

5101:3-31-02 **Passport program definitions.**

~~As used in this chapter:~~

~~(A) The purpose of this rule is to define the terms used in the preadmission screening system providing options and resources today (PASSPORT).~~

As used in this chapter:

~~(A) "Abuse" means:~~

~~(1) Any act, or absence of action, which result, or could result, in physical injury to a consumer, unless the act is done in self-defense or occurs by accident;~~

~~(2) Any act which constitutes sexual activity as defined in Chapter 2907. of the Revised Code, where such activity would constitute an offense against a consumer;~~

~~(3) Acts of threatening language or gestures directed toward a consumer which subjects the consumer to humiliation or degradation; or~~

~~(4) Depriving a consumer of real or personal property by fraudulent or illegal means.~~

~~(B) "Abandonment" means that the consumer is left in an unsafe situation by the provider or the provider unilaterally terminates the provider/consumer relationship without reasonable notice when further care is needed.~~

~~(C)~~(B) "ADL" means activities of daily living including bathing; grooming; toileting; dressing; eating; and mobility which refers to bed mobility, transfer, and locomotion as defined in rules 5101:3-3-06 and 5101:3-3-08 of the Administrative Code.

~~(D)~~(C) "ADS" means adult day service.

(D) "Assessment" means a face-to-face evaluation and interview that is conducted to collect in-depth information about an individual's current situation and ability to function. It is comprehensive and identifies the individual's strengths, problems, and care needs in the major functional areas: physical health, medical care utilization, activities of daily living, instrumental activities of daily living, mental and social functioning, financial resources, physical environment, and utilization of services and support.

~~(E) "Assessment" means the process of evaluating the individual/consumer's functional and cognitive capacity and limitations, needs, strengths, abilities and resources.~~

~~(F) "Approved source" means a designation given to food handling and processing~~

~~entities that comply with state and federal food safety regulations and inspections.~~

~~(G) "Authorized representative" means an adult age eighteen years or older who is designated on the ODJFS 7100 "Common Application Form" and/or ODJFS 7200 "Application for Cash, Medical, and Food Stamp Assistance" to act on behalf of the individual or consumer.~~

(E) "Authorized representative" means a person, eighteen years of age or older, acting on behalf of an individual who is applying for or receiving medical assistance. An authorized representative may be a family member, attorney, hospital social worker, or any other person chosen to act on the individual's behalf. In accordance with rule 5101:1-38-01.2 of the Administrative Code, the individual must provide a written statement naming the authorized representative and the duties that the named authorized representative may perform on the individual's behalf.

~~(H) "Caregivers" means relatives, friends, and/or significant others who voluntarily provide assistance to the individual or consumer and are responsible for the individual's or consumer's care on a continuing basis.~~

~~(F)~~ (F) "Care plan" means a written plan between the consumer and caregivers, as applicable, and the case manager that specifies the consumer's strengths and needs and the interventions that will be used to achieve the desired outcomes.

~~(J) "Case management" is a consumer-centered activity provided by the PASSPORT administrative agency (PAA) in accordance with rule 5101:3-31-05 of the Administrative Code.~~

~~(K)~~ (G) "CDJFS" means a county department of job and family services.

~~(L)~~ (H) "Certification" means providers are certified by the Ohio department of aging (ODA) to provide services for PASSPORT as established in rule 173-39-02 ~~5101:3-31-10~~ of the Administrative Code.

~~(M) "Complaint" means a reported or discovered alleged violation of PASSPORT conditions of participation as established in rule 5101:3-31-08 of the Administrative Code.~~

~~(N) "Confirmed" means the accuracy of a complaint has been established by the consumer and/or caregiver and PASSPORT provider.~~

~~(O)~~ (I) "Consumer" means an individual who has been accepted for enrollment and is receiving PASSPORT services. Consumer includes the consumer's legal representative and/or authorized representative, as applicable.

~~(P) "Decertification" means the process of revocation of the provider certification, in~~

~~accordance with rule 5101:3-31-10 of the Administrative Code, to provide services as a PASSPORT provider.~~

~~(Q) "Denial" means that an applicant provider for PASSPORT services has been refused or not accepted.~~

~~(R) "Enhanced ADS" means supervision of all activities of daily living (ADL) and medication administration, and/or hands-on assistance with one ADL (except bathing) and medication administration; and comprehensive therapeutic activities; and health assessment and intermittent monitoring of health status.~~

~~(S) "Finding" means a confirmed complaint that is recorded on a completed "Provider Feedback Log" as part of the provider feedback log process set forth in rule 5101:3-31-14 of the Administrative Code.~~

~~(T)~~(J) "HCBS" or "home and community-based services" means services furnished under the provisions set forth in 42 CFR 441 Subpart G (October 1, 2005) ~~which that~~ permit individuals to live in a home setting rather than a nursing facility (NF) or hospital. HCBS waiver services are approved by the centers for medicare and medicaid services (CMS)~~HCFA~~ for specific populations and are not otherwise available under the medicaid state plan.

