5123:2-8-10 **Level one waiver - Homemaker/personal care.**

(A) Purpose

The purpose of this rule is to specify the service definition for homemaker/personal care and to set forth the certification standards required under section ~~5123.045~~ 5123.16 of the Revised Code for providers of homemaker/personal care services to individuals enrolled in the HCBS level one waiver administered by the department.

(B) Definitions

(1) "Homemaker/personal care (HPC)" means the coordinated provision of a variety of services, supports and supervision necessary for the health and welfare of an individual which enables the individual to live in the community. These are tasks directed at increasing the independence of the individual within his/her home or community. The service includes tasks directed at the individual's immediate environment that are necessitated by his or her physical or mental condition, including emotional and/or behavioral, and is of a supportive or maintenance type. ~~This service does not include tasks supporting the individual provided through center-based day habilitation.~~ This service will help the individual meet daily living needs, and without this service, alone or in combination with other waiver services, the individual would require institutionalization. The ~~benefit package in the level one waiver includes a limitation of one thousand dollars annually for homemaker/personal care. An individual's annual expenditure for homemaker/personal care may exceed one thousand dollars, subject to prior authorization during the development of the initial ISP, as part of the ISP review process or at a time when needs change and are subsequently documented in an ISP, consistent with the preferences of the individual or family. Through the prior authorization process, the additional services shall be approved if the~~ benefit limitation for this service, institutional respite, informal respite, and transportation combined ~~do~~ shall not exceed five thousand dollars annually ~~and unless an assessment contraindicates the need for the service~~. In addition, due to the scope of services available, homemaker/personal care services may not be used at the same time as any non-residential habilitation or supported employment services.

(a) The homemaker/personal care provider should perform such tasks as assisting the individual with activities of daily living, personal hygiene, dressing, feeding, transfer, and ambulatory needs or skills development. Skills development is intervention that focuses on both preventing the loss of skills and enhancing skills that are already present that will lead to greater independence within the residence or the community. The provider may also perform homemaking tasks for the individual. These tasks may include cooking, cleaning, laundry and shopping, among

others. Homemaking and personal tasks are combined into a single service titled homemaker/personal care because, in actual practice, a single person provides both services and does so as part of the natural flow of the day. For example, the provider may prepare a dish and place it in the oven to cook (homemaking), assist the individual in washing up before a meal and assist him/her to the table (personal care), put the prepared meal on the table (homemaking), and assist the individual in eating (personal care). Segregating these activities into discrete services is impractical.

(b) Services provided include the following:

(i) Basic personal care and grooming, including bathing, care of the hair and assistance with clothing;

(ii) Assistance with bladder and/or bowel requirements or problems, including helping the individual to and from the bathroom or assisting the individual with bedpan routines;

(iii) Assisting the individual with self-medication or provision of medication administration for prescribed medications, and assisting the individual with, or performing health care activities ;

(iv) Performing household services essential to the individual's health and comfort in the home (e.g., necessary changing of bed linens or rearranging of furniture to enable the individual to move about more easily in his/her home);

(v) Assessing, monitoring, and supervising the individual to ensure the individual's safety, health, and welfare;

(vi) Light cleaning tasks in areas of the home used by the individual;

(vii) Preparation of a shopping list appropriate to the individual's dietary needs and financial circumstances, performance of grocery shopping activities as necessary, and preparation of meals;

(viii) Personal laundry;

(ix) Incidental neighborhood errands as necessary, including accompanying the individual to medical and other appropriate

appointments and accompanying the individual for short walks outside the home; and

(x) Activities incidental to summer camp participation provided that respite is not billed.

(c) Providers of homemaker/personal care shall:

(i) Participate in the individual's ISP meetings, if and when the individual requests them to attend;

(ii) Perform tasks and duties according to the individual's ISP;

(iii) Recognize changes in the individual's condition and behavior as well as safety and sanitation hazards, report to the SSA and record the changes in the individual's written record;

(iv) Document all services provided to and on behalf of the individual; and

(v) Monitor incidents and take necessary actions when necessary to ensure the health, safety, and welfare of individuals and provide notice to the county board.

(d) Homemaker/personal care agency providers shall provide administrative oversight as required by section 5126.14 of the Revised Code.

(e) For purposes of section 5126.281 of the Revised Code and rules adopted under that section, homemaker/personal care services shall not be deemed to be services provided under a family support services program established under section 5126.11 of the Revised Code or subject to section 5126.11 of the Revised Code or rules adopted under that section.

(2) "Homemaker/personal care subcontracted service" means any program or service provided pursuant to a subcontract, which program or service is designed and operated primarily to serve individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the department. For purposes of certification under this rule, a generic community service or other program or service available to the general public (e.g., lawn care and house cleaning services) is not subject to homemaker/personal care requirements when said service is

subcontracted.

