111. of the Revised Code. If the individual is a minor for whom no guardian has been appointed under that chapter, "guardian" means the individual's parents. If no guardians have been appointed for a minor and the minor is in the legal or permanent custody of a government agency or person other than the minor's natural or adoptive parents, "guardian" means that government agency or person. "Guardian" also includes an agency under contract with the department for the provision of protective service under sections 5123.55 to 5123.59 of the Revised Code.
- (N) "Habilitation" has the same meaning as defined in section 5126.01 of the Revised Code.
- (O) "Habilitation staff" means those residential facility personnel who work directly with individuals to supervise, assist, and develop routine habilitation skills.
- (P) "Individual" means a person with mental retardation or developmental disabilities who is eligible for services pursuant to Chapters 5123. and 5126. of the Revised Code.
- (Q) "Individual plan (IP)" has the same meaning as ISP as defined in rule 5123:2-1-11 of the Administrative Code..
- (R) "License" means the written approval by the department to a licensee to operate a residential facility.
- (S) "Licensee" has the same meaning as defined in section 5123.19 of the Revised Code.
- (T) "Licensure office" means the section within the department responsible for the licensure function, including surveys.
- (U) "Licensure specialist" means an official of the department who conducts licensure surveys out of the licensure office.

- (V) "Major unusual incident" has the same meaning as defined in rule 5123:2-17-02 of the Administrative Code.
- (W) "Management contractor" has the same meaning as defined in rule 5123:2-16-01 of the Administrative Code.
- (X) "Mental retardation" has the same meaning as defined in section 5126.01 of the Revised Code.
- (Y) "Policy" means a principle, plan, or course of action that directs an agency in its management of public affairs.
- (Z) "Procedure" means an internal directive written to clarify and implement department or agency rules and policies.
- (AA) "Professional staff" means staff licensed, certified, or registered, as applicable by the state, to provide professional services in the field in which they practice.
- (BB) "Provider" has the same meaning as licensee.
- (CC) "Residential facility" has the same meaning as defined in section 5123.19 of the Revised Code.
- (DD) "Residential services" has the same meaning as defined in section 5126.01 of the Revised Code.
- (EE) "Revocation" means the nullification of a certificate or license.
- (FF) "Rule" has the same meaning as defined in section 119.01 of the Revised Code.
- (GG) "Significant change of ownership" has the same meaning as defined in rule 5123:2-16-01 of the Administrative Code.
- (HH) "Support staff" means those personnel employed by the residential facility who are not habilitation staff or professional staff, including, but not limited to, secretaries, clerks, housekeepers, maintenance and laundry personnel.
- (II) "Survey" includes, but is not limited to, an on-site examination and evaluation of the residential facility, its personnel, and the services provided there with emphasis on the quality of life of the individuals residing in the residential facility.

(JJ) "Unusual incident" has the same meaning as defined in rule 5123:2-17-02 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 11/06/2015

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5123.04, 5123.19
Rule Amplifies: 5123.04, 5123.19
Prior Effective Dates: 10/31/1977, 06/21/1981, 09/30/1983, 11/16/1990,
01/08/1994, 05/18/1995, 01/01/1998, 01/01/2006