

173-39-02.25

ODA provider certification: shared living.

(A) Definitions for this rule:

- (1) "Assessment instrument" means the assessment instrument approved by ODM under paragraph (B)(3)(d) of rule 5160-3-08 of the Administrative Code.
- (2) "Caregiver coach" means a person employed by the provider whose duties include participating in the development of the shared-living activity plan, conducting care conferences for each individual to whom the provider provides shared living, and ensuring the training of the shared-living caregiver is adequate for the individual.
- (3) "Continuous" has the same meaning as "less than twenty-four hour support" in rule 5160-3-05 of the Administrative Code
- (4) "Home" means the primary residence of the individual who is enrolled in the PASSPORT program.
- (5) "Level I" means shared living for an individual who needs assistance with self-management and the occasional presence of another person in order to assure the individual's health and safety.
- (6) "Level II" means shared living for an individual who, as determined by the assessment instrument, needs assistance with self-management and the continuous presence of another person, regardless of the source of funds used to pay the other person, in order to assure the individual's health and safety.
- (7) "Ongoing" has the same meaning as "twenty-four hour support" in rule 5160-3-05 of the Administrative Code.
- (8) "Self-management" means management of one's self, which involves taking responsibility for one's own care, behavior, and well-being.
- (9) "Shared living" means all of the following:
- (a) "Shared living" means personal care and support services provided to an individual in the individual's home by a shared-living caregiver who lives with the individual receiving the personal care and support services. Shared living is part of the rhythm of life that naturally occurs when people live together in the same home. Due to the environment provided by living together in the same home, segregating these activities into discrete services is impractical and results in the individual having access to assistance when needed rather than in accordance with a pre-determined schedule.
- (b) "Shared living" means a service that facilitates the individual's independence in his or her home and participation in the community.

Shared living helps an individual achieve optimal functioning with ADLs and IADLs including the following shared-living activities:

- (i) Assisting the individual with managing the household, handling personal affairs, and providing assistance with self-administration of medications.
- (ii) Assisting the individual with eating, bathing, dressing, personal hygiene, grooming, and other ADLs and IADLs defined in rules 5160-3-05 and 5160-3-08 of the Administrative Code.
- (iii) Preparing the individual's meals.
- (iv) Homemaker chores, as defined in rule 173-39-02.8 of the Administrative Code, when the chores are specified in the individual's person-centered service plan and are incidental to the services provided, or are essential to the individual's health and welfare, rather than to the individual's family.
- (v) Escort and transportation to community services, activities, and resources. This activity is offered in addition to medical transportation available under the medicaid state plan, and may not replace it.
- (vi) The presence of the shared-living caregiver, in which the shared-living caregiver is available to address the individual's unscheduled needs.

(10) "Shared-living activity plan" has the same meaning as "activity plan" in rule 173-39-01 of the Administrative Code.

(11) "Shared-living caregiver" means a paid caregiver who lives with an individual in the individual's home.

(B) Eligible individuals:

(1) Level I: An individual enrolled in the PASSPORT program shall meet all the following requirements to be eligible to receive level I shared living:

(a) Assessment instrument: The individual's score on the assessment instrument, as completed by ODA's designee, does not indicate a need for the continuous presence of another person.

(b) Settings: The individual lives in a home with the following characteristics:

(i) The home meets the requirements to home and community-based settings in rule 5160-44-01 of the Administrative Code.

(ii) The home is not owned or rented by the provider.

(iii) No more than two individuals living in the home receive shared living paid by the PASSPORT program.

(2) Level II: An individual enrolled in the PASSPORT program shall meet all the following requirements to be eligible to receive level II shared living:

(a) Assessment instrument: The individual's score on the assessment instrument, as completed by ODA's designee, indicates a need for the continuous presence of another person.

(b) Settings: The individual lives in a home with the following characteristics:

(i) The home meets the requirements to home and community-based settings in rule 5160-44-01 of the Administrative Code.

(ii) The home is not owned or rented by the provider.

(iii) No more than two individuals living in the home receive shared living paid by the PASSPORT program.

(C) Requirements for ODA-certified providers of shared living:

(1) Service provision:

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

(b) Shared-living activity plan:

(i) Development:

(a) Before providing the first unit of shared living to an individual, the caregiver coach shall utilize the person-centered services plan developed by ODA's designee to assist the shared-living caregiver and the individual in developing an initial shared-living activity plan for the individual.

(b) The caregiver coach shall assist the shared-living caregiver and the individual in reviewing and updating the individual's shared-living activity plan any time the individual's needs, interest, and abilities change and any time ODA or its designee requests, but no less often than

every three hundred sixty five days beginning with the date the provider developed the individual's initial shared-living activity plan.

