

3701-17-04 Type and number of residents in home; beds.

- (A) The director shall determine the type and number of residents a nursing home can accommodate which shall be the authorized maximum licensed capacity of a nursing home. Such determination shall be made on the basis of the physical facilities, personnel of the nursing home and the services and care needed by the residents to be admitted or retained in the nursing home, and the permitted occupancy approved by the department of commerce.
- (B) In determining the number of residents in a nursing home for the purpose of licensing, the director shall consider all the individuals for whom the home provides accommodations as one group unless one of the following is the case:
- (1) The home is both a nursing home and an adult care facility. In that case, all individuals in the part or unit licensed as a nursing home shall be considered as one group and all the individuals in the part or unit licensed as an adult care facility shall be considered as another group;
 - (2) The home maintains, in addition to a nursing home, a separate and discrete part or unit that provides accommodations to individuals who do not require or receive skilled nursing care and do not receive personal care services from the home, in which case the individuals in the separate and discrete part or unit shall not be considered in determining the number of residents in the home if the separate and discrete part or unit is in compliance with the Ohio building code established by the board of building standards under Chapters 3781. and 3791. of the Revised Code and the home permits the director, on request, to inspect the separate and discrete part or unit and speak with the individuals residing there, if they consent, to determine whether the separate and discrete part or unit meets the requirements of this division;
 - (3) The home provides an adult day care program on the same site as the home, in which case the participants shall not be considered in determining the number of residents in the home if, except as otherwise permitted in rules 3701-17-01 to 3701-17-26 of the Administrative Code, the program is operated in a separate area which is not part of the licensed home.
- (C) If the nursing home alters its physical facilities in a manner that proposes to move existing beds to an area of the home not previously used for this purpose or proposes to add new beds, the home shall notify the director, in writing, at least sixty days prior to the date the home wants to commence filling the new beds or moving existing beds. The home shall not commence filling the new beds or moving existing beds until the director notifies the home, in writing, that the alteration or move complies with the applicable provisions of Chapter 3721. of the Revised Code and rules 3701-17-01 to 3701-17-26 of the Administrative Code.

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