

Chapter 6400 Regulatory Compliance Guide – Record of Change February 14, 2023 Edition

Note: Only substantive changes to the RCG are listed; grammatical and typographical corrections are not listed.

Regulation / Subject	Change
When is a License Required?	Provides clarification about when a Chapter 6400 license is required.
“Immediate”	Provides clarification about how ODP will measure compliance when “immediate” action is required by regulation or interpretive guidance.
Communications	Provides guidance relating to requirements for communicating with individuals and designated persons using their preferred communication methods.
Responding to Medical Emergencies	Provides recommendations for responding to medical emergencies.
Grace periods	Provides updated information about grace periods.
Entrance / Exit Conferences	Clarifies that entrance and exit conferences may be conducted in person, remotely, or via hybrid method.
Electronic Signatures	Clarifies ODP position on electronic signatures.
Regulatory Waivers	Modified to reflect forthcoming bulletin on process.
15(a) Self-Assessment	Updates self-assessment to “6-9 months of license expiration.”
21(a)-(c) Background Checks	<ul style="list-style-type: none"> • Checks must be obtained by provider. • Case-by-case analysis required; matches proposed waiver language.
25(c) Children’s Services	Includes expanded information about “permanent caregiving relationships.”
Individual Rights	Includes opening narrative about compliance requirements.
32(h) Privacy	<ul style="list-style-type: none"> • Removes discussion about technology evaluation (Replaced by evaluation tool at Appendix X).
32(r) Locking Bedroom Doors	Adds inspection procedures to reinforce that locks are a right.
32(u) Health Care Decisions	Clarifies that individuals have the right to choose their own healthcare practitioners and pharmacies.

Regulation / Subject	Change
34(a) Informing of Rights	Provides expectations for informing individuals of their rights.
46(b) Fire Safety Training	<ul style="list-style-type: none"> • Includes explanation of “annual training” meaning.
46(d) Emergency Training	<ul style="list-style-type: none"> • Clarifies requirement for emergency training to have in-person component. • Provides guidance on Airway Clearance Device use.
51(a)(1)-(6) 51(b)(1) – (5) Orientation	<ul style="list-style-type: none"> • Clarifies meaning of “working alone.” • Includes guidance relating to accepting orientation topics from a previous provider. • Includes new clarification about who must take orientation, including decision tree. • Includes link to Orientation and Annual Training Regulation Requirements Questions and Answers document.
52(a), 52(b), 52(c) Annual Training	<ul style="list-style-type: none"> • Includes explanation of “annual training” meaning. • Includes decision tree for determining who must take annual training. • Includes guidance relating to accepting training topics from a previous provider. • Includes link to Orientation and Annual Training Regulation Requirements Questions and Answers document.
64(f) Trash Outside the Home	Clarifies that trash bags alone do not meet regulatory requirements.
86 Firearms	<ul style="list-style-type: none"> • Clarifies meaning of “firearm.” • Clarifies meaning of “ammunition.”
106 Furnaces	Clarifies meaning of “furnace.”
111(a) Fire Extinguishers	Clarifies meaning of “attic.”
141(a),(b),(d) Physical Examinations	<ul style="list-style-type: none"> • Permits examination through telemedicine. • Clarifies that TB testing may be completed through delegated duties or by a trained pharmacist. • Clarifies meaning of “healthcare practitioner” for gynecological examinations and mammograms.

Regulation / Subject	Change
143(a) Refusal of Treatment	Clarifies that “training and education” about medical care is individual-specific based on the individual’s needs.
141(c) Physical Examination Contents	<ul style="list-style-type: none"> • Updated information about prostate screening per current medical guidelines. • Clarifies that electronic signatures are acceptable.
151(c) Staff Physical Examination	<ul style="list-style-type: none"> • Provides updated clarification about acceptable types of tuberculous testing.
162(c) Medication Administration	<ul style="list-style-type: none"> • Adds language about medication administration training course. • Clarifies need for medication administration training before completing training on non-oral medications.
163(d) Locked medications	Requires controlled substances to be “double locked.”
165(a) Prescription medications	Requires that over-the-counter (OTC) medications, vitamins, and complementary and alternative medications (CAM) be prescribed by an authorized prescriber to prevent injury or death.
165(f),(g) Psychiatric Medications	Clarifies that psychiatric reviews may be completed by any licensed practitioner acting within their scope of practice.
166(1)-(16) Medication Record	Adds need to document PRN medications on MAR
171, 176 Protection of Food / Returned Food	Amends inspection procedures.
194(a)-(d) Human Rights Team	Aligns guidance with and includes link to Human Rights Team / Human Rights Committee bulletin.
196(a)-(c) Restrictive Procedures - Staff Training	Provides additional guidance about training content and sources relating to restrictive procedure use.
207(4) – Part 2	Clarifies when medications for psychiatric treatment are not chemical restraints.
207(5) – Part 1 Mechanical Restraints	<ul style="list-style-type: none"> • Includes “mechanical restraint decision tree.” • Includes bedrail clarification.

Regulation / Subject	Change
207(5) – Part 2 Permitted Procedures	<ul style="list-style-type: none"> • Clarifies requirement that permitted procedures are not reportable incidents. • Includes operational definition of “medical condition.”
208(c) Physical Restraints	Clarifies prohibited physical restraints.
251(a) Record Retention	Clarifies record retention expectations.
Appendix H	Revised Residential Technology Evaluation Tool
Appendix I	Chapter 6100 crosswalk with chapters 2380, 2390, 6400, and 6500.