

173-39-02.4

ODA provider certification: choices home care attendant service.

(A) "Choices home care attendant service" (service) means a service that provides one or more of the following activities to support the needs of an individual with impaired physical or cognitive functioning:

- (1) Assisting the individual with money management and correspondence as directed by the individual, managing the home, handling personal affairs, and providing assistance with self-administration of medications, as defined in rule 173-39-01 of the Administrative Code.
- (2) Assisting the individual with ADLs and IADLs.
- (3) Homemaker activities listed in rule 173-39-02.8 of the Administrative Code when those activities are specified in the individual's service plan and are incidental to the activities in paragraphs (A)(1) and (A)(2) of this rule or are essential to the health and welfare of the individual instead of other persons living with the individual.
- (4) Providing respite services to the individual's caregiver.
- (5) Escort and transportation.
- (6) Providing an errand outside of the presence of the individual that is needed by the individual to maintain the individual's health and safety (e.g., picking up a prescription or groceries for the individual).
- (7) The activities included in home maintenance and chores under rule 5160-44-12 of the Administrative Code, including seasonal yard care and snow removal.

(B) Requirements for an ODA-certified provider of the choices home care attendant service:

- (1) The provider is subject to rule 173-39-02 of the Administrative Code.
- (2) Availability and scheduling:
 - (a) The provider shall maintain availability to provide this service as agreed upon with the individual and as authorized in the individual's person-centered services plan.
 - (b) No participant-directed provider may provide this service in excess of the following limits:
 - (i) To more than five individuals per week.

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

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

(3) Oversight: The individual who receives this service is the employer of record. As used in this paragraph, "employer of record" means the individual who employs the provider; supervises the provider; pays the appropriate state, federal, and local taxes; and pays premiums for worker's compensation and unemployment compensation insurance. A financial management service (FMS) acts as the agent of the common-law employer with the participant-directed individual provider the individual employs.

(4) Provider qualifications:

(a) Initial qualifications: A person may qualify to provide this service only if the person meets all the following qualifications:

(i) The person is an ODA-certified participant-directed provider or an ODA-certified agency provider.

(ii) The person is at least eighteen years of age.

(iii) The person has a valid social security number and at least one of the following current, valid, government-issued, photographic identification cards:

(a) Driver's license.

(b) State of Ohio identification card.

(c) United States of America permanent residence card.

(iv) The person reads, writes, and understands English at a level which enables the person to comply with this rule and rule 173-39-02 of the Administrative Code.

(v) The person is able to effectively communicate with the individual.

(b) Qualifications to transport the individual:

(i) If the provider intends to transport the individual, before providing the first episode of transportation, the provider shall show ODA's designee a valid driver's license and valid insurance identification card to show that the provider has liability insurance for driving a vehicle which complies with the financial responsibility requirements in Chapter 4501:1-02 of the Administrative Code. A provider may transport an individual in a vehicle only if ODA's designee has verified that the vehicle is insured.

(ii) If the provider does not intend to transport the individual, the provider shall provide a written or electronic attestation to ODA's designee declaring the provider will not transport the individual unless the provider complies with paragraph (B)(4)(b) of this rule before the first episode of transportation.

(c) Initial training: ODA or its designee shall confer with the individual to establish what training or skills the individual deems appropriate for each participant-directed provider.

(d) Continuing education: Each year before the provider's anniversary date of certification as an ODA-certified provider, the provider shall successfully complete eight units of training that the individual considers necessary to meet the individual's needs. ODA's designee may assist the individual with the individual's responsibilities under this paragraph.

(5) Service verification:

(a) Until rule 5160-1-40 of the Administrative Code requires a provider of this service to use EVV, the following are the mandatory reporting items that a provider retains on a time sheet that the individual provides through the FMS for each episode of service to comply with the requirements under paragraph (B)(10)(a)(i) of rule 173-39-02 of the Administrative Code:

(i) Individual's name.

(ii) Service date.

(iii) Provider's name.

(iv) Provider's arrival time.

(v) Provider's departure time.

(vi) Unique identifier of the individual to attest to receiving the service.

(vii) Unique identifier of the provider to attest to providing the service.

(b) The following are the mandatory reporting items that a provider retains on a task sheet that the individual provides through the FMS for each episode of service to comply with the requirements under paragraph (B)(10)(a)(i) of rule 173-39-02 of the Administrative Code:

(i) Description of the activities provided.

(ii) Unique identifier of the provider to attest to providing the service.

(iii) Unique identifier of the individual to attest to receiving the service.

(C) Unit and rates:

(1) For the PASSPORT program, the appendix to rule 5160-1-06.1 of the Administrative Code lists the following for the choices home care attendant service:

(a) The unit as fifteen minutes.

(b) The maximum rate allowable for a unit.

(2) For the PASSPORT program, rule 5160-31-07 of the Administrative Code establishes the rate-setting methodology for the choices home care attendant service.

Replaces: 173-39-02.4

Effective:

Five Year Review (FYR) Dates:

Certification

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 CFR 441.352
Prior Effective Dates: 03/31/2006, 11/11/2013, 07/01/2014, 11/01/2015,
01/10/2021, 04/17/2022