

5160-12-02.3

**Private duty nursing: procedures for service authorization.**

(A) As a prerequisite to receiving private duty nursing (PDN) services, an individual must meet the requirements set forth in rule 5160-12-02 of the Administrative Code, as applicable, which require the individual to receive PDN authorization from the Ohio department of medicaid (ODM) or its designee.

~~(1) A child must meet the requirements of rule 5101:3-12-02 of the Administrative Code, including paragraph (F)(4)(a) or (F)(4)(b), as applicable, which require the child receive PDN authorization from ODJFS or its designee; or~~

~~(2) An adult must meet the requirements of rule 5101:3-12-02 of the Administrative Code, including paragraph (G)(5)(a) or (G)(5)(b), as applicable, which require the adult receive PDN authorization from ODJFS or its designee.~~

(B) The procedures set forth in this paragraph must be followed when securing a PDN authorization for children and adults who are not enrolled on a home and community-based services (HCBS) waiver. ~~ODJFS shall specify the amount, scope and duration of PDN services to be authorized. The period for which PDN authorization applies shall not exceed one hundred eighty days.~~

(1) The PDN provider shall submit a referral for PDN authorization to ~~ODJFS~~ODM ~~using the JFS ODM 02374, "Private Duty Nursing (PDN) Services Request" (9/06/2015), and shall submit along with any additional supporting documentation requested by ODJFS~~ODM.

(2) ~~ODJFS~~ODM shall conduct ~~a face-to-face~~ an in-person assessment and/or perform a desk review to determine if, in accordance with rule ~~5101:3-12-02~~5160-12-02 of the Administrative Code, the ~~consumer~~individual has a medical condition that meets the criteria for an comparable institutional level of care, including a nursing facility-based level of care, and the services are medically necessary as set forth in rule ~~5101:3-1-01~~5160-1-01 of the Administrative Code.

(a) If ~~ODJFS~~ ODM determines the ~~consumer~~individual has a medical condition that meets the criteria for ~~an institutional~~ a nursing facility-based level of care, and PDN services are medically necessary as set forth in rule ~~5101:3-1-01~~5160-1-01 of the Administrative Code, ~~ODJFS~~ODM shall:

(i) Notify the PDN provider in writing of the authorized amount, scope and duration of PDN services and the PDN authorization number ~~after conducting the face-to-face assessment and/or performing the desk review.~~ The PDN provider shall begin furnishing PDN services to the ~~consumer~~individual upon receipt of written PDN

authorization and in accordance with all other requirements set forth in rule ~~5101:3-12-02~~5160-12-02 of the Administrative Code.

(ii) Inform the ~~consumer~~individual and/or authorized representative of the PDN authorization, after conducting the face-to-face assessment and/or performing the desk review, and provide a written notice to the consumer and/or authorized representative specifying the authorized amount, scope and duration of PDN services.

~~(b) If the consumer and/or authorized representative disagrees with the authorized amount, scope and/or duration of PDN services, the consumer and/or authorized representative may request a hearing in accordance with division 5101:6 of the Administrative Code. PDN services shall be delivered according to the amount, scope and duration authorized pending the outcome of the hearing.~~

~~(e)(b) If ODHFSODM determines the consumer~~individual does not have a medical condition that meets the criteria for an institutional level of care, including a nursing facility-based level of care, and/or the services are not medically necessary as set forth in rule ~~5101:3-1-04~~5160-1-01 of the Administrative Code, ODHFSODM:

(i) May conduct an additional review of the PDN authorization request that has been proposed for denial, and/or

~~(+)(ii)~~ Shall deny the PDN authorization request, and issue a denial notice and hearing rights to the consumerindividual in accordance with division 5101:6 of the Administrative Code, and-

~~(ii) May conduct a review of the PDN authorization request that has been proposed for denial.~~

(iii) Shall notify the PDN provider in writing of the denial of the PDN authorization request.

(3) The provider shall notify ODHFSODM in writing ~~on~~using the JFSODM 02374; "Private Duty Nursing (PDN) Services Request," when there is any change in the ~~consumer's~~individual's condition that the provider believes may warrant ~~warrants~~ a change in the amount, scope or duration of PDN services.

