

5101:3-3-06

**Criteria for the protective level of care.**

(A) This rule describes the criteria for an individual to meet the protective level of care.

(B) The criteria for the protective level of care is met when:

(1) The individual's needs for long-term services and supports (LTSS), as defined in rule 5101:3-3-05 of the Administrative Code, are less than the criteria for the intermediate or skilled levels of care, as described in paragraphs (B)(4), (C), and (D)(4) of rule 5101:3-3-08 of the Administrative Code.

(2) The individual's LTSS needs are less than the criteria for the ICF-MR-based level of care, as defined in rule 5101:3-3-05 of the Administrative Code.

(3) The individual has a need for:

(a) Less than twenty-four hour support, as defined in rule 5101:3-3-05 of the Administrative Code, in order to prevent harm due to a cognitive impairment, as diagnosed by a physician or other licensed health professional acting within his or her applicable scope of practice, as defined by law; or

(b) Supervision, as defined in rule 5101:3-3-05 of the Administrative Code, of one activity of daily living (ADL), as defined in rule 5101:3-3-05 of the Administrative Code and as described in paragraph (C) of this rule, or supervision of medication administration, as defined in rule 5101:3-3-05 of the Administrative Code; and

(c) Assistance, as defined in rule 5101:3-3-05 of the Administrative Code, with three instrumental activities of daily living (IADL), as defined in rule 5101:3-3-05 of the Administrative Code and as described in paragraph (D) of this rule.

(C) For the purposes of meeting the criteria described in paragraph (B)(3) of this rule, an individual has a need in an ADL when:

(1) The individual requires supervision of mobility in at least one of the following three components:

(a) Bed mobility;

(b) Locomotion; or

(c) Transfer.

(2) The individual requires supervision of bathing.

(3) The individual requires supervision of grooming in all of the following three

components:

(a) Oral hygiene;

(b) Hair care; and

(c) Nail care.

(4) The individual requires supervision of toileting in at least one of the following four components:

(a) Using a commode, bedpan, or urinal;

(b) Changing incontinence supplies or feminine hygiene products;

(c) Cleansing self; or

(d) Managing an ostomy or catheter.

(5) The individual requires supervision of dressing in at least one of the following two components:

(a) Putting on and taking off an item of clothing or prosthesis; or

(b) Fastening and unfastening an item of clothing or prosthesis.

(6) The individual requires supervision of eating.

(D) For the purposes of meeting the criteria described in paragraph (B)(3) of this rule, an individual has a need in an IADL when:

(1) The individual requires assistance with meal preparation.

(2) The individual requires assistance with environmental management in all of the following three components:

(a) Heavy chores;

(b) House cleaning; and

(c) Yard work and/or maintenance.

(3) The individual requires assistance with personal laundry.

(4) The individual requires assistance with community access in at least one of the following three components:

(a) Accessing transportation;

(b) Handling finances; or

(c) Telephoning.

(5) The individual requires assistance with shopping.

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Certification

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