

TO BE RESCINDED

5101:3-3-06

Intermediate level of care (ILOC).

(A) This rule sets forth the criteria used to determine whether an individual who is seeking medicaid payment for long term care services needs an intermediate level of care (ILOC).

(B) Definitions.

(1) "Activity of daily living (ADL)" means a personal or self-care skill performed, with or without the use of assistive devices, on a regular basis that enables the individual to meet basic life needs for food, hygiene, and appearance. For purposes of this rule, the term "ADL" may refer to any of the following:

(a) "Mobility" is the ability to use fine and gross motor skills to reposition or move oneself from place to place, with or without the use of assistive devices. Mobility includes all of the following:

(i) "Bed mobility," the ability to move to and/or from a lying position, turn from side to side, or otherwise position the body while in bed;

(ii) "Transfer," the ability to move between surfaces (e.g. to/from bed, chair, wheelchair, standing position, etc.); or

(iii) "Locomotion," the ability to move between locations by ambulation or by other means.

(b) "Bathing" is the ability to cleanse one's body by showering, tub or sponge bath, or any other generally accepted method, and may be performed with or without the use of assistive devices.

(c) "Grooming" is the ability to perform the tasks associated with oral hygiene, hair care, and nail care.

(d) "Toileting" is the ability to appropriately eliminate and dispose of bodily waste, with or without the use of assistive devices or appliances. Toileting may include the use of a commode, bedpan, or urinal, the ability to change an absorbent pad, and to appropriately cleanse the perineum; and/or the ability to manage an ostomy or catheter;

(e) "Dressing" is the ability to put on, fasten, and take off all items of

clothing, including the donning and/or removal of prostheses;

- (f) "Eating" is the ability to feed oneself. Eating includes the processes of getting food into one's mouth, chewing, and swallowing, and/or the ability to use and self-manage a feeding tube.
 - (2) "Assistance" means the hands-on provision of help in the initiation and/or completion of a task.
 - (3) "Individual" has the same meaning as in rule 5101:3-3-15 of the Administrative Code.
 - (4) "Medication administration" means the ability to prepare and self-administer all forms of over the counter and prescription medication.
 - (5) "Supervision" means either of the following:
 - (a) Reminding an individual to perform or complete an activity; or
 - (b) Observing while an individual performs an activity to ensure the individual's health and safety.
- (C) An individual may be determined to require an intermediate level of care (ILOC) only if both of the following conditions are met:
- (1) The individual's physical and mental condition and resulting service needs have been evaluated and compared to all of the possible levels of care (in accordance with rule 5101:3-3-15 of the Administrative Code) and it has been determined that:
 - (a) The individual requires services beyond the minimum required for a protective level of care (set forth in rule 5101:3-3-08 of the Administrative Code); but,
 - (b) The individual's condition and/or corresponding service needs do not meet the minimum criteria for a skilled level of care set forth in rule 5101:3-3-05 of the Administrative Code; and,
 - (c) The individual's condition and/or service needs do not meet the criteria for an intermediate care facility for the mentally retarded developmentally disabled level of care (ICF-MR/DD LOC) set forth in rule 5101:3-3-07

of the Administrative Code; and

(2) At least one of the following applies:

- (a) The individual requires hands-on assistance with the completion of at least two activities of daily living;
- (b) The individual requires hands-on assistance with the completion of at least one activity of daily living; and is unable to perform self-administration of medication and requires that medication administration be performed by another person;
- (c) The individual requires one or more skilled nursing or skilled rehabilitation services (as defined in paragraphs (B)(4) and (B)(5) of rule 5101:3-3-05 of the Administrative Code) at less than a skilled care level (as defined in paragraph (B)(3) of rule 5101:3-3-05 of the Administrative Code); or
- (d) Due to a cognitive impairment, including but not limited to dementia (as defined in rule 5101:3-3-15.1 of the Administrative Code), the individual requires the presence of another person, on a twenty-four-hour-a-day basis for the purpose of supervision to prevent harm.

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Certification

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