

TO BE RESCINDED

173-3-01 **Introduction and definitions.**

(A) Introduction: Chapter 173-3 of the Administrative Code establishes criteria that each AAA shall follow when entering into a provider agreement to procure goods or services that serve consumers through an Older Americans Act program or the Alzheimer's respite program. The chapter establishes general requirements regarding provider agreements, procurement by open and free competition (Older Americans Act only), mandatory clauses for every provider agreement, specific requirements for various goods or services, requirements for consumer contributions, and appeals. (If a provider provides goods or services to consumers through an Older Americans Act program or the Alzheimer's respite program and also provides goods or services to consumers through a medicaid waiver program, the provider shall also comply with the provider-certification requirements of Chapter 173-39 of the Administrative Code.)

(B) Definitions for Chapters 173-3 and 173-4 of the Administrative Code:

- (1) "Activities of daily living" ("ADLs") means eating, dressing, bathing, toileting, transferring in and out of bed/chair, and walking.
- (2) "Area agency on aging" ("AAA") means a public or non-profit entity that ODA designates, under Section 305 of the Older Americans Act, to serve as an AAA. Each AAA receives state and federal funds from ODA to administer aging-related programs within a particular planning and service area. ODA lists every AAA in rule 173-2-04 of the Administrative Code.
- (3) "Assessment" means a gathering of information about a person's strengths, problems, and care needs in the following major functional areas: physical health, utilization of medical care, ADLs, IADLs, mental and social functioning, financial resources, physical environment, and utilization of services and supports.
- (4) "Assistance with self-administration of medication" has the same meaning as in as in paragraph (C) of rule 4723-13-02 of the Administrative Code when the assistance is provided by an unlicensed person.
- (5) "Care-coordination program" means a program that an AAA may develop to coordinate and monitor the delivery of services.
- (6) "Caregiver" and "family caregiver" have the same meaning as "family caregiver" in Section 302 of the Older Americans Act.

- (7) "Consumer's signature" means the signature, mark, or electronic signature of a consumer, or the consumer's family caregiver, who may verify that a service was performed. Examples of means to record an electronic signature are the "SAMS Scan," "MJM Swipe Card," call-in verification, etc.
- (8) "Focal point" means a highly visible facility designated by an AAA as a focal point, under Section 306 of the Older Americans Act, where anyone in the community may obtain information and access to services for older persons and that encourages the maximum collocation and coordination of services.
- (9) "Incident" means an event that is inconsistent with the routine care or routine delivery of services to a consumer. An incident may involve a consumer, caregiver (to the extent that it impacts a consumer), provider, provider's staff or facility, another facility, AAA's staff, ODA's staff, or other administrative authorities. Examples of an incident are abuse, neglect, abandonment, an accident, or an unusual situation that results in an injury to a person or damage to the person's property or equipment.
- (10) "Instrumental activities of daily living" ("IADLs") means preparing meals, shopping for personal items, medication management, managing money, using the telephone, doing heavy housework, doing light housework, and the ability to use available transportation without assistance.
- (11) "Licensed practical nurse" ("LPN") has the same meaning as in section 4723.01 of the Revised Code.
- (12) "ODA" means the Ohio department of aging.
- (13) "Older Americans Act" means the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended in 2006.
- (14) "Older Americans Act funds" means funds appropriated to ODA through Title III of the Older Americans Act and any source used to match those funds. For the purposes of this chapter, "Older Americans Act funds" does not mean funds for an ombudsman program.
- (15) "Older person" means, for the purposes of services reimbursed with Older Americans Act funds, any person sixty years of age or older, unless a different age is required by a state or federal law.
- (16) "Plan of treatment" means the orders of a physician or other healthcare

professional with a scope of practice that includes making a plan of treatment.

- (17) "Planning and service area" ("PSA") means a geographical region of Ohio that ODA designates as a PSA under Section 305 of the Older Americans Act. ODA lists every PSA in rule 173-2-02 of the Administrative Code.
- (18) "Provider" means a person or entity that enters into a provider agreement with an AAA to provide goods or services to consumers under this chapter or Chapter 173-4 of the Administrative Code. These are the three categories of providers:
- (a) "Agency provider" means a legally-organized entity that employs staff.
 - (b) "Self-employed provider" means a legally-organized entity that is owned and controlled by one person and that does not employ a staff. (Chapter 173-39 of the Administrative Code refers to a self-employed provider as a "non-agency provider.")
 - (c) "Consumer-directed individual provider" means the consumer's relative, friend, neighbor, or other person who is hired by the consumer to provide a service to the consumer under this chapter or Chapter 173-4 of the Administrative Code.
- (19) "Provider agreement" means a written agreement entered into between a provider and an AAA to procure a specific service, product, or program.
- (20) "Registered nurse" ("RN") has the same meaning as in section 4723.01 of the Revised Code.
- (21) "RFP" means "request for proposal."
- (22) "Service plan" means a written outline of services that are provided to a consumer, regardless of the funding source for the services.

Effective:

Five Year Review (FYR) Dates: 04/20/2016

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.392; Section 305(a)(1)(C) of the Older Americans Act of 1965, 70 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016; 45 C.F.R. 1321.11 (October, 2015 edition).
Rule Amplifies: 173.392; Section 321 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016.
Prior Effective Dates: 02/19/2009, 06/01/2014.