

5160-3-09

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

(A) This rule describes the criteria for a child to be determined to have a nursing facility-based level of care. A nursing facility-based level of care includes the intermediate and skilled levels of care. The criteria as described in this rule applies to a child on medicaid fee-for-service or medicaid managed care.

(B) A child from birth through age thirteen years will be determined to have an intermediate level of care when a qualified assessor, as defined in rule 5160-3-05 of the Administrative Code, completes an ODM 10126 "Child Comprehensive Assessment Tool" (2/2018) or an ODM 10128 "Child Level of Care Questionnaire" (2/2018) and determines:

(1) That the child requires assistance with the age-appropriate activities of daily living (ADL) in accordance with paragraph (C) of this rule and requires at least one skilled nursing service, as defined in paragraph (B)(31) of rule 5160-3-05 of the Administrative Code, at least two days per week; and

(2) That for a child who meets the criteria described in paragraph (B)(1) of this rule and has a developmental disability as defined in section 5126.01 of the Revised Code, that the child has a daily need for at least one of the following skilled nursing services that is expected to last a minimum of six months:

(a) Mechanical ventilation;

(b) Tracheostomy care;

(c) Pressure injury care;

(d) Peritoneal dialysis or hemodialysis;

(e) Total parenteral nutrition; or

(f) Infusion therapy.

(C) For the purposes of determining whether a child requires assistance with an ADL, a child must be assessed using the child's age as of the date that the qualified assessor is completing the ODM 10126 and the ODM 10128:

(1) A child from birth through age five months requires assistance with at least one of the following age-appropriate ADLs:

(a) Dressing, which means the child has physical characteristics that make dressing very difficult such as contractures, extreme hypotonic, or extreme hypertonia; or

- (b) Eating, which means the child requires more than one hour per feeding or the child requires more than three hours per day for feeding or eating.
- (2) A child from age six months through age eleven months requires assistance with at least two of the following age-appropriate ADLs:

 - (a) Bathing, which means the child needs adaptive equipment:
 - (b) Dressing, which means the child has physical characteristics that make dressing very difficult such as contractures, extreme hypotonic, or extreme hypertonia:
 - (c) Eating, which means the child requires more than one hour per feeding or requires more than three hours per day for feeding or eating; or
 - (d) Mobility, which means the child is unable to maintain a sitting position when placed or is unable to move himself or herself by rolling, crawling or creeping.
- (3) A child from age twelve months through age seventeen months requires assistance with at least two of the following age-appropriate ADLs:

 - (a) Bathing, which means the child needs adaptive equipment or is non-cooperative during bathing which results in the child requiring alternative bathing methods:
 - (b) Dressing, which means the child has physical characteristics that make dressing very difficult such as contractures, extreme hypotonic, or extreme hypertonia:
 - (c) Eating, which means the child requires more than one hour per feeding or requires more than three hours per day for feeding or eating; or
 - (d) Mobility, which means the child is unable to crawl, creep, pull to stand, sit alone, or requires a stander or someone to support the child's weight in a standing position.
- (4) A child from age eighteen months through age twenty-three months requires assistance with at least two of the following age-appropriate ADLs:

 - (a) Bathing, which means the child needs adaptive equipment or is non-cooperative during bathing which results in the child requiring alternative bathing methods:

- (b) Dressing, which means the child does not assist with dressing by helping place arms in sleeves or legs into pants;
 - (c) Eating, which means the child requires more than three hours per day for feeding or eating; or
 - (d) Mobility, which means the child requires a stander, requires someone to support his or her weight in a standing position, or is unable to take steps holding on to furniture.
- (5) A child from age twenty-four months through age thirty-five months requires assistance with at least two of the following age-appropriate ADLs:
 - (a) Bathing, which means the child needs adaptive equipment or is non-cooperative during bathing which results in the child requiring alternative bathing methods;
 - (b) Dressing, which means the child does not assist with dressing by helping place his or her arms in sleeves or does not assist by helping place his or her legs into pants;
 - (c) Eating, which means the child requires more than three hours per day for feeding or eating; or
 - (d) Mobility, which means the child requires a stander, requires someone to support his or her weight in a standing position, does not walk inside the house, needs assistance to walk inside the house, needs assistance with transfers, or needs assistance with positioning.
- (6) A child from age thirty-six months through age forty-seven months requires assistance with at least two of the following age-appropriate ADLs:
 - (a) Bathing, which means the child needs adaptive equipment or is non-cooperative during bathing;
 - (b) Grooming, which means the child is non-cooperative during grooming;
 - (c) Dressing, which means the child does not assist with dressing by helping place his or her arms in sleeves, does not assist by helping place his or her legs into pants, or is unable to dress himself or herself independently;
 - (d) Eating, which means the child requires more than three hours per day for feeding or eating;