(C) Standards and requirements for initial certification of individual providers

An applicant for individual provider certification for homemaker/personal care services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving homemaker/personal care services.

(1) The applicant shall be at least eighteen years of age.

(2) The applicant shall submit an application in accordance with rule 5123:2-9-09 of the Administrative Code.

(3) Criminal background check

(a) The applicant shall submit to the department written evidence that a background investigation has been completed in accordance with section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.

(b) The department shall deny certification to any applicant who has been convicted of or pled guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code, unless the applicant meets the standards set forth in paragraph (N) or (R) of rule 5123:2-1-05.1 of the Administrative Code.

(4) Abuser registry

(a) The department shall determine whether the applicant's name appears on the abuser registry established under sections 5123.50 to 5123.54 of the Revised Code.

(b) The department shall deny certification to any applicant if the applicant's name appears on the abuser registry.

(5) Nurse aide registry

The department shall contact the Ohio department of health to inquire whether the nurse aide registry established under section 3721.32 of the Revised Code, reveals that its director has made a determination of abuse, neglect, or misappropriation of property of a resident of a long-term care facility or residential care facility by the person.

(6) CPR

The applicant shall provide to the department evidence of a valid certification in CPR.

(7) Training relating to incidents adversely affecting health and safety

The applicant shall submit to the department documentation that the applicant has completed training in the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(8) Assurance on prevention of incidents adversely affecting health and safety

The applicant shall provide to the department written assurance that the applicant shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety.

(9) Training in individual rights

The applicant shall submit to the department documentation that the applicant has completed training in the provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code.

(10) Assurance for ongoing training

The applicant shall provide to the department written assurance that the applicant will receive training in accordance with paragraph (J) of this rule.

(11) Assurance for behavior supports

The applicant shall provide to the department written assurance that the applicant will comply with the requirements of ~~appendix A to this rule that are applicable to an individual provider~~ behavior supports established under rules adopted by the department.

(12) Assurance for substitute coverage

The applicant shall provide to the department written assurance acknowledging that the applicant will:

(a) Arrange for substitute coverage, if necessary, only from a list of homemaker/personal care certified providers supplied by the

department and as identified in the individual's ISP;

(b) Notify the individual or legally responsible persons in the event that substitute coverage is necessary; and

(c) Notify the person identified in the ISP when substitute coverage is not available to allow such person to make other arrangements.

(13) Assurance for medication administration and the performance of health care tasks

The applicant shall provide to the department written assurance that the applicant shall not administer any medication to or perform health care tasks for the individual unless the applicant meets the applicable requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

(14) Assurance for coordination of services

The applicant shall provide to the department written acknowledgement of the applicant's ongoing responsibility to coordinate with designated persons and family members, where appropriate, to ensure the provision of services in accordance with the ISP.

(15) Assurance for individual needs

The applicant shall provide to the department written assurance that the applicant shall only agree to provide services to any individual whose needs the applicant can meet.

(16) Assurance for ISP compliance

The applicant shall provide to the department written assurance that the applicant shall implement homemaker/personal care services in accordance with the ISP.

(17) Assurance for provider eligibility

The applicant shall provide to the department written assurance that the applicant shall not provide homemaker/personal care services to his/her minor child (under age eighteen) or to his/her spouse.

(D) Standards and requirements for continuing certification of individual providers

After being certified in accordance with paragraph (C) of this rule, all individual providers of homemaker/personal care services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving homemaker/personal care services.

(1) Criminal background check

(a) An individual provider shall report to the department if he or she is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code. The individual provider shall make such report, in writing, not later than fourteen calendar days after the date of such charge, conviction or guilty plea.

(b) The individual provider shall comply with section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.

(c) The department may initiate revocation proceedings for any individual provider who has failed to report in accordance with paragraph (D)(1)(a) of this rule that he or she was charged with, convicted of or pled guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code.

(d) The department shall initiate revocation proceedings for any individual provider who has been convicted of or pled guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code, unless the individual provider meets the standards set forth in paragraph (N) or (R) of rule 5123:2-1-05.1 of the Administrative Code.

(2) Abuser registry

The department shall initiate revocation proceedings for any individual provider whose name has been placed on the abuser registry established under sections 5123.50 to 5123.54 of the Revised Code.

(3) CPR

The individual provider shall maintain a valid certification in CPR.

(4) Training relating to incidents adversely affecting health and safety

(a) At least annually, the individual provider shall complete training in the

requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(b) The individual provider shall maintain documentation of such training in accordance with paragraph (J)(8) of this rule and present such documentation upon request by ODJFS, the department, or the county board.

