

173-39-01

Introduction and definitions.

(A) The rules in Chapter 173-39. of the Administrative Code establish criteria for the certification of persons and governmental entities to provide community-based long-term care services under programs administered by the Ohio department of aging.

(B) As used in this chapter:

- (1) "ADL" means activities of daily living, including: bathing; grooming; toileting; dressing; eating; and mobility, which refers to bed mobility, transfer, and locomotion.
- (2) "Assessment" means an in-depth information about an individual's current situation and ability to function. It is comprehensive and identifies the individual's 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 and social functioning, financial resources, physical environment, and utilization of services and support.
- (3) "Assistance with self-administration of medication" means an unlicensed person assisting with self-administration of medications may do only the following:
 - (a) Remind a consumer when to take the medication and observe to ensure that the consumer follows the directions on the container; and,
 - (b) Assist a consumer in the self-administration of medication by taking the medication in its container from the area where it is stored and handing the container with the medication in it to the consumer. If the consumer is physically unable to open the container, the unlicensed person may open the container for the consumer.
- (4) "Assisted living provider" means a licensed residential care facility certified by ODA to furnish assisted living and community transition services.
- (5) "Assisted living care plan" means a written plan identifying the extent and types of services, as described in rules 173-39-02.16 and 173-39-02.17 of the Administrative Code, to be provided to the consumer by an assisted living provider.
- (6) "Authorized representative" means an adult eighteen years of age or older who is designated to act on behalf of the consumer.
- (7) "Caregiver" means a relative, friend, and/or significant other who voluntarily provides assistance to the consumer and is responsible for the consumer's care on a continuing basis.

- (8) "Case management" means coordinating and monitoring the delivery of all services identified on the service plan; periodic re-evaluation of the consumer's goals and objectives for long-term care services; periodic re-determination of program eligibility; authorization of the amount, scope, and duration of long-term care services; and assisting the consumer to access needed waiver and other medical and social services regardless of funding source.
- (9) "Case manager" means the registered nurse or licensed social worker employed by a regional area agency on aging who is responsible for the planning, coordinating, monitoring, evaluation and authorization of ODA-certified long-term care services.
- (10) "CDJFS" means county department of job and family services.
- (11) "Certification" means the approval of a provider to furnish one or more of the long-term care services described in rules 173-39-02.1 to 173-39-02.16 of the Administrative Code.
- (12) "Certified health care professional" means an individual with a professional license or certificate to provide a health care service.
- (13) "COALA program" means the home health aide training program developed and copyrighted by the council on aging of southwestern Ohio.
- (14) "Consumer" means an individual who has been accepted for enrollment and is receiving ODA-certified long-term care services.
- (15) "Consumer-directed individual provider" means a provider who is certified to furnish consumer-directed long-term care services to a consumer. The consumer-directed individual provider may not be a spouse, parent, or stepparent of the consumer, or serve as the consumer's legal guardian.
- (16) "Consumer signature" means the signature or mark of the consumer or the consumer's caregiver.
- (17) "Denial" means that a provider applying for certification as a long-term care service provider has been refused or not accepted.
- (18) "Department" means the Ohio Department of Aging.
- (19) "DRI" means dietary reference intakes as established by the food and nutrition board of the institute of medicine of the national academy of sciences.
- (20) "Emergency Contact" means an individual identified by a consumer and/or caregiver to be contacted in the event of an emergency and informed about

the nature of the emergency.

- (21) "Incident" means any event that is not consistent with the routine care and service delivery for a consumer. Incidents include, but are not limited to: abuse, neglect, abandonment, accidents, unusual events or situations which might result in injury to a person or damage to property or equipment. Incidents may involve consumers, caregivers (to the extent the event impacts on the consumer), providers, facilities, provider or facility staff, staff from ODA's regional designee, ODA staff and other administrative authorities.
- (22) "Instrumental activity of daily living" and "IADL" means any of the following activities: shopping; meal preparation; laundry; community access activities including telephoning, transportation, legal or financial services; and environmental activities including house cleaning, heavy chores, yard work or maintenance.
- (23) "Level of care" (LOC) means that designation describing a person's functional levels and nursing needs pursuant to the requirements in rules 5101:3-3-05 to 5101:3-3-08 of the Administrative Code.
- (24) "Licensed practical nurse" and "LPN" mean an individual who holds a current, valid license issued pursuant to Chapter 4723. of the Revised Code.
- (25) "Long-term care agency provider" means a legally organized entity that is certified by ODA to furnish certified long-term care services and employs staff.
- (26) "Long-term care non-agency provider" means a provider entity that is owned and controlled by one person who is certified by ODA to furnish certified long-term care services and does not employ staff.
- (27) "Mailing date" means the date that has been metered or postmarked by the United States post office.
- (28) "ODA" means the Ohio department of aging.
- (29) "ODA's Designee" means the regional area agency on aging, or other entity, designated by the Ohio department of aging to administer certified long-term care services funded by the department.
- (30) "ODJFS" means the Ohio department of job and family services.
- (31) "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of the Ohio department of health (ODH) in accordance with Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a

distinct part of a facility, that is certified as a nursing facility by the director of ODH in accordance with Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, and is certified as a skilled nursing facility by the director in accordance with Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.

- (32) "Payroll agent" means the entity operating under contract with ODA's regional designee to facilitate payment of individual providers on behalf of the consumer for the provision of consumer-directed services.
- (33) "Plan of treatment" means a physician's orders.
- (34) "Region" means the geographic area of Ohio in which ODA's designee administers ODA-certified long-term care services.
- (35) "Registered nurse" and "RN" mean an individual who holds a current, valid license issued pursuant to Chapter 4723. of the Revised Code.
- (36) "Service plan" means the written outline of the consumer's services, including certified long term care services and all other services regardless of funding source.
- (37) "Significant change" means a remarkable change in a consumer's health status, mood, behavior, and/or demeanor that may indicate the need for a re-assessment of the consumer's needs.
- (38) "Special review" means a non-electronic review of documentation submitted for payment of services compared with authorization and service provision documentation.
- (39) "Sub-region" means a geographic area located within a region for the purpose of establishing unit rates as set forth in rule 5101:3-31-11 of the Administrative Code.
- (40) "Vocational program" means a planned series or sequence of courses or modules that incorporate challenging academic education and rigorous, performance-based Skills training to prepare participants for success in a particular health care career field or occupation.

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