- (c) If the individual authorizes any person to participate in the development of his or her shared-living activity plans, the caregiver coach shall invite the person to participate in developing the individual's initial and updated shared-living activity plans.
- (ii) Content: Caregiver coaches shall, in collaboration with the individual, draft the shared-living activity plan, in accordance with needs and preferences identified in the person-centered services plan, in the following manner:

 - (a) The caregiver coach and shared-living caregiver shall work with the individual to develop activity plans that are understandable to the individual receiving shared living.
 - (b) In the shared-living activity plan, the caregiver coach and shared-living caregiver shall list the individual's interests; preferences; social, rehabilitative, and engagement needs; health needs; and daily care needs.
 - (c) For each item the caregiver coach and shared-living caregiver list in the shared-living activity plan, the caregiver coach and shared-living caregiver shall identify who is responsible for activities related to the listed items, whether it is the individual, the shared-living caregiver, or another person.
 - (d) If ODA's designee determines an individual receiving level II shared living is unable to participate in developing an shared-living activity plan, the caregiver coach and shared-living caregiver shall develop the shared-living activity plan in a person-centered manner consistent with dementia-care practice recommendations for home settings in which family members and other persons important to the individual's well-being may contribute substantially to the understanding about what is meaningful to the individual.
- (iii) Records retention: In addition to retaining records of each initial and updated shared-living activity plan according to the general records-retention requirements in rule 173-39-02 of the Administrative Code, the caregiver coach and shared-living caregiver shall retain copies of initial and updated shared-living

activity plans in each individual's home for the individual to examine.

(c) Care conference:

(i) In each care conference, the caregiver coach shall evaluate and document the effectiveness of the shared-living activity plan, the ability of the shared-living caregiver to implement the shared-living activity plan, and coaching and education (if any) provided to the shared-living caregiver. The caregiver coach shall discuss recommended modifications with ODA's designee and the shared-living caregiver. The provider shall retain records of each care conference including the date of the conference, the individual's name and signature, the shared-living caregiver's name and signature, and the caregiver coach's name and signature.

(ii) The caregiver coach shall obtain from the individual a completed form of the provider's design on which the individual shall indicate his or her satisfaction with the caregiver conference and provide his or her signature to verify his or her indication of satisfaction. If the individual did not participate in a care conference, the provider shall indicate so in the care conference records.

(iii) The caregiver coach shall conduct a care conference at the following intervals:

(a) Level I: After a provider initiates level I shared living with an individual, the caregiver coach shall visit the individual at least once every sixty-two days to conduct a care conference.

(b) Level II: After a provider initiates level II shared living with an individual, the caregiver coach shall visit the individual at least once every thirty-one days to conduct a care conference.

(d) Limitations: The PASSPORT program shall not pay for shared living when provided in one or more of the following situations:

(i) The individual's person-centered service plan does not authorize shared living.

(ii) On the same day an individual receives shared living, the individual also received the choices home care attendant service, chore service, homemaker service, home care attendant service, or

independent living assistance from the provider of shared living or any other provider.

(iii) On the same day an individual receives shared living, the individual also received more than four hours of adult day services or personal care from the shared living provider or any other provider.

(e) Records retention: In addition to retaining records of care conferences according to the general records-retention requirements in rule 173-39-02 of the Administrative Code, the provider shall retain records of care conferences in the individual's home for the individual to examine.

(2) Qualifications:

(a) Provider qualifications: The PASSPORT program shall only cover shared living provided by an ODA-certified agency provider.

(b) Level I shared-living caregiver qualifications:

(i) Initial qualifications: Before the provider allows a shared-living caregiver to provide level I shared living to an individual enrolled in the PASSPORT program, the shared-living caregiver shall meet the following requirements:

(a) Age: The shared-living caregiver shall be at least eighteen years of age.

(b) Identification: The shared-living caregiver shall have a valid social security number and at least one of the following current, valid, government-issued, photographic identification cards:

(i) Driver's license.

(ii) State of Ohio identification card.

(iii) United States of America permanent residence card.

(c) Communications:

(i) The shared-living caregiver shall read, write, and understand English at a level enabling the shared-living caregiver to comply with this rule and rule 173-39-02 of the Administrative Code.

(ii) The shared-living caregiver shall be able to effectively communicate with the individual.

(d) Transportation:

(i) If the shared-living caregiver intends to transport the individual, before the shared-living caregiver provides the first episode of transportation, the provider shall show ODA's designee a copy of the shared-living caregiver's valid driver's license and a copy of a valid insurance identification card to show the vehicle to be used for transportation complies with the financial responsibility requirements in Chapter 4501:1-02 of the Administrative Code. The shared-living caregiver shall only transport the individual in a vehicle for which ODA's designee has verified is insured.

(ii) If the shared-living caregiver does not intend to transport the individual, the provider shall submit an attestation (hard copy or email) to ODA's designee declaring the shared-living caregiver will not transport the individual unless the shared-living caregiver complies with paragraph (C)(2)(b)(i)(d)(i) of this rule.

