

173-39-01

Introduction and definitions.**(A) Introduction:**

- (1) This chapter establishes the certification requirements for providers who furnish services to consumers through an ODA-administered medicaid waiver program or the state-funded components of the assisted living or PASSPORT programs; the minimum requirements for furnishing services through those programs; disciplinary action against providers who do not comply with the minimum requirements; and appeal hearings for providers receiving disciplinary action.
- (2) Rule 5160-58-04 of the Administrative Code requires providers to comply with many of the minimum requirements for furnishing services in this chapter when the provider furnishes those services to consumers in the mycare Ohio program.
- (3) If a provider furnishes services to consumers through a medicaid waiver program and also furnishes services to consumers through an Older Americans Act program or the Alzheimer's respite program, the provider shall also comply with Chapter 173-3 of the Administrative Code. If a provider furnishes services to consumers through a medicaid waiver program and also furnishes nutrition services to consumers through an Older Americans Act program, the provider shall also comply with Chapters 173-3 and 173-4 of the Administrative Code.

(B) Definitions for this chapter:

- (1) "Activity of daily living" ("ADL") has the same meaning as in rule 5160-3-06 of the Administrative Code.
- (2) "Activity plan" means a description of the interventions and the dates and times that the provider will furnish the interventions.
- (3) "Assistance with self-administration of medication" has the same meaning as in as in paragraph (C) of rule 4723-13-02 of the Administrative Code when the assistance is furnished by an unlicensed person.
- (4) "Authorized representative" has the same meaning as in rule 5160:1-1-55.1 of the Administrative Code.
- (5) "Caregiver" means a relative, friend, or significant other who voluntarily furnishes assistance to the consumer and is responsible for the consumer's care on a continuing basis.
- (6) "Case manager" means the registered nurse or licensed social worker that ODA's desinee employs to plan, coordinate, monitor, evaluate, and authorize services for ODA-administered programs that require provider certification

under this chapter.

- (7) "CDJFS" means "county department of job and family services."
- (8) "Certification" means ODA's approval of a provider to furnish one or more of the services that this chapter regulates.
- (9) "Consumer" means an individual who receives services as an enrollee in ODA-administered programs that requires provider certification under this chapter.
- (10) "Consumer's signature" means the consumer's signature or that of the consumer's caregiver, which may include a handwritten signature; initials; stamp or mark; or electronic signature that represents the consumer's acknowledgment, including acknowledgment that he or she received a service. ODA's designee documents the consumer's signature of choice (i.e., handwritten, initials, stamp or mark, or electronic) in the consumer's record and communicates it to the provider.
- (11) "Incident" means any event that is not consistent with furnishing routine care or a service to a consumer. Examples of an incident are abuse, neglect, abandonment, accidents, or unusual events or situations that may result in injury to a person or damage to property or equipment. An incident may involve a consumer, a caregiver (to the extent the event impacts the consumer), a provider, a facility, or a staff member of a provider, facility, ODA, ODA's designee, or other administrative authority.
- (12) "Instrumental activity of daily living" ("IADL") has the same meaning as in rule 5160-3-08 of the Administrative Code.
- (13) "Licensed practical nurse" ("LPN") has the same meaning as in section 4723.01 of the Revised Code.
- (14) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.
- (15) "ODA" means "the Ohio department of aging."
- (16) "ODA's designee" has the same meaning as "PASSPORT administrative agency" in section 173.42 of the Revised Code. The current PASSPORT administrative agencies are the area agencies on aging that ODA lists in rule 173-2-04 of the Administrative Code plus "Catholic Social Services of the Miami Valley."
- (17) "ODM" means "the Ohio department of medicaid."
- (18) "Older Americans Act" has the same meaning as in rule 173-3-01 of the

Administrative Code.

- (19) "Plan of treatment" means the orders of a physician.
- (20) "Provider" means a person or entity that furnishes a service under this chapter.
There are five types of providers:
- (a) "Agency provider" means a legally-organized entity that employs staff.
- (b) "Assisted living provider" means a licensed residential care facility.
- (c) "Consumer-directed individual provider" means a person that a consumer directly employs and supervises to furnish a choices home care attendant service (CHCAS).
- (d) "Consumer-directed personal care provider" means a person that a consumer directly employs and supervises to furnish personal care.
- (e) "Non-agency provider" means a legally-organized entity that is owned and controlled by one person and that does not employ a staff.
- (21) "Registered nurse" ("RN") has the same meaning as in section 4723.01 of the Revised Code.
- (22) "Service plan" means the written outline of the services that a case manager authorizes a provider to furnish to a consumer, regardless of the funding source for those services.
- (23) "Services" has the same meaning as "community-based long-term care services" in section 173.14 of the Revised Code.
- (24) "Significant change" means a remarkable change in a consumer's health status, mood, behavior, or demeanor that may indicate the need for a re-assessment of the consumer's needs.
- (25) "Vocational program" means a planned series, or a sequence of courses or modules, that incorporate challenging, academic education and rigorous, performance-based training to prepare participants for success in a particular health care career or occupation.

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