

## TO BE RESCINDED

5160-3-08

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

- (A) This rule describes the criteria for an individual to meet the nursing facility (NF)-based level of care. The NF-based level of care includes the intermediate and skilled levels of care. An individual is determined to meet the NF-based level of care when the individual meets the criteria as described in paragraphs (B) to (D) of this rule.
- (B) The criteria for the intermediate 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, exceed the criteria for the protective level of care, as described in paragraph (B)(3) of rule 5101:3-3-06 of the Administrative Code.
  - (2) The individual's LTSS needs are less than the criteria for the skilled level of care, as described in paragraph (D)(4) of this rule.
  - (3) The individual's LTSS needs do not meet the criteria for the ICF-MR-based level of care, as defined in rule 5101:3-3-05 of the Administrative Code.
  - (4) The individual has a need for a minimum of one of the following:
    - (a) Assistance, as defined in rule 5101:3-3-05 of the Administrative Code, with the completion of a minimum of two activities 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;
    - (b) Assistance with the completion of a minimum of one ADL as described in paragraph (C) of this rule, and assistance with medication administration, as defined in rule 5101:3-3-05 of the Administrative Code;
    - (c) A minimum of one skilled nursing service or skilled rehabilitation service, as defined in rule 5101:3-3-05 of the Administrative Code; or
    - (d) 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.
- (C) For the purposes of meeting the criteria described in paragraph (B)(4) of this rule, an individual has a need in an ADL when:

- (1) The individual requires assistance with mobility in at least one of the following three components:
    - (a) Bed mobility;
    - (b) Locomotion; or
    - (c) Transfer.
  - (2) The individual requires assistance with bathing.
  - (3) The individual requires assistance with grooming in all of the following three components:
    - (a) Oral hygiene;
    - (b) Hair care; and
    - (c) Nail care.
  - (4) The individual requires assistance with 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 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.
  - (6) The individual requires assistance with eating.
- (D) The criteria for the skilled level of care is met when:
- (1) The individual's LTSS needs exceed the criteria for the protective level of care, as described in paragraph (B)(3) of rule 5101:3-3-06 of the Administrative Code.

- (2) The individual's LTSS needs exceed the criteria for the intermediate level of care as described in paragraph (B)(4) of this rule.
  - (3) The individual's LTSS needs exceed the criteria for the ICF-MR-based level of care.
  - (4) The individual 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 individual has an unstable medical condition, as defined in rule 5101:3-3-05 of the Administrative Code.
- (E) When an individual meets the criteria for a skilled level of care, as described in paragraph (D) of this rule, the individual may request placement in an intermediate care facility for persons with mental retardation (ICF-MR) that provides services to individuals who have a skilled level of care. When an individual with a skilled level of care requests placement in an ICF-MR, the following requirements apply:
- (1) The individual may be determined to meet the criteria for the ICF-MR-based level of care; and
  - (2) The ICF-MR must provide written certification that the services provided in the facility are appropriate to meet the needs of an individual who meets the criteria for a skilled level of care.

Effective:

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

WITHDRAWN ELECTRONICALLY

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Certification

03/18/2024

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Date

Promulgated Under: 119.03  
Statutory Authority: 5164.02  
Rule Amplifies: 5164.02, 5165.04, 5162.03  
Prior Effective Dates: 7/1/80, 11/10/83, 10/1/93 (Emer.), 12/31/93, 7/1/08,  
3/19/12