(C) The procedures set forth in this paragraph must be followed when securing a PDN authorization for children and adults enrolled on an HCBS waiver administered by

the Ohio department of ~~mental-retardation-and~~ developmental disabilities (~~ODMR/DD~~DODD) or the Ohio department of aging (ODA) if applicable for an adult. ~~ODJFS shall specify the amount, scope and duration of PDN services to be authorized.~~ The period for which PDN authorization applies shall not exceed three hundred sixty-five days.

- (1) The ~~consumer individual and/or authorized representative~~, or PDN provider shall request that the ~~ODMR/DD~~ DODD, or ODA case manager if applicable, submit a referral for PDN authorization to ~~ODJFS~~SODM ~~on using the JFSODM 02374, "Private Duty Nursing (PDN) Services Request," and shall submit along with~~ any additional supporting documentation requested by ~~ODJFS~~SODM. The case manager shall assist the ~~consumer individual and/or authorized representative~~ in securing a potential PDN service provider.
  
- (2) ~~ODJFS~~SODM shall conduct a ~~face-to-face~~ in-person assessment and/or perform a desk review to ~~confirm~~determine if, in accordance with rule ~~5101:3-12-02~~5160-12-02 of the Administrative Code, the ~~consumer individual is enrolled in on an ODMR/DD~~ DODD or ODA- administered waiver as applicable for an adult, and has a medical condition that requires PDN services that are medically necessary in accordance with rule ~~5101:3-1-01~~5160-1-01 of the Administrative Code.
  - (a) If ~~ODJFS~~SODM ~~determines~~ confirms, in accordance with rule ~~5101:3-12-02~~5160-12-02 of the Administrative Code, the ~~consumer individual is enrolled in on an ODMR/DD~~ a DODD or ODA- administered waiver, and has a medical condition that requires PDN services that are medically necessary in accordance with rule ~~5101:3-1-01~~5160-1-01 of the Administrative Code, ~~ODJFS~~SODM shall:
    - (i) Notify the ~~ODMR/DD~~DODD or ODA case manager, as applicable, in writing of the authorized amount, scope and duration of PDN services and the PDN authorization number ~~after conducting the face-to-face assessment and/or performing the desk review.~~ The ~~ODMR/DD~~DODD or ODA case manager shall notify the PDN provider of the authorized amount, scope and duration of PDN services and the PDN authorization number, ~~and the.~~ The PDN provider shall begin furnishing PDN services to the ~~consumer individual~~ upon receipt of written PDN authorization and in accordance with all other requirements set forth in rule ~~5101:3-12-02~~5160-12-02 of the Administrative Code.
  
    - (ii) Inform the ~~consumer individual and/or authorized representative~~ of PDN authorization ~~after conducting the face-to-face assessment and/or performing the desk review, and provide a written notice~~

~~to the consumer and/or authorized representative~~ specifying the authorized amount, scope and duration of PDN services.

- (b) If the ~~consumer individual and/or authorized representative~~ disagrees with the authorized amount, scope and/or duration of PDN services, the ~~consumer individual and/or authorized representative~~ may request a hearing in accordance with division 5101:6 of the Administrative Code. ~~PDN services shall be delivered according to the amount, scope and duration authorized pending the outcome of the hearing.~~
- (c) If ~~ODJFS~~ ODM cannot confirm, in accordance with rule ~~5101:3-12-02~~5160-12-02 of the Administrative Code, the ~~consumer individual~~ is enrolled ~~in on an ODMR/DD-a DODD~~ or ODA-administered waiver, and/or cannot confirm that the ~~consumer individual~~ has a medical condition that requires PDN services that are medically necessary in accordance with rule ~~5101:3-1-01~~5160-1-01 of the Administrative Code, ~~ODJFS~~SODM shall:
- (i) Deny the PDN authorization request and issue a denial notice and hearing rights to the ~~consumer individual and/or authorized representative~~ in accordance with division 5101:6 of the Administrative Code.
  - (ii) Notify the ~~ODMR/DDDODD~~ or ODA case manager in writing of the denial of the PDN authorization request. The ~~ODMR/DDDODD~~ or ODA case manager shall notify the PDN provider in writing of the denial.
- (3) The provider shall notify ~~ODJFS~~SODM and the ~~ODMR/DDDODD~~ or ODA case manager in writing ~~on using the JFSODM 02374, "Private Duty Nursing (PDN) Services Request,"~~ when there is any change in the ~~consumer's individual's~~ condition that the provider believes may warrant ~~warrants~~ a change in the amount, scope or duration of PDN services.
- (4) The ~~ODMR/DDDODD~~ or ODA case manager shall notify ~~ODJFS~~SODM in writing ~~on using the JFSODM 02374, "Private Duty Nursing (PDN) Services Request,"~~ when there is a change in the ~~consumer's individual's~~ level of care.
- (D) PDN services shall be approved for ~~ODJFS~~ individuals enrolled on an ODM administered HCBS waiver ~~consumers~~ as a result of the ~~face-to-face~~in-person assessment or reassessment conducted by ~~ODJFS~~SODM or its designee ~~designated case management agency (CMA)~~ in accordance with rule ~~5101:3-46-02~~5160-46-02 of the Administrative Code, or the reassessment conducted in accordance with rule

