

173-3-06.4

Older Americans Act: homemaker.**(A) Definitions for this rule:**

(1) "Homemaker service" means a service providing routine activities to help a consumer to achieve and maintain a clean, safe, and healthy environment.

(a) "Homemaker" includes the following activities:

(i) Routine meal-related activities: planning a meal, preparing a meal, and planning a grocery purchase.

(ii) Routine household activities: dusting furniture, sweeping, vacuuming, mopping floors, removing trash, and washing the inside of windows that are reachable from the floor, kitchen care (washing dishes, appliances, and counters), bedroom and bathroom care (changing bed linens and emptying and cleaning bedside commodes), and laundry care (folding, ironing, and putting the laundry away).

(iii) Routine transportation activities: providing an errand outside of the presence of the consumer (e.g., picking up a prescription), grocery shopping assistance, or escort, but not transportation under rule 173-3-06.6 of the Administrative Code.

(iv) The activities described in paragraphs (A)(1)(a)(i) to (A)(1)(a)(iii) of this rule when they assist the consumer as respite to the consumer's caregiver or are essential to the health and safety of the consumer as respite to the consumer's caregiver.

(b) "Homemaker" does not include the following activities:

(i) Activities provided outside of the home with the exception of the routine transportation activities listed in paragraph (A)(1)(a)(iii) of this rule.

(ii) Activities within the scope of home maintenance and chores.

(iii) Activities available through third-party insurers, community supports, Ohio medicaid state plan, or a medicaid waiver program.

(iv) Activities to administer or set-up medications.

(2) "Aide" means the person who provides homemaker activities.

(B) Agency providers: requirements for every AAA-provider agreement for homemaker activities paid, in whole or in part, with Older Americans Act funds:

(1) General requirements: The AAA-provider agreement is subject to the requirements in rule 173-3-06 of the Administrative Code for every AAA-provider agreement paid, in whole or in part, with Older Americans Act funds.

(2) Availability: The provider shall maintain the following:

(a) Adequate staffing levels to provide homemaker activities at least five days per week.

(b) A back-up plan for providing homemaker activities when the provider has no aide available.

(c) The availability of an aide supervisor during all hours when aides are scheduled to work.

(3) Aides:

(a) Initial qualifications: The provider shall only allow a person to serve as an aide if the person meets at least one of the following qualifications and the provider meets the verification requirements under paragraph (B)(3)(d) of this rule:

(i) The person meets at least one of the qualifications to be a PCA under paragraph (B)(3)(a) of rule 173-3-06.5 of the Administrative Code.

(ii) The person successfully completed a training and competency evaluation program with the following characteristics:

(a) The training lasted at least twenty hours.

(b) All the following subjects were included in the program's training and its competency evaluation:

(i) Communications skills, including the ability to read, write, and make brief and accurate reports (oral or written (including electronic)).

(ii) Universal precautions for infection control, including hand washing and the disposal of bodily waste.

(iii) Homemaker activities.

- (iv) Recognition of emergencies, knowledge of emergency procedures, and basic home safety.
 - (v) Record-keeping skills.
- (b) Orientation: Before allowing aides or other employees to have direct, face-to-face contact with consumers, the provider shall provide the aides or other employees with orientation that, at a minimum, addresses the following topics:
 - (i) The provider's expectations of employees.
 - (ii) Person-centered care.
 - (iii) The provider's ethical standards.
 - (iv) An overview of the provider's personnel policies.
 - (v) The organization and lines of communication of the provider's agency.
 - (vi) Incident reporting.
 - (vii) Emergency procedures.
- (c) In-service training: The provider shall retain records to show that each aide successfully completes eight hours of in-service training every twelve months. Agency- and program-specific orientation shall not count toward the eight hours. If the aide is also a personal care aide (PCA) according to rule 173-3-06.5 of the Administrative Code, the provider may consider eight hours of successfully-completed in-service training as a PCA to count for the eight hours required as an aide by this paragraph.
- (d) Verification of compliance with aide requirements:
 - (i) If a person meets the initial qualifications to be an aide under paragraph (B)(3)(a) of this rule by meeting the qualifications to be a PCA under paragraph (B)(3)(a) of rule 173-3-06.5 of the Administrative Code, the provider shall comply with the verification requirements under paragraph (B)(3)(d) of rule 173-3-06.5 of the Administrative Code.
 - (ii) If a person meets the initial qualifications to be an aide under paragraph (B)(3)(a) of this rule by completing the training and competency evaluation program under paragraph (B)(3)(a)(ii)

of this rule, the provider shall retain copies of certificates of completion earned by each aide after the aide meets qualifications/requirements under paragraph (B)(3) of this rule for successfully completing any training and competency evaluation program, orientation, and in-service training under paragraph (B)(3) of this rule. Additionally, the provider shall also record the following information for each aide, and retain it, if it does not appear on the aide's certificate of completion (or if the aide did not receive a certificate of completion): training dates; training locations; training hours successfully completed; instruction materials used; subjects covered; and to verify the accuracy of the record, the name, qualifications, and signature of each aide trainer and of each aide tester.

(4) Aide supervisors, aide trainers, and aide testers:

(a) Qualifications: The provider shall only allow a person to serve as an aide supervisor, an aide trainer, or an aide tester if the person meets one or more of the following qualifications:

- (i) The person is an RN.
- (ii) The person is an LPN who works under the supervision of a RN.
- (iii) The person successfully completed a baccalaureate or associate degree in a health and human services field.
- (iv) The person completed at least two years of work as an aide, as defined by this rule.