(e) Toileting, which means the child has no awareness of being wet or soiled or does not use a toilet when placed there by a caregiver; or

(f) Mobility, which means the child does not walk inside the house, needs assistance to walk inside the house, needs assistance with transfers, needs assistance with positioning, or uses a mechanical lift.

(7) A child from age four years through age five years requires assistance with at least two of the following age-appropriate ADLs:

(a) Bathing, which means the child needs adaptive equipment, needs to be lifted in and out of the bathtub, or is non-cooperative during bathing;

(b) Grooming, which means the child is non-cooperative during grooming or is unable to wash hands without assistance;

(c) Dressing, which means the child needs assistance with basic dressing tasks such as pulling on pants, shirt, and coat or is unable to dress himself or herself independently;

(d) Eating, which means the child needs to be fed or requires more than three hours per day for feeding or eating;

(e) Toileting, which means the child is incontinent of bowel and/or bladder during the day or needs assistance other than wiping; or

(f) Mobility, which means the child does not walk inside the house, needs assistance to walk inside the house, needs assistance with transfers, needs assistance with positioning, or uses a mechanical lift.

(8) A child from age six years through age eight years requires assistance with at least two of the following age-appropriate ADLs:

(a) Bathing, which means the child needs assistance with bathing tasks, needs adaptive equipment, needs to be lifted in and out of the bathtub, or is non-cooperative during bathing;

(b) Grooming, which means the child needs assistance with grooming tasks, is non-cooperative during grooming, or is unable to wash hands or face without assistance;

(c) Dressing, which means the child needs assistance with dressing;

(d) Eating, which means the child needs to be fed;

- (e) Toileting, which means the child needs assistance with toileting, is incontinent of bowel and/or bladder during the day, or is incontinent of bowel during the night; or
 - (f) Mobility, which means the child does not walk inside the house, needs assistance to walk inside the house, needs assistance with transfers, needs assistance with positioning, or uses a mechanical lift.
- (9) A child from age nine years through age eleven years requires assistance with at least two of the following age-appropriate ADLs:
- (a) Bathing, which means the child needs assistance with bathing tasks, needs adaptive equipment, needs to be lifted in and out of the bathtub, or is non-cooperative during bathing;
 - (b) Grooming, which means the child needs assistance with grooming tasks or is non-cooperative during grooming;
 - (c) Dressing, which means the child needs assistance with dressing;
 - (d) Eating, which means the child needs to be fed;
 - (e) Toileting, which means the child needs assistance with toileting or is incontinent of bowel or bladder; or
 - (f) Mobility, which means the child does not walk inside the house, needs assistance to walk inside the house, needs assistance with transfers, needs assistance with positioning, or uses a mechanical lift.
- (10) A child from age twelve years through age thirteen years requires assistance with at least two of the following age-appropriate ADLs:
- (a) Bathing, which means the child needs assistance with bathing tasks, needs adaptive equipment, needs to be lifted in and out of the bathtub or shower, or is non-cooperative during bathing;
 - (b) Grooming, which means the child needs assistance with grooming tasks or is non-cooperative during grooming;
 - (c) Dressing, which means the child needs assistance with dressing;
 - (d) Eating, which means the child needs to be fed;

(e) Toileting, which means the child needs assistance with toileting or is incontinent of bowel or bladder; or

(f) Mobility, which means the child does not walk inside the house, needs assistance to walk inside the house, needs assistance with transfers, needs assistance with positioning, or uses a mechanical lift.

