

5160-3-09

Criteria for nursing facility-based level of care for a child.

(A) This rule describes the criteria for a child to meet the nursing facility-based level of care. The nursing facility-based level of care includes the intermediate and skilled levels of care. A child is determined to meet the nursing facility-based level of care when the child meets the age-specific criteria as described in paragraphs (B) or (C) of this rule. The child is assessed using the age-appropriate criteria for their age as of the date of the assessment.

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

(1) A child from birth through age five months requires each of the following:

(a) Assistance with at least one of the following age-appropriate activities of daily living (ADL):

(i) Dressing, and

(ii) Eating.

(b) At least one skilled nursing service at least two days per week.

(2) A child from age six months through age thirty-five months requires each of the following:

(a) Assistance with at least two of the following age-appropriate ADLs:

(i) Bathing,

(ii) Dressing,

(iii) Eating, and

(iv) Mobility.

(b) At least one skilled nursing service at least two days per week.

(3) A child from age thirty-six months through age thirteen years requires each of the following:

(a) Assistance with at least two of the following age-appropriate ADLs:

(i) Bathing,

(ii) Dressing,

(iii) Eating,

(iv) Grooming.

(v) Mobility, and

(vi) Toileting.

(b) At least one skilled nursing service at least two days per week.

(4) A child from age fourteen years through age twenty years may meet level of care in two ways:

(a) A combination of age-appropriate ADL and age-appropriate instrumental activities of daily living (IADL) needs:

(i) Needs assistance with at least two age-appropriate ADLs including:

(a) Bathing,

(b) Dressing,

(c) Eating,

(d) Grooming,

(e) Mobility, and

(f) Toileting.

(ii) Needs assistance with at least three age-appropriate IADLs including:

(a) Community access,

(b) Housework,

(c) Meal preparation,

(d) Money management,

(e) Personal laundry,

(f) Shopping, and

(g) Telephoning.

(b) A combination of age-appropriate ADL and skilled nursing needs:

(i) Needs assistance with at least two age-appropriate ADLs listed in paragraph (B)(4)(i) of this rule; and

(ii) Needs at least one skilled nursing service at least two days per week.

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

(1) The child's long-term services and supports (LTSS) needs exceed the criteria for the intermediate level of care as described in paragraph (B) of this rule.

(2) The child's LTSS needs exceed the criteria for the developmental disabilities level of care as set forth in rule 5123:2-8-01 of the Administrative Code; and

(3) The child requires 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

(4) The child has an unstable medical condition.

(D) When a child meets the criteria for a skilled level of care, as described in paragraph (C) of this rule, the child or the child's authorized representative, hereafter referred to as the child, 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 a child with a skilled level of care requests placement in an ICF-IID, the following apply:

(1) The child 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 a child who meets the criteria for a skilled level of care.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5164.02
Rule Amplifies: 5162.03, 5164.02, 5165.04