

TO BE RESCINDED

5160-3-06 **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.

Effective:

Five Year Review (FYR) Dates: 10/27/2017

Certification

Date

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