

TO BE RESCINDED

173-3-06.3

Home maintenance, modification, and repair services.

(A) Definitions for this rule:

- (1) "Home-maintenance service" means a service that provides critical maintenance of elements necessary to preserve the health and safety of a consumer in the consumer's home. Examples of the service are the inspection of a furnace, water heater, or water pump, plumbing and electrical maintenance; maintenance or replacement of screens or broken window panes; and, replacement or installation of electrical fuses.
 - (2) "Home-modification service" means a service that adapts elements of the interior or exterior of a consumer's residence to increase accessibility and enable the consumer to function with greater independence in the residence. Examples of the service are the installation of a device to improve the consumer's ability to perform ADLs; a minor interior or exterior modification to improve the health and safety of the consumer; or a ramp to a doorway or another modification to enhance accessibility.
 - (3) "Home-repair service" means a service that provides critical repair to elements necessary to preserve the health and safety of a consumer in the consumer's home. Examples of this service are the repair or installation of HVAC equipment; minor plumbing or electrical repair; repair or replacement of gutters, shingles, flashings, or other roofing materials; or, repairs to eliminate holes of other hazards in flooring or stairs.
- (B) Eligibility: A consumer is eligible for a home-maintenance, home-modification, or home-repair service only if no other person (e.g., a landlord) has a legal or contractual responsibility to perform the job.
- (C) In addition to complying with the mandatory clauses for provider agreements described in rule 173-3-06 of the Administrative Code, a provider of a home-modification, home-maintenance, or home-repair service shall comply with the following requirements:
- (1) Licensure or accreditation: The provider may only perform a service that requires a license or credentials (e.g., an electrician, a HVAC specialist, a plumber) if the provider possesses a current, valid license or credentials to perform the service.
 - (2) Before performing a home-maintenance, home-modification, or home-repair service, the provider shall:

- (a) Provide a written or electronic estimate to the AAA on the cost of the job;
 - (b) Obtain the AAA's written or electronic authorization to begin the service;
 - (c) Obtain the written consent of the property owner. If the service is a home-modification service, the provider shall obtain the written consent that indicates that the owner understands that the property will remain in the modified state after the consumer leaves the residence;
 - (d) Obtain any permit required by law;
 - (e) Inform the consumer, any other resident residing with the consumer, and the AAA of any health or safety risks expected during the performance of the service; and,
 - (f) Schedule a date and time to perform the service that assures a minimal risk of hazard to the consumer and any other resident residing with the consumer.
- (3) Additional problems: If, while performing a home-modification, home-maintenance, or home-repair service, the provider identifies an additional problem that requires immediate maintenance or repair that the provider should service in conjunction with the AAA's original job order, the provider shall obtain additional authorization from the AAA before performing the additional job. To obtain additional authorization, the provider shall notify the AAA of the nature of the problem, how the provider plans to remedy the problem, and the estimated cost to remedy the problem. The AAA has discretion to determine whether or not to authorize an additional unit of service for the additional job and shall notify the provider in writing or electronically if it authorizes an additional unit of service.
- (4) After the provider completes the service, but before billing the AAA, the provider shall:
- (a) Furnish a warranty to the AAA that covers the workmanship and materials involved in the service provided; and,
 - (b) Obtain any necessary inspection, inspection report, or permit required by federal, state, and local laws to verify that the service was properly completed.
- (5) Service verification:
- (a) For each service performed, the provider shall retain a record of the consumer's name; service date; service description, including a

comparison between tasks in the job order and tasks provided, and whether the consumer or family caregiver consented to the service before it was provided; service units; name of each person in contact with the consumer; provider's signature; and consumer's signature.

(b) The provider may use a technology-based system to collect or retain the records required under this rule.

(c) The provider shall retain records required under this rule and provide access to those records for monitoring according to paragraph (A)(20) of rule 173-3-06 of the Administrative Code.

(D) Unit of service:

(1) A unit of service is one completed job order.

(2) The per-job rate for a service is negotiable and is subject to the approval of the AAA before the service is provided. It includes assessment, materials, and labor.

(E) Sub-contractor: If a sub-contractor performs a unit of the service, the sub-contractor is subject to this rule. In paragraphs (C)(2)(a), (C)(3), (C)(4), (C)(4)(a), (C)(5), and (D)(2) of this rule, references to "provider" in relation to "AAA" has the same meaning as "sub-contractor" in relation to "provider."

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CERTIFIED ELECTRONICALLY

Certification

04/28/2020

Date

Promulgated Under: 119.03

Statutory Authority: 173.01, 173.02, 173.392: 42 U.S.C. 3025(a)(1)(C); 45 C.F.R. 1321.11

Rule Amplifies: 173.392; 42 U.S.C. 3030d(a)(4); 45 C.F.R. 1321.65(a)

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