~~(U)~~(K) "HCFA" "CMS" means the centers for medicare and medicaid services (CMS)~~health care financing administration~~, a federal agency ~~which that~~ is part of the U.S. department of health and human services, and ~~which~~ administers the medicaid program and approves home and community-based services waivers.

~~(V)~~(L) "IADL" means an instrumental activity of daily living as defined in rule 5101:3-3-08 of the Administrative Code and includes shopping; meal preparation; laundry; community access activities including telephoning, transportation, legal or financial; and environmental activities including house cleaning, heavy chores, yard work or maintenance.

~~(W) "Imminent health and/or safety" means a serious and immediate threat to the health or safety of a consumer.~~

~~(X)~~(M) "Individual" means a medicaid recipient or person with pending medicaid eligibility who is making application to a nursing facility (NF) or intermediate care facility for the mentally retarded (ICF-MR); or is applying for home and community-based services (HCBS) waiver enrollment; or is applying for residential state supplement (RSS) funded placement; or is seeking long-term care services.

~~(Y) "Intensive ADS" means all the services described in paragraph (R) of this rule, and hands-on assistance with two or more ADLs, and hands-on assistance with bathing; and health assessment and regular monitoring of or intervention with health status;~~

~~skilled nursing services, such as dressing changes and other treatments; and rehabilitative nursing procedures; and rehabilitative and restorative services, including physical therapy, speech therapy and occupational therapy; and social work services.~~

~~(Z)~~(N) "Keys amendment facility", as found in section 1616(e) of the Social Security Act, means an institution, foster home or group living arrangement in which a significant number of recipients of supplemental security income benefits are residing or are likely to reside. Keys amendment facilities include:

- (1) Adult foster homes certified under section 173.36 of the Revised Code;
- (2) Adult family homes ~~and~~ or adult group homes as defined in section 3722.01 of the Revised Code, that ~~are~~ is licensed as an adult care facility under section 3722.04 of the Revised Code;
- (3) Residential care ~~facilities~~ facility as defined in section 3721.02 of the Revised Code;
- (4) Community alternative homes as defined in section 3724.01 of the Revised Code, that are licensed under section 3724.03 of the Revised Code;
- (5) Residential facilities of the type defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code, that are licensed by the Ohio department of mental health; or,
- (6) An apartment or room that is used to provide community mental health housing services, is certified by the Ohio department of mental health under division (M) of section 5119.61 of the Revised Code, and is approved by a board of alcohol, drug addiction, and mental health services in accordance with division (A)(13) of section 340.03 of the Revised Code.

~~(AA)~~(O) "Level of care" (LOC) means ~~that~~ the designation describing a person's functional levels and nursing needs pursuant to the criteria set forth in rules 5101:3-3-05, 5105:3-3-06, 5101:3-3-07 and 5101:3-3-08 of the Administrative Code.

~~(BB)~~(P) "Mailing date" means the date that has been metered or postmarked by the United States postal service.

~~(CC)~~(Q) "NF" means a nursing facility as defined in section 5111.20 of the Revised Code.

~~(DD)~~(R) "ODA" means the Ohio department of aging.

~~(EE)~~(S) "ODJFS" means the Ohio department of job and family services.

~~(FF)~~(T) "PAA" means PASSPORT administrative agency.

~~(GG)~~(U) "PASSPORT" or "PASSPORT HCBS waiver program" means an HCBS waiver program ~~which~~ that serves individuals who are aged sixty and over; have a LOC required for placement in a NF if the waiver program were not available; and meet the passport eligibility criteria and enrollment requirements as described in Chapter 5101:3-31 of the Administrative Code.

~~(HH)~~ "Referral list" means a list by rank of certified PASSPORT provider agencies as set forth in rule 5101:3-31-12 of the Administrative Code.

~~(II)~~(V) "Region" means the geographic area in which a PAA administers the PASSPORT program.

~~(JJ)~~ "Shelf stable meal/emergency meal" means a nutritious meal that is used in emergency situations and which does not require refrigeration or heating to maintain food safety.

~~(KK)~~(W) "SSI" means supplemental security income as set forth in Title XVI of the Social Security Act, 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended.

~~(LL)~~(X) "Subregion" means a geographic area located within a PAA region for the purpose of establishing PASSPORT unit rates as set forth in rule 5101:3-31-11 of the Administrative Code.

~~(MM)~~ "Termination" means the agreement between the PAA and a PASSPORT provider has ended and the provider no longer provides PASSPORT paid services for PASSPORT consumers.

~~(NN)~~(Y) "Waiver service provider" means an agency or person with a signed medicaid provider agreement with ODJFS to provide HCBS waiver services, and who meets the PASSPORT conditions of participation set forth in rule ~~5101:3-31-10~~5101:3-31-06 of the Administrative Code.

Effective: 07/01/2006

R.C. 119.032 review dates: 04/14/2006 and 07/01/2011

CERTIFIED ELECTRONICALLY

Certification

06/19/2006

Date

Promulgated Under: 119.03
Statutory Authority: 5111.85
Rule Amplifies: 5111.85
Prior Effective Dates: 7/16/84, 12/22/86 (Emer), 3/23/87, 7/1/90, 1/14/96,
9/1/98, 3/1/00, 3/3/01