



Alan Van Dyne

*Bill Analysis*  
*Legislative Service Commission*

## **S.B. 178\***

123rd General Assembly  
(As Reported by S. Health, Human Services & Aging)

**Sens. Schafrath, Mumper, White, DiDonato, Drake, Hagan, Kearns, Wachtmann**

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### **BILL SUMMARY**

- Provides that a county or district home may be licensed as a residential care facility and, if licensed, is subject to the laws governing those facilities.

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### **CONTENT AND OPERATION**

#### **Background**

A county home is a facility owned and operated by a board of county commissioners to provide services in much the same manner as a privately owned residential care facility or nursing home. A district home is a county home operated by two or more boards that have joined together to operate the home. The Ohio Attorney General has issued an opinion concluding that the licensing requirements and other laws applicable to privately operated nursing homes and rest homes (now, residential care facilities) are not applicable to county homes (OAG No. 74-008).

A residential care facility provides accommodations, with supervision and personal care services for at least three residents who are dependent on the services of others by reason of age or physical or mental impairment. Personal care services include assisting residents with activities of daily living, assisting residents with self administration of medication, and preparing certain special diets. Skilled nursing care may be provided in a residential care facility only in limited circumstances and for limited periods of time.

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\* *This analysis was prepared before the report of the Senate Health, Human Services and Aging Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

A nursing home may provide all the services a residential care facility is authorized to provide, but may also provide skilled nursing care. "Skilled nursing care" is defined in statute as "procedures . . . commonly employed in providing for the physical, mental, and emotional needs of the ill or incapacitated." (Revised Code 3721.01.) Skilled nursing care includes administration of medications; such health care procedures as irrigations, catheterizations, and application of dressings; and carrying out treatments prescribed by a physician.

**Licensing county homes as residential care facilities**

(secs. 3721.01 and 3721.07)

The bill authorizes the superintendent or administrator of a county or district home to seek a residential care facility license for the home. The bill provides that once licensed a county home or district home is subject to the laws applicable to private residential care facilities and to regulation by the Ohio Department of Health. In turn, the bill expressly provides that a county or district home that has never been licensed as a residential care facility is not subject to those laws or regulations.

**Inspection and license revocation**

(secs. 3721.02, 3721.021, 3721.03, 3721.08, and 3721.09)

Under the bill, a county or district home that seeks licensure or becomes licensed as a residential care facility must submit to inspection by the Director of Health and make inspection reports available to residents. A county or district home that has its license revoked for failure to comply with licensing requirements may not reapply for a new residential care facility license for one year following the date of revocation. A court may issue an order enjoining a home from continuing to operate after the home's license as a residential care facility is revoked.

**Prohibitions**

(secs. 3721.051 and 3721.99)

The bill prohibits a county home or district home licensed as a residential care facility from doing any of the following:

- (1) Violating any of the conditions or requirements necessary for licensing after the license is issued;
- (2) Continuing operation after its license is revoked;

(3) Failing to be open for an inspection, or interfering with an inspection, by a state or local official performing inspection duties under the residential care facility and nursing home licensing statutes;

(4) Violating any of the provisions of the residential care facility licensing statutes.

The penalty for continuing operation after license revocation is a fine of \$5,000 for a first offense and \$10,000 for each subsequent offense. The penalty for violating any of the bill's other prohibitions is \$100 for a first offense and \$500 for each subsequent offense.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-17-99	p. 943
Reported, S. Health, Human Services & Aging	---	---

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