

173-39-02.23

ODA provider certification: out-of-home respite.

(A) "Out-of-home respite" means the service defined in rule 5160-44-17 of the Administrative Code.

(B) Every ODA-certified provider of a waiver nursing service shall comply with the following requirements:

(1) General requirements: The provider shall comply with the requirements for every ODA-certified agency provider in rule 173-39-02 of the Administrative Code.

(2) Requirements specific to out-of-home respite:

~~(2)(a) Requirements specific to a waiver nursing service:~~ The provider shall comply with the requirements in rule 5160-44-17 of the Administrative Code.

(b) If ODA receives CMS approval, the provider may provide out-of-home respite in either of the following:

(i) A RCF.

(ii) Another setting if the provider receives ODA's approval to use the setting. The option to use another setting begins on the effective date of this rule or the date of CMS approval, whichever occurs later.

(c) If ODA does not receive CMS approval to authorize paragraph (B)(2)(b)(ii) of this rule, the provider shall be permitted to provide out-of-home respite in a RCF.

(3) If a conflict exists between a requirement in this rule or rule 173-39-02 of the Administrative Code and a requirement in rule 5160-44-17 of the Administrative Code, the provider shall comply with the requirement in this rule or rule 173-39-02 of the Administrative Code.

(C) Units and rates:

(1) A unit of out-of-home respite under the PASSPORT program equals a unit of out-of-home respite that rule 5160-46-06 of the Administrative Code establishes for the Ohio home care waiver program.

(2) Rule 5160-46-06 of the Administrative Code establishes the maximum rate allowable for a unit of out-of-home respite.

- (3) Rule 5160-31-07 of the Administrative Code establishes rate-setting methodology for units out-of-home respite.

Effective: 6/11/2020

CERTIFIED ELECTRONICALLY

Certification

06/11/2020

Date

Promulgated Under:	119.03
Statutory Authority:	121.07, 173.01, 173.02, 173.391, 173.52, 173.522
Rule Amplifies:	173.39, 173.391, 173.52, 173.522; ; 42 C.F.R. 441.352
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