(D) A child from age fourteen years through age twenty years will be determined to have an intermediate level of care when a qualified assessor completes an ODM 10126 or an ODM 10128 and determines:

(1) That the child requires assistance with at least two age-appropriate ADLs as described in paragraph (D)(4) of this rule and requires at least one skilled nursing service at least two days per week; or

(2) That the child requires assistance with at least two age-appropriate ADLs as described in paragraph (D)(4) of this rule and assistance with at least three age-appropriate instrumental activities of daily living (IADL) as described in paragraph (D)(5) of this rule; and

(3) For a child who meets the criteria described in paragraph (D)(1) or (D)(2) of this rule, and has a developmental disability as defined in section 5126.01 of the Revised Code, the child has a daily need for at least one of the following skilled nursing services that is expected to last a minimum of six months:

(a) Mechanical ventilation;

(b) Tracheostomy care;

(c) Pressure injury care;

(d) Peritoneal dialysis or hemodialysis;

(e) Total parenteral nutrition; or

(f) Infusion therapy.

(4) Age-appropriate ADLs:

(a) Bathing, which means the child needs assistance with bathing tasks, needs adaptive equipment, needs to be lifted in and out of the bathtub or shower, or is non-cooperative during bathing;

- (b) Grooming, which means the child needs assistance with grooming tasks or is non-cooperative during grooming;
- (c) Dressing, which means the child needs assistance with dressing;
- (d) Eating, which means the child needs to be fed;
- (e) Toileting, which means the child needs assistance with toileting or is incontinent of bowel or bladder; or
- (f) Mobility, which means the child does not walk inside the house, needs assistance to walk inside the house, needs assistance with transfers, needs assistance with positioning, or uses a mechanical lift.

(5) Age-appropriate IADLs:

- (a) Community access, which means the child needs assistance in getting and using transportation that is not provided by the caregiver or needs someone to arrange and help use transportation that is not provided by the caregiver;
- (b) House cleaning, which means the child needs assistance to clean or tidy;
- (c) Meal preparation, which means the child needs assistance making simple meals for himself or herself;
- (d) Money management, which means the child needs assistance purchasing with cash or electronic systems, determining amount of change, needs assistance in keeping money secure and accessing it, or needs someone to manage money;
- (e) Personal laundry, which means the child needs assistance with washing and drying personal clothing and household items by machine or by hand, or needs someone to wash and dry personal clothing and household items by machine or by hand;
- (f) Shopping, which means the child needs assistance obtaining or purchasing necessary items or needs someone to obtain or purchase necessary items; or
- (g) Telephoning, which means the child needs assistance in making and answering telephone calls, using technology to communicate, or needs someone to make and answer telephone calls or use technology to

communicate. Needing assistance using technology to communicate does not include speech-generating devices.

(E) A child will be determined to have a skilled level of care when the child is first determined to have an intermediate level of care, in accordance with paragraph (C) or (D) of this rule and the child:

(1) Requires a minimum of one of the following:

(a) One skilled nursing service, as defined in paragraph (B)(31) of rule 5160-3-05 of the Administrative Code, within the day on no less than seven days per week; or

(b) One skilled rehabilitation service, as defined in paragraph (B)(32) of rule 5160-3-05 of the Administrative Code, within the day on no less than five days per week; and

(2) Has an unstable medical condition as defined in paragraph (B)(35) of rule 5160-3-05 of the Administrative Code.

(F) When a child has a skilled level of care as described in paragraph (E) of this rule, the child or the child's 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 have a 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.

(G) When a child who has a developmental disability is being re-assessed for continued enrollment in a nursing facility-based medicaid waiver program in accordance with rule 5160-46-02 of the Administrative Code, the child will be determined to have an intermediate level of care when the child meets the criteria in paragraph (B)(1), (D)(1), or (D)(2) of this rule, as applicable. This provision applies only during a re-assessment for continued waiver program eligibility.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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