(b) Aide supervisor ~~evaluations~~ visits: The provider's aide supervisor shall do all of the following:

~~(i) Initial evaluation: visit each consumer's home in person to develop a written activity plan with each consumer before allowing an aide to visit the consumer or during the aide's initial visit to the consumer.~~

(i) Initial: Visit each consumer in person at the consumer's home to develop a written activity plan with the consumer either before allowing an aide to provide an episode of service to the consumer or during the aide's initial episode of service to the consumer. During a state of emergency declared by the governor, the aide supervisor may conduct the visit by telephone, video conference, or in person at the consumer's home.

~~(ii) Subsequent evaluations: conduct, at least once every ninety-three days after an aide's initial visit to a consumer, an evaluation of compliance with the activity plan, the consumer's satisfaction, and the aide's performance, either by an in-person visit to the consumer or through a telecommunications medium with the consumer, so long as the aide supervisor never conducts consecutive evaluations through a telecommunications medium. The supervisor may conduct each evaluation with or without the presence of the aide being evaluated.~~

(ii) Subsequent: Visit each consumer in person at the consumer's home at least once every ninety-three days after the aide's initial episode of service with the consumer to evaluate compliance with the activity plan, the consumer's satisfaction, and the aide's performance. The aide supervisor may conduct each visit with or without the presence of the aide being evaluated. During a state of emergency declared by the governor, the aide supervisor may conduct the visit by telephone, video conference, or in person at the consumer's home.

~~(iii) Verification: retain a record of the initial evaluation and each subsequent evaluation that includes all the following:~~

~~(a) Consumer's name:~~

~~(b) Supervisor's name:~~

~~(c) Evaluation date:~~

~~(d) Whether the evaluation occurred in person or through a telecommunications medium:~~

~~(e) An identifier unique to the the consumer or the consumer's caregiver (when an in-person evaluation). The unique identifier serves as an attestation that the aide supervisor developed an activity plan with the consumer or made a subsequent in-person evaluation. The unique identifier may include a handwritten or electronic signature or initials, a fingerprint, a mark, a stamp, a password, a bard code, or a swipe card:~~

~~(f) Supervisor's signature:~~

(iii) Verification: Retain a record of the initial visit and each subsequent visit that includes the date of the visit; whether the visit occurred

by telephone, video conference, or in person at the consumer's home; the aide supervisor's name and signature; the consumer's name; and a unique identifier of the consumer or the consumer's caregiver. During a state of emergency declared by the governor, the provider may verify that the aide supervisor provided the initial visit or subsequent visits without collecting a unique identifier of the consumer or the consumer's caregiver.

(5) Employee policies:

(a) The provider shall develop, implement, comply with, and maintain written policies on all the following topics:

(i) Job descriptions.

(ii) Qualifications to provide homemaker activities.

(iii) Performance appraisals.

(iv) Incident reporting.

(v) Obtaining the consumer's written permission before releasing information concerning the consumer to anyone.

(vi) The required content, handling, storage, and retention of consumer records.

(vii) The provider's ethical standards.

(b) The provider shall make its policies available to all employees and to ODA or the AAA upon request.

(6) Service verification: The provider shall verify each episode of service provided for which it bills the AAA by using the provider's choice of either an electronic or manual system that collects all the following information:

(a) Consumer's name.

(b) Service date.

(c) Arrival time.

(d) Departure time.

(e) Service description.

(f) Service units.

(g) Name of each aide in contact with the consumer.

(h) Signature of each aide in contact with the consumer.

(i) ~~An A unique identifier unique to of the consumer or the consumer's caregiver. The unique identifier serves as an attestation that the provider completed the service. The unique identifier may include a handwritten or electronic signature or initials, a fingerprint, a mark, a stamp, a password, a bar code, or a swipe card. During a state of emergency declared by the governor, the provider may verify each episode of service provided without collecting the unique identifier.~~

(7) Reporting: 45 C.F.R. 1321.65 requires the provider to report information to the AAA on the service it provides.

(C) Self-employed (non-agency) and participant-directed providers: In every AAA-provider agreement for homemaker paid, in whole or in part, with Older Americans Act funds, the AAA shall include the same requirements as for agency providers, with the following differences:

(1) Availability: Paragraph (B)(2)(c) of this rule does not apply.

(2) Initial qualifications, in-service training, and verification: Paragraphs (B)(3)(a), (B)(3)(c), and (B)(3)(d) of this rule apply as if "provider" is the AAA and "aide" is either the self-employed or participant-directed provider.

(3) Orientation: Paragraph (B)(3)(b) of this rule does not apply.

(4) Supervision: Paragraph (B)(4) of this rule does not apply.

(5) Employee policies: Paragraphs (B)(5)(iv) to (B)(5)(vii) of this rule of this rule apply, but paragraphs (B)(5)(i) to (B)(5)(iii) do not apply.

(6) Service verification: Paragraph (B)(6) of this rule applies as if "aide" is either the self-employed or participant-directed provider.

(D) Unit of service: A unit of homemaker is one hour of homemaker. Providers may report partial hours to two decimal places (e.g., "0.25 hours").

Effective: 12/31/2020
Five Year Review (FYR) Dates: 10/16/2020 and 11/28/2025

CERTIFIED ELECTRONICALLY

Certification

12/21/2020

Date

Promulgated Under: 119.03
Statutory Authority: 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11
Rule Amplifies: 173.39, 173.392; 42 U.S.C. 3025, 3030d; 45 C.F.R. 1321.11, 1321.65
Prior Effective Dates: 02/15/2009, 12/01/2013, 05/08/2020, 06/11/2020 (Emer.)