(5) Incidents adversely affecting health and safety

The individual provider shall comply with the requirements of rule 5123:2-17-02 of the Administrative Code, except that the individual provider is not required to comply with the following provisions of that rule:

(a) The development and implementation of a policy and procedure for the internal review, remedy, and prevention of major unusual incidents required under paragraph (F)(1) of that rule;

(b) The analysis of major unusual incidents to identify patterns and trends required under paragraph (G)(1) of that rule;

(c) The annual review and analysis of data required under paragraph (G)(4) of that rule;

(d) The completion of analysis and implementation of corrective measures required under paragraph (G)(5) of that rule;

(e) The development and implementation of a policy and procedure on unusual incident notification required under paragraph (H)(1) of that rule; and

(f) The development and implementation of a written policy and procedure for the internal review of unusual incidents required under paragraph (H)(2) of that rule.

(6) Prevention of incidents adversely affecting health and safety

The individual provider shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety.

(7) Training in individual rights

(a) At least annually, the individual provider shall complete training in the provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code.

(b) The individual provider shall maintain documentation of such training in accordance with paragraph (J)(8) of this rule and present such documentation upon request by ODJFS, the department, or the county board.

(8) Behavior supports

(a) The individual provider shall comply with the requirements of ~~appendix A to this rule applicable to an individual provider~~ behavior supports established under rules adopted by the department.

(b) If there is an individual behavior support plan, the individual provider shall be trained in the components of the plan.

(c) The individual provider shall maintain documentation of such training in accordance with paragraph (J)(8) of this rule and present such documentation upon request by ODJFS, the department, or the county board.

(9) Substitute coverage

The individual provider shall:

(a) Arrange for substitute coverage, if necessary, only from a list of homemaker/personal care certified providers supplied by the department and as identified in the individual's ISP.

(b) Notify the individual or legally responsible persons in the event that substitute coverage is necessary.

(c) Notify the person identified in the ISP when substitute coverage is not available to allow such person to make other arrangements.

(10) Medication administration and performance of health care tasks

The individual provider shall not administer any medication to or perform health care tasks for the individual unless the individual provider meets the

applicable requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

(11) Coordination of services

The individual provider shall coordinate with designated persons and family members, where appropriate, to ensure the provision of services in accordance with the ISP.

(12) Individual needs

The individual provider shall only agree to provide services to any individual whose needs the individual provider can meet.

(13) ISP compliance

(a) The individual provider shall implement homemaker/personal care services in accordance with the ISP.

(b) The need for assistance with medications or health care tasks as identified in paragraph (D)(10) of this rule shall be specified in the ISP. The presence of a behavior support plan and the requirements for training as identified in paragraph (D)(8)(b) of this rule shall be specified in the ISP .

(14) Provider eligibility

The individual provider shall not provide homemaker/personal care services to his/her minor child (under age eighteen) or to his/her spouse.

(15) Continuing education/training

The individual provider shall receive annual continuing education/training as specified in paragraph (J) of this rule.

(16) Evidence of department certification

The individual provider shall maintain documentation from the department of the individual provider's certification under this rule.

(E) Standards and requirements for initial certification of agency providers

An applicant for agency provider certification for homemaker/personal care services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving homemaker/personal care services.

(1) The applicant shall submit an application in accordance with rule 5123:2-9-09 of the Administrative Code.

(2) Assurance for chief executive officer or a person responsible for administration

The applicant shall provide to the department written assurance that the applicant has employed a chief executive officer or a person responsible for administration who has either a bachelor's degree from an accredited institution or at least two years experience in mental retardation or developmental disabilities, health care, social services, or homemaker/personal care.

(a) The chief executive officer or person responsible for administration shall be responsible for the following functions:

(i) Personnel matters;

(ii) Supervision of employees;

(iii) Program services; and

(iv) Financial management.

(b) The applicant shall have written policies and procedures that address the applicant's management practices in the following areas:

(i) Confidentiality of individuals' records;

(ii) Individual satisfaction;

(iii) A description of internal monitoring and evaluating procedures to improve services delivered;

(iv) A table of organization;

(v) Staff training plan;

(vi) A requirement that employees who have direct contact with individuals receiving homemaker/personal care must be at least eighteen years of age.

(3) Criminal background check

The applicant shall provide to the department written assurance that the applicant has complied with the requirements for background investigations established under section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.

