

5160-3-08

**Criteria for nursing facility-based level of care for an adult.**

(A) This rule describes the criteria for an adult to meet the nursing facility-based level of care. The nursing facility-based level of care includes the intermediate and skilled levels of care. An adult is determined to meet the nursing facility-based level of care when the adult meets the criteria as described in paragraphs (B) through (D) of this rule.

(B) The criteria for the intermediate level of care is met when all of the following apply:

(1) The adult's needs for long-term services and supports (LTSS) exceed the criteria for the protective level of care, as described in rule 5160-3-06 of the Administrative Code.

(2) The adult's LTSS needs are less than the criteria for the skilled level of care, as described in paragraph (E)(4) of this rule.

(3) The adult has a need for a minimum of one of the following:

(a) Assistance with the completion of a minimum of two activities of daily living (ADL), as described in paragraph (D) of this rule;

(b) Assistance with the completion of a minimum of one ADL, and assistance with medication self-administration;

(c) A minimum of one skilled nursing service or skilled rehabilitation service;  
or

(d) Twenty-four hour support 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, and as determined by an Ohio Department of Medicaid (ODM) approved assessment instrument.

(C) When an adult with the diagnosis of a developmental disability but not an intellectual disability meets the criteria in paragraph (B) of this rule and he or she is likely to require lifelong assistance with ADLs due to a physical limitation the criteria for an intermediate level of care is met.

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

(1) The adult requires assistance with bathing in at least one of the following three components:

(a) Applying cleansing agent;

(b) Rinsing; or

(c) Drying.

(2) The adult requires assistance with 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.

(3) The adult requires assistance with eating in at least one of the following three components:

(a) Getting food into the mouth;

(b) Chewing; or

(c) Swallowing.

(4) The adult requires assistance with grooming in all of the following three components:

(a) Hair care, including:

(i) Washing one's hair; or

(ii) Brushing or combing one's hair.

(b) Nail care, including:

(i) Cutting fingernails; or

(ii) Cutting toenails.

(c) Oral hygiene.

(5) The adult requires assistance with mobility in at least one of the following three components:

(a) Bed mobility;

(b) Locomotion; or

(c) Transfers inside the house.

(6) The adult requires assistance with toileting in at least one of the following four components:

- (a) Using a toilet, bedpan, or urinal;
- (b) Changing incontinence supplies or feminine hygiene products;
- (c) Cleansing self; or
- (d) Managing an ostomy or catheter.

(E) The criteria for the skilled level of care is met when all of the following apply:

- (1) The adult's LTSS needs exceed the criteria for the protective level of care, as described in rule 5160-3-06 of the Administrative Code.
- (2) The adult's LTSS needs exceed the criteria for the intermediate level of care as described in paragraph (B) of this rule.
- (3) The adult's LTSS needs exceed the criteria for the developmental disabilities level of care as described in rule 5123:2-8-01 of the Administrative Code.
- (4) The adult requires a minimum of one of the following:
  - (a) One skilled nursing service within the day on no less than seven days per week; or
  - (b) One skilled rehabilitation service within the day on no less than five days per week.
- (5) The adult has an unstable medical condition.

(F) When an adult meets the criteria for a skilled level of care, as described in paragraph (E) of this rule, the adult may request placement in an intermediate care facility for individuals with intellectual disabilities (ICF-IID) that provides services to individuals who have a skilled level of care. When an adult with a skilled level of care requests placement in an ICF-IID, the following apply:

- (1) The adult may be determined to meet the criteria for the developmental disabilities level of care; and
- (2) The ICF-IID must provide written certification that the services provided in the facility are appropriate to meet the needs of an adult who meets the criteria for a skilled level of care.

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Certification

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