(e) Core-competency training: The shared-living caregiver shall successfully complete training and demonstrate competency with the following core-competency topics:

(i) Maintaining a clean and safe environment.

(ii) Basic home safety.

(iii) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken.

(iv) Promoting the individual's independence.

(v) Assisting with ADLs.

(vi) Communicating the individual's information to authorized persons.

(vii) Administrative tasks related to shared living.

- (f) Person-centered training: The shared-living caregiver shall successfully complete training and demonstrate competency with any training requirements necessary to address the needs, preferences, and goals identified in the individual's person-centered services plan.
- (ii) Ongoing qualifications: Each shared-living caregiver who provides level I shared living to an individual enrolled in the PASSPORT program shall meet the following requirements on an ongoing basis:
- (a) The shared-living caregiver shall continue to meet the initial qualifications to provide level I shared living to individuals in the PASSPORT program.
- (b) The shared-living caregiver shall successfully complete at least eight hours of continuing education each year before his or her anniversary date of hire with the provider.
- (c) Level II shared-living caregiver qualifications:
- (i) Initial qualifications: Before the provider allows a shared-living caregiver to provide level II shared living to an individual enrolled in the PASSPORT program, the shared-living caregiver shall meet the following requirements:
- (a) The shared-living caregiver shall meet the initial qualifications to provide level I shared living to an individual enrolled in the PASSPORT program.
- (b) The shared-living caregiver shall successfully complete and demonstrate competency with a dementia-care training program (or provider-hosted dementia-care training program) in which the training topics include the following:
- (i) Understanding dementia, the causes of dementia, or the stages of Alzheimer's disease.
- (ii) Cuing, prompting, and other means of effective communication.
- (iii) Common behaviors and strategies to redirect or de-escalate.
- (iv) Effective activities to promote independence.

(ii) Ongoing qualifications: Each shared-living caregiver who provides level II shared living to an individual enrolled in the PASSPORT program shall meet the following requirements on an ongoing basis:

(a) The shared-living caregiver shall continue to meet the initial qualifications to provide level II shared living to an individual.

(b) The shared-living caregiver shall successfully complete at least eight hours of continuing education each year before the anniversary date on which he or she began providing shared living to the individual.

(d) Caregiver coach qualifications: Each caregiver coach shall possess a current, valid Ohio license to practice as an RN or as an LPN under the direction of an RN.

(e) Records retention: In addition to retaining records to verify the qualifications of the shared-living caregiver and caregiver coach according to the general records-retention requirements in rule 173-39-02 of the Administrative Code, the provider shall retain records to verify the qualifications of the shared-living caregiver and caregiver coach in the individual's home for the individual to examine.

(3) Service verification (activity logs):

(a) For each unit of level I or level II shared living, the shared-living caregiver shall complete an activity log to document the shared-living activities provided.

(b) For level I shared living, the provider may use an electronic system to facilitate activity logs if the system does at least all of the following:

(i) Records the individual's name, date, activities the shared-living caregiver provided to the individual on that date, the identity of the shared-living caregiver, and verification from the individual that the activities were provided, which the individual shall indicate with an identifier (e.g., electronic signature, fingerprint, password, swipe card, bar code) unique to the individual.

(ii) Retains the information it records.

(iii) Produces reports, upon request, that ODA (or its designee) can monitor for compliance.

- (c) For level I shared living, the provider may use a manual system to facilitate activity logs if the shared-living caregiver documents on each activity log the individual's name, date, activities the shared-living caregiver provided to the individual on that date, identity of the shared-living caregiver, shared-living caregiver's signature, and verification from the individual that the activities were provided, which the individual shall indicate with a handwritten signature. If the individual is unable to produce a handwritten signature, the individual's handwritten initials, stamp, or mark are acceptable if the case manager recorded the alternative in the individual's person-centered service plan.
- (d) For level I shared living, in addition to retaining activity logs according to the general records-retention requirements in rule 173-39-02 of the Administrative Code, the provider shall retain copies of activity logs in the individual's home for the individual to examine.
- (e) If ODA's designee determines an individual receiving level II shared living does not have the capacity to verify the accuracy of an activity log, the shared-living caregiver is not required to obtain verification from the individual of the veracity of the activity log. Instead, the shared-living caregiver shall document in the activity log that the individual is unable to verify shared-living activities. If ODA's designee determines an individual receiving level II shared living has the capacity to verify the accuracy of an activity log, the shared-living caregiver shall complete the service-verification requirements for level I shared living.

(D) Units and rates:

- (1) A unit of shared living means one of the following:
- (a) Level I: One full day of level I shared living activities.
 - (b) Level II: One full day of level II shared-living activities.
- (2) The maximum rate allowable for a unit of shared living is established in Appendix A to rule 5160-1-06.1 of the Administrative Code.
- (3) The rates are subject to the rate-setting methodology in rule 5160-31-07 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.52, 173.522, 173.391
Rule Amplifies: 173.39, 173.391