

## TO BE RESCINDED

**173-39-02.21 Scheduling choices home care attendant and personal care services.**

(A) Agency: No agency shall accept a referral to furnish the personal care service to a consumer unless it has the staff capacity to furnish the number of hours requested for each consumer.

(B) Consumer-directed: No consumer-directed individual provider shall furnish the choices home care attendant service and no consumer-directed personal care provider shall furnish the personal care service:

(1) To more than five consumers per week;

(2) For more than forty hours per week for any individual consumer who employs the provider, unless the consumer's case manager authorizes working more than forty hours per week due to an emergency that cannot be resolved by allowing another provider to furnish the service after the fortieth hour; and,

(3) For more than a total of fifty-six hours per week regardless of the number of consumers who employ the provider.

(C) The provider may furnish a service that is not authorized by the consumer's service plan, but ODA (or ODA's designee) only reimburses the provider for furnishing a service that is authorized by the consumer's service plan.

(D) Definitions for this rule:

(1) "Choices home care attendant service" means the service regulated by rule 173-39-02.4 of the Administrative Code.

(2) "Personal care service" means the service regulated by rule 173-39-02.11 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/31/2019

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.01, 173.02, 173.391, 173.52, 173.522  
Rule Amplifies: 173.52, 173.522; 42 CFR 441.352, 173.39, 173.391  
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