

5160-44-12

Nursing facility-based level of care home and community-based services programs: home maintenance and chore services.

(A) "~~Home maintenance and chore services~~" means a service that maintains a clean and safe living environment through the performance of tasks in the individual's home that are beyond the individual's capability. Home maintenance and chore services shall not exceed a total of ten thousand dollars in a calendar year per individual. Covered home maintenance and ~~chore services~~ chore activities include:

- (1) Minor home maintenance and repair including inspecting, maintaining, and repairing furnaces, including pilot lights and filters; inspecting, maintaining, and repairing water faucets, drains, heaters, and pumps; replacing or installing electrical fuses; plumbing and electrical repairs; repair or replacement of screens or window panes; fixing floor surfaces posing a threat to the individual's health, safety, and welfare; and moving heavy items to provide safe ingress and egress.
- (2) Heavy household cleaning, including washing walls and ceilings; washing the outside of windows; non-routine washing of windows; removing, cleaning and rehanging curtains or drapery; and shampooing carpets or furniture.
- (3) ~~Non-routine disposal of garbage~~ Removal of environmental hazards posing a threat to the individual's health, safety, and welfare; such as:
 - (a) Non-routine disposal of garbage or other accumulated items in an individual's residence;
 - (b) Non-routine yard maintenance including snow removal;
 - (c) Pest control and related tasks to prevent, suppress, eradicate, or remove pests; and
 - (d) Mold eradication.
- (4) ~~Non-routine yard maintenance including snow removal posing a threat to the individual's health, safety, and welfare.~~ Upkeep and maintenance of a home modification or adaptive/assistive devices, such as:
 - (a) Routine maintenance plan;
 - (b) Extended warranty; and
 - (c) Service call, labor and parts for a modification or device that ceases to function as intended.

~~(5) Pest control and related tasks to prevent, suppress, eradicate, or remove pests posing a threat to the individual's health, safety, and welfare.~~

(B) Home maintenance and chore services do not include:

- (1) Tasks of general utility (including routine yardwork), and not of direct medical or remedial benefit to the individual.
- (2) Jobs that add to the total square footage of the home.
- (3) Jobs that can be accomplished through existing informal or formal supports.
- (4) Jobs that are the legal or contractual responsibility of someone other than the individual (e.g., the landlord, etc.).
- (5) Jobs involving the removal of home modifications and returning of property to its prior condition when the individual vacates the premises.
- (6) Replacement or repair of a previously approved home modification or home maintenance and chore job that has been damaged as a result of apparent misuse, abuse, or negligence.

~~(C) Home maintenance and chore services may be authorized up to one hundred eighty consecutive days prior to an individual's transition from an institutional setting into the community. The service is not considered complete until, and the date of service for purposes of reimbursement shall be, the date on which the individual leaves the institutional setting. If an individual fails to transition into the community, the service is still reimbursable if all other requirements are met.~~

~~(D)~~(C) Home maintenance and chore services that are necessary to ensure the health, safety, and welfare of the individual and will exceed the ten-thousand-dollar calendar year threshold may be considered for approval by the Ohio department of medicaid (ODM), Ohio department of aging (ODA) or their designee.

~~(E)~~(D) Authorization process.

- (1) ODM, ODA, or their designee may require the completion of an in-home evaluation by an appropriately qualified professional to determine the suitability of the immediate environment where the service will be performed and the viability of the completion of the service to improve independence and/or facilitate a healthy and safe environment.
- (2) In consultation with the individual and/or caregiver(s), ODM, ODA, or their designee, and if ~~required~~necessary, the qualified professional, ~~shall~~will

develop a referral that addresses the individual's home maintenance and chore ~~service~~ needs.

(3) Home maintenance and chore ~~service~~ providers ~~shall~~ will submit a fixed cost proposal for the services ~~submitted~~ described under the referral which ~~shall~~ will be good for the term of the proposal.

(a) At a minimum, the proposal ~~shall~~ will include all of the following:

- (i) A breakdown of all the needed materials;
- (ii) A breakdown of the costs of all the needed materials;
- (iii) A breakdown of the labor costs;
- (iv) A list of ~~all~~ any permits that must be obtained;
- (v) An estimate of the time needed to complete the service;
- (vi) A written statement of all warranties provided, including a warranty lasting at least one year from the date of final acceptance of work against defective workmanship, as applicable; and
- (vii) A written guarantee that all materials, products, and installed or furnished appliances perform their advertised function.

(b) A fixed cost proposal may be adjusted for good cause only if the proposal is adjusted in writing, and the adjustment is approved by ODM, ODA, or their designee.

(4) ODM, ODA, or their designee ~~shall~~ will review all submitted proposals with the individual and ~~shall~~ will approve the proposal with the lowest cost alternative that meets the individual's assessed needs and ensures the health, safety and welfare of the individual.

