

173-35-01

Introduction and definitions.

(A) Introduction: ODA is authorized under division (B) of section 173.35 of the Revised Code to administer the RSS program under which the state supplements the SSI payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., section 1381 et seq., as amended. RSS payments are used for the provision of accommodations, supervision, and personal care services to SSI recipients who ODA determines are at risk of needing institutional care.

~~The rules in Chapter 173-35 of the Administrative Code~~ This chapter governs the administration of the RSS program by ODA. The Ohio department of job and family services has also adopted rules governing this program. Those rules are located primarily in Chapter 5101:1-17 of the Administrative Code.

(B) ~~As used in~~ Definitions for Chapter 173-35 of the Administrative Code this chapter:

- (1) "Accommodations" means housing, three nutritious meals a day, meal preparation, laundry service, housekeeping, arranging transportation, social activities within the facility, recreational activities within the facility, maintenance, security service, and similar services.
- (2) "Approved community living arrangement" is a living arrangement listed under paragraph (A)(1) of rule 173-35-02 of the Administrative Code.
- (3) "Area agency on aging" ("AAA") ~~means a public or non-profit entity that has entered into a contract with ODA to develop an area plan for a particular PSA and to administer programs on behalf of ODA within the particular PSA, in accordance with Section 306 of the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended, and as presented in rule 173-2-01 of the Administrative Code~~ has the same meaning as in section 173.42 of the Revised Code.
- (4) "Assessment" means a comprehensive, in-depth evaluation to identify an individual's current situation, ability to function, strengths, problems, and care needs in the following major functional areas: physical health, medical care utilization, activities of daily living, instrumental activities of daily living, mental functioning, social functioning, financial resources, physical environment, and utilization of services and support.
- (5) "Authorized representative" means any adult who is at least eighteen years of age who is designated to act on behalf of an individual/resident on forms JFS 07200 ("Request for Cash, Food Stamp, and Medical Assistance") and JFS 07120 ("Residential State Supplement").

- (6) "Case manager" means a person who is all of the following:
- (a) Employed by a PAA;
 - (b) Responsible for the planning, coordinating, monitoring, evaluation, and authorization of RSS services; and,
 - (c) In possession of either one of the following:
 - (i) A valid license to practice as a registered nurse in accordance with Chapter 4723. of the Revised Code; or,
 - (ii) A valid license to practice as a licensed social worker in accordance with Chapter 4757. of the Revised Code.
- (7) "Case management" is a service provided by a PAA that links and coordinates the assistance provided by both paid service providers and unpaid family members and friends to enable residents with chronic functional and/or cognitive limitations to obtain the highest level of independence consistent with their capacity and their preferences for care.
- (8) "CDJFS" means "county department of job and family services."
- (9) "Community living arrangement" means a living arrangement listed under division (C)(1) of section 173.35 of the Revised Code.
- ~~(9)~~(10) "Community setting" means one of the following:
- (a) An individual's personal residence, so long as it is not required by law to be licensed or certified; or,
 - (b) A temporary admission to a hospital or NF for purposes of treatment or rehabilitation.
- ~~(10)~~(11) "Facility" means an approved community living arrangement, ~~as defined in this rule,~~ and includes the owner, employees, and volunteers who provide accommodations, supervision, and personal care services in the facility.
- ~~(11)~~(12) "Immediate family member" means a married couple and ~~the~~ any children of either member of that couple.

- ~~(12)~~(13) "Individual" means a person who is requesting consideration for RSS enrollment.
- ~~(13)~~(14) "Legal representative" means a person or entity that is designated to make decisions for an individual (or resident) by the individual (or resident) or by a probate court. Examples of legal representatives include guardians, conservators, and attorneys-in-fact who have been designated as such through a power of attorney, including a durable power of attorney for health care decisions.
- ~~(14)~~(15) "Long-term care consultation program" ~~means~~ has the same meaning as in the program ODA adopted pursuant to section 173.42 173.351 of the Revised Code.
- ~~(15)~~(16) "Long-term care consultation program administrator" ~~or ("administrator")~~ means ODA or, if ODA contracts with an AAA or other entity to administer the long-term care consultation program for a particular area, that agency or entity has the same meaning as in section 173.351 of the Revised Code.
- ~~(16)~~(17) "Mental health reviewing agency" means a mental health agency under contract with a mental health board to make recommendations to a PAA concerning whether a specific facility is appropriate to meet the needs of a particular individual or resident.
- ~~(17)~~(18) "Nursing facility" ("NF") has the same meaning as in section 5111.20 of the Revised Code.
- ~~(18)~~(19) "ODA" means "the Ohio department of aging."
- ~~(19)~~(20) "PASSPORT administrative agency" ("PAA") means a public or non-profit entity that has entered into a contract with ODA to provide administrative services on behalf of ODA within a particular PSA for medicaid waiver programs under the authority of ODA, the nonwaiver-funded PASSPORT program, and the RSS program.
- ~~(20)~~(21) "Personal care services" ~~means services including, but not limited to, assisting residents with activities of daily living, assisting residents with self-administration of medications in accordance with rule 3701-20-17 of the Administrative Code, and preparing special diets, if provided by the facility, in accordance with rule 3701-20-20 of the Administrative Code~~ has the same meaning as in section 3721.01 of the Revised Code.

- ~~(21)~~(22) "Planning and service area" ("PSA") ~~means~~ has the same meaning as in a geographical region of Ohio, the boundaries of which have been determined by ODA in accordance with Section 305 of the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended, and as presented in rule 173-1-03 of the Administrative Code section 173.011 of the Revised Code.
- ~~(22)~~(23) "Protective level of care" means the designation describing an individual's functional level pursuant to the requirements in rule 5101:3-3-08 of the Administrative Code.
- ~~(23)~~(24) "Provider" means ~~an a person,~~ agency, or program that provides a services service in addition to ~~those the service~~ provided by the facility, including, ~~but not limited to, an agency or program such as an adult protective services program service,~~ a substance abuse program, a home health care agency, a community mental health agency, or a mental retardation/developmental disabilities agency.
- ~~(24)~~(25) "Resident" means an individual enrolled in the RSS program.
- ~~(25)~~(26) "Residential care plan" ("RCP") means a plan developed in consultation with the resident from the findings of the resident's assessment which identifies the resident's needs, desired outcomes, and the services and providers that are necessary to meet those needs.
- ~~(26)~~(27) "Residential state supplement" ("RSS") means the program administered ~~pursuant to~~ under section 173.35 of the Revised Code.
- ~~(27)~~(28) "Skilled nursing care" has the same meaning as in ~~rule 3701-20-01 of the Administrative Code~~ section 3721.01 of the Revised Code.
- ~~(28)~~(29) "SSDI" means "social security disability insurance."
- ~~(29)~~(30) "Supervision" means ensuring the health, safety, and welfare of the resident by observing the resident while the resident engages in activities of daily living or other activities; reminding a resident to engage in or complete an activity of personal hygiene or other self-care activity; or, assisting a resident in making or keeping an appointment.
- ~~(30)~~(31) "Supplemental security income" ("SSI") means the benefit received under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as amended.

~~(31)~~(32) "Waiting list" means a list of individuals who have received an assessment and are determined to meet all non-financial eligibility criteria for the program.

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