~~5101:3-47-02 or 5101:3-50-02~~5160-50-02 of the Administrative Code, ~~as appropriate.~~ As set forth in rule ~~5101:3-12-02~~5160-12-02 of the Administrative Code, PDN services must be medically necessary in accordance with rule ~~5101:3-1-01~~5160-1-01 of the Administrative Code.

- (1) The case manager shall assist the ~~consumer~~individual ~~and/or authorized representative~~ in securing a PDN service provider.
  - (2) If PDN services are approved, ~~ODJFSODM~~ or its designee ~~designated CMA~~ shall:
    - (a) Record the amount, scope and duration of approved PDN services on the all services plan.
    - (b) Notify the provider, in writing, of the amount, scope and duration of approved PDN services.
    - (c) Inform the ~~consumer~~individual ~~and/or authorized representative~~ of PDN service approval in writing after conducting the assessment or reassessment, and provide a written notice to the ~~consumer~~individual ~~and/or authorized representative~~ specifying the approved amount, scope and duration of PDN services.
  - (3) If the ~~consumer~~ individual ~~and/or authorized representative~~ disagrees with the authorized amount, scope and/or duration of PDN services, the ~~consumer~~individual ~~and/or authorized representative~~ may request a hearing in accordance with division 5101:6 of the Administrative Code. ~~PDN services shall be delivered according to the approved amount, scope and duration pending the outcome of the hearing.~~
  - (4) If PDN services are denied, ~~ODJFSODM~~ or its designee ~~designated CMA~~ shall issue a denial notice and hearing rights to the ~~consumer~~individual ~~and/or authorized representative~~ in accordance with division 5101:6 of the Administrative Code.
  - (5) Requests for a change in the amount, scope and/or duration of authorized PDN services shall be submitted to ~~ODJFSODM~~ or its designee ~~designated CMA~~. ~~ODJFSODM~~ or its designee ~~designated CMA~~ shall conduct a face-to-face ~~in-person~~ reassessment and/or perform a desk review to evaluate the request.
- (E) Additional PDN services beyond what ODM or its designee has authorized may be provided to a ~~consumer~~an individual in an emergency when the provider has an

existing PDN authorization to provide PDN services to that ~~consumer~~individual. For the purposes of this rule, emergency services are provided outside of normal state of Ohio office hours when prior authorization cannot be obtained.

(1) PDN services may be delivered in an emergency and a new PDN authorization obtained after the delivery of services. The PDN services must be medically necessary in accordance with rule ~~5101:3-1-01~~5160-1-01 of the Administrative Code, and the services must be necessary to protect the health and welfare of the ~~consumer~~individual.

(2) The provider shall notify ~~ODJFS~~ODM, or the ~~ODMR/DD~~DODD or ODA case manager, as applicable, in writing ~~on using the JFSODM 02374, "Private Duty Nursing (PDN) Services Request,"~~ when emergency PDN services are ~~furnished~~delivered. Notification shall be immediate, or no later than the first business day following the emergency provision of PDN services.

~~(F) ODJFS may authorize the provision of PDN services by one or more provider(s) in visits of four hours or less during the authorized PDN service period in order to assure the health and welfare of the consumer. "PDN service period" means the length of time during which PDN services, which are more than four hours in length, are delivered without a two-hour lapse between visits.~~

~~(G) Utilization of authorized PDN services is subject to monitoring by ODJFS.~~

~~(H)~~(F) ~~ODJFS~~The provider shall maintain all written records related to ~~review~~the provision of PDN service and its authorization for a period of six years following receipt of the request or until an initiated audit is resolved, whichever is longer.

Effective:

Five Year Review (FYR) Dates: 04/14/2015

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Certification

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Date

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