(5) The provider ~~shall~~ will be reimbursed for the actual cost of material and/or labor as identified in the proposal. ~~Reimbursement may only be adjusted if the fixed cost proposal is adjusted pursuant to the requirements set forth in paragraph (E) (3)(b) of this rule.~~

~~(F)~~ (E) Provider requirements.

The provider ~~shall~~ will:

- (1) Know and understand the individual's person-centered services plan related to home maintenance and chore ~~services~~, and personal preferences regarding the specific services to be performed.
- (2) Before performing a service, inform the individual and ODM, ODA, or their designee of any ~~specific potential~~ health or welfare risk, ~~expected~~, and coordinate times and dates of service to ensure minimal risk to the individual.
- ~~(3) Before performing a service, obtain and maintain all permits and pre-inspections required by law, ordinance, or by the individual's homeowners' association.~~
- ~~(4)~~(3) Comply with applicable federal, state, and local laws, and the individual's homeowners' association (HOA) requirements, as applicable.
- ~~(5)~~(4) Obtain the property owner's written consent prior to performing the service. This written consent ~~shall~~ will reflect that the property owner has agreed to the maintenance, repair or other service.
- ~~(6) Maintain, and upon request, furnish proof of appropriate qualifications to perform services requiring specialized skills such as electrical, heating/ventilation, and plumbing work.~~
- ~~(7) Maintain, and upon request, furnish proof of licensure, insurance, and bonding for services from applicable jurisdictions.~~
- ~~(8) Maintain, and upon request, furnish a list of the chemicals and substances used for each proposal.~~
- ~~(9)~~(5) Furnish to the individual, ODM, ODA, or their designee a warranty that covers the workmanship and materials involved in performing the service, as applicable.
- ~~(10)~~(6) Provide documentation to ODM, ODA, or their designee that the service was completed in accordance with the agreed upon specifications using the materials and equipment cited in the proposal.
- ~~(11)~~(7) Provide documentation to ODM, ODA, or their designee that the service was tested, is in proper working order, and is usable by the individual, if applicable.
- ~~(12) After completing, but before billing for the service, obtain and maintain any necessary post-inspections and post-inspection reports required by law, a home owners' association, or both to verify whether each episode of service meets federal, state, and local laws or home owners' association requirements.~~

~~(13)~~(8) Repair any damage incidental to the service at no additional cost.

~~(14)~~ Obtain final written approval from the individual and the case manager after completion of the service.

(F) Home maintenance and chore may only be provided by an agency or non-agency provider approved by ODM or certified by ODA as a medicaid waiver provider of home maintenance and chore.

~~(G) Provider qualifications:~~

~~(1) Only an agency or non-agency provider that has been approved by ODM or certified by ODA as a medicaid waiver provider of home maintenance and chore service shall provide these services.~~

~~(2) Prior to performing a service, the provider shall have all necessary and required licensure in place.~~

~~(H)~~(G) Service verification: The provider ~~shall~~ will obtain the individual's or authorized representative's signature and date of completion of the service to verify service delivery, verify the provider left the individual's home in satisfactory condition, and verify repair of any damages incidental to the service.

~~(H)~~(H) Provider record retention. For each service furnished, the provider ~~shall~~ will retain a record of compliance with all requirements set forth in rule 5160-44-31 of the Administrative Code, or with the requirements set forth in Chapter 173-39 of the Administrative Code for the pre-admission screening system providing options and resources today (PASSPORT) program. The record ~~shall~~ will include:

(1) Individual's name.

(2) Date of service delivery.

(3) A copy of the fixed cost proposal described in paragraph (D)(3) of this rule, including any approved adjustments.

(4) Service description, including a comparison between the fixed cost proposal and the actual services provided.

(5) Name of each provider staff person in contact with the individual.

(6) List of chemicals and substances used.

- (7) Proof of appropriate qualifications to perform services requiring specialized skills such as electrical, heating/ventilation, and plumbing work.
- (8) Proof of licensure, insurance, and bonding for services from applicable jurisdictions.
- (9) Proof of all necessary post-inspections and post-inspection reports required by law, a HOA, or both to verify whether each episode of service meets federal, state, and local laws or HOA requirements. Proof will be obtained prior to billing.
- ~~(7)~~(10) All of the documents required in paragraphs ~~(FE)~~, ~~(GF)~~, and ~~(HG)~~ of this rule.
- (I) The authorization of home maintenance and chore may be combined with other waiver services to meet the assessed needs of the individuals. In such instances, individual waiver service limits as described in paragraph (C) of this rule still apply.
- ~~(J) ODM and ODA are authorized to deem any provider approved by ODM or certified by ODA or the Ohio department of developmental disabilities (DODD) to provide waiver services as having satisfied the requirements for approval by ODM or certification by ODA for the same or similar services.~~

Effective:

Five Year Review (FYR) Dates: 9/22/2023

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5166.02
Rule Amplifies: 5162.03, 5164.02, 5166.02
Prior Effective Dates: 07/01/2019, 06/12/2020 (Emer.), 12/10/2020