

TO BE RESCINDED

173-39-01 **Introduction and definitions.**

(A) Introduction: This chapter establishes the certification requirements for providers under the assisted living program, the choices program, or the PASSPORT program; the minimum requirements for a provider of services under those programs; disciplinary action against providers who do not maintain the minimum requirements; and appeal hearings for providers receiving disciplinary action.

(B) Definitions for this chapter:

- (1) "Activity of daily living" ("ADL") has the same meaning as in rule 5101:3-3-06 of the Administrative Code.
- (2) "Activity plan" means a description of the interventions and the dates and times that the provider will furnish the interventions.
- (3) "Assessment" means an in-depth gathering of information about the strengths, problems, and care needs of an individual in the following major functional areas: physical health, medical care utilization, ADLs, IADLs, mental and social functioning, financial resources, physical environment, and utilization of services and support.
- (4) "Assistance with self-administration of medication" has the same meaning as in section 3722.011 of the Revised Code.
- (5) "Authorized representative" means an adult eighteen years of age or older, who is designated to act on behalf of, the consumer and who is not the paid caregiver.
- (6) "Caregiver" means a relative, friend, or significant other who voluntarily provides assistance to the consumer and is responsible for the consumer's care on a continuing basis.
- (7) "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 medicaid-waiver services and other medical and social services, regardless of their source of funding.

- (8) "Case manager" means the registered nurse or licensed social worker employed by ODA's designee who is responsible for the planning, coordinating, monitoring, evaluation, and authorization of medicaid-waiver funded community-based long-term care services and the non-medicaid waiver funded PASSPORT program described in section 173.40 of the Revised Code.
- (9) "CDJFS" means "county department of job and family services."
- (10) "Certification" means ODA's approval of a provider to furnish one or more services under rules 173-39-02.1 to 173-39-02.20 of the Administrative Code.
- (11) "Consumer" means an individual who is enrolled in a medicaid-waiver program administered by ODA that provided community-based long-term care services or non-medicaid waiver PASSPORT services as described in section 173.40 of the Revised Code.
- (12) "Consumer's signature" means the consumer's signature or that of the consumer's caregiver, which may include a handwritten signature; initials; stamp or mark; or electronic signature that represents the consumer's acknowledgement, including acknowledgement that he or she received a service. ODA's designee documents the consumer's signature of choice (i.e., handwritten, initials, stamp or mark, or electronic) in the consumer's record and communicates it to the provider.
- (13) "Denial" means that a provider applying for certification as a long-term care service provider has been refused or not accepted.
- (14) "Department" means "the Ohio department of aging."
- (15) "Incident" means any event that is not consistent with furnishing routine care or a service to a consumer. Examples of an incident are abuse, neglect, abandonment, accidents, or unusual events or situations that may result in injury to a person or damage to property or equipment. An incident may involve a consumer, a caregiver (to the extent the event impacts the consumer), a provider, a facility, or a staff member of a provider, facility, PAA, ODA, or other administrative authority.
- (16) "Instrumental activity of daily living" ("IADL") has the same meaning as in rule 5101:3-3-08 of the Administrative Code.

- (17) "Level of care" ("LOC") means the designation describing a consumer's functional levels and nursing needs under rules 5101:3-3-05 to 5101:3-3-08 of the Administrative Code.
- (18) "Licensed practical nurse" ("LPN") has the same meaning as in section 4723.01 of the Revised Code.
- (19) "Nursing facility" ("NF") has the same meaning as in section 5111.20 of the Revised Code.
- (20) "ODA" means "the Ohio department of aging."
- (21) "ODA's designee" has the same meaning as in section 173.42 of the Revised Code. The current PASSPORT administrative agencies are the area agencies on aging listed in rule 173-2-04 of the Administrative Code plus "Catholic Social Services of the Miami Valley."
- (22) "ODJFS" means "the Ohio department of job and family services."
- (23) "Plan of treatment" means a physician's orders.
- (24) "Provider" means a person or entity that furnishes a service under this chapter. There are five types of providers:
- (a) "Agency provider" means a legally-organized entity that employs staff and that ODA certifies to furnish one or more of the services under rule 173-39-02.1, 173-39-02.3, 173-39-02.4, 173-39-02.5, 173-39-02.6, 173-39-02.7, 173-39-02.8, 173-39-02.9, 173-39-02.10, 173-39-02.11, 173-39-02.12, 173-39-02.13, 173-39-02.14, 173-39-02.15, 173-39-02.17, 173-39-02.18, 173-39-02.19, or 173-39-02.20 of the Administrative Code.
 - (b) "Assisted living provider" means a licensed residential care facility that ODA certifies to furnish services under rules 173-39-02.16 and 173-39-02.17 of the Administrative Code.
 - (c) "Consumer-directed individual provider" means a person who is the employee of the consumer, that a consumer directly supervises, and that ODA certifies to furnish the home care attendant service under rule 173-39-02.4 of the Administrative Code through the choices program.

- (d) "Consumer-directed personal care provider" means a person who is the employee of the consumer, that a consumer directly supervises, and that ODA certifies to furnish the personal care service under rule 173-39-02.11 of the Administrative Code through the PASSPORT program.
 - (e) "Non-agency provider" means a legally-organized entity that is owned and controlled by one person, that does not employ a staff, and that ODA certifies to furnish one or more of the services under rule 173-39-02.2, 173-39-02.3, 173-39-02.5, 173-39-02.7, 173-39-02.9, 173-39-02.10, 173-39-02.12, 173-39-02.13, 173-39-02.17, or 173-39-02.18 of the Administrative Code.
- (25) "Registered nurse" ("RN") has the same meaning as in section 4723.01 of the Revised Code.
- (26) "Service plan" means the written outline of services that a provider furnishes to a consumer, regardless of the funding source for those services.
- (27) "Significant change" means a remarkable change in a consumer's health status, mood, behavior, or demeanor that may indicate the need for a re-assessment of the consumer's needs.
- (28) "Vocational program" means a planned series, or a sequence of courses or modules, that incorporate challenging, academic education and rigorous, performance-based training to prepare participants for success in a particular health care career or occupation.

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