(4) Abuser registry

(a) For employees, subcontractors of the applicant, and employees of subcontractors who provide specialized services to an individual with mental retardation or a developmental disability as defined in division (G) of section 5123.50 of the Revised Code, the applicant shall provide to the department written assurance that, as of the date of the application, no such persons are listed on the abuser registry established pursuant to sections 5123.50 to 5123.54 of the Revised Code.

(b) The applicant shall provide to the department written assurance that the applicant will follow the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(5) Nurse aide registry

For employees, subcontractors of the applicant, and employees of subcontractors who provide specialized services to an individual with mental retardation or a developmental disability as defined in division (G) of section 5123.50 of the Revised Code, the applicant shall provide to the department written assurance that, as of the date of the application, no such persons are listed on the nurse aide registry established under section 3721.32 of the Revised Code indicating that the director of the Ohio department of health has made a determination of abuse, neglect, or misappropriation of property of a resident of a long-term care facility or residential care facility by the person.

(6) Certification in CPR

The applicant shall provide to the department written assurance that at least one person with a valid certification in CPR shall be present when an individual is receiving any homemaker/personal care program or service that

requires the provider to be in direct contact with the individual .

(7) Assurance for ongoing training

The applicant shall provide to the department written assurance that all employees who will have direct contact with individuals receiving homemaker/personal care services will receive training in accordance with paragraph (J) of this rule.

(8) Training relating to incidents adversely affecting health and safety

The applicant shall provide to the department written assurance that all employees who will have direct contact with individuals receiving homemaker/personal care services have completed training in the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(9) Assurance on prevention of incidents adversely affecting health and safety

The applicant shall provide to the department written assurance that the applicant shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety.

(10) Training in individual rights

The applicant shall provide to the department written assurance that all employees who will have direct contact with individuals receiving homemaker/personal care services have completed training in the provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code.

(11) Assurance for behavior supports

The applicant shall provide to the department written assurance that the applicant will comply with the requirements of ~~appendix A to this rule~~ behavior supports established in rules adopted by the department.

(12) Assurance for substitute coverage

The applicant shall provide to the department written assurance acknowledging that the applicant will:

(a) Arrange for substitute coverage, if necessary, only from a list of

homemaker/personal care certified providers supplied by the department and as identified in the individual's ISP;

(b) Notify the individual or legally responsible persons in the event that substitute coverage is necessary; and

(c) Notify the person identified in the ISP when substitute coverage is not available to allow such person to make other arrangements.

(13) Assurance for medication administration and the performance of health care tasks

The applicant shall provide to the department written assurance that all medication administration and the performance of health care tasks shall be carried out in accordance with the applicable requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

(14) Assurance for program management

The applicant shall provide to the department written acknowledgement of the applicant's ongoing responsibility to coordinate with designated persons and family members, where appropriate, to ensure the provision of program management services in accordance with section 5126.14 of the Revised Code.

(15) Assurance for individual needs

The applicant shall provide to the department written assurance that the applicant shall only agree to provide services to any individual whose needs the applicant can meet.

(16) Assurance for ISP compliance

The applicant shall provide to the department written assurance that the applicant shall implement homemaker/personal care services in accordance with the ISP.

(17) Assurance for provider eligibility

The applicant shall provide to the department written assurance that neither the applicant nor any employee of the applicant shall provide homemaker/personal care services to his/her minor child (under age eighteen) or his/her spouse.

(F) Standards and requirements for continuing certification of agency providers

After being certified in accordance with paragraph (E) of this rule, all agency providers of homemaker/personal care services shall meet all of the following requirements in order to ensure the health and welfare of individuals receiving homemaker/personal care services:

(1) Chief executive officer or a person responsible for administration

The agency provider shall employ a chief executive officer or a person responsible for administration who has either a bachelor's degree from an accredited institution or at least two years experience in mental retardation or developmental disabilities, health care, social services, or homemaker/personal care.

(a) The chief executive officer or person responsible for administration shall be responsible for the following functions:

(i) Personnel matters;

(ii) Supervision of employees;

(iii) Program services; and

(iv) Financial management.

(b) The agency provider shall have written policies and procedures that address the agency provider's management practices in the following areas:

(i) Confidentiality of individuals' records;

(ii) Individual satisfaction;

(iii) A description of internal monitoring and evaluating procedures to improve services delivered;

(iv) A table of organization;

(v) Staff training plan;

(vi) A requirement that employees who have direct contact with individuals receiving homemaker/personal care services must be at least eighteen years of age.

(2) Criminal background check

(a) The agency provider shall require any employee in a direct services position to report, in writing, to the agency provider if the employee is ever formally charged with, convicted of, or plead guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code not later than fourteen calendar days after the date of such charge, conviction or guilty plea.

(b) The agency provider shall comply with section 5126.281 of the Revised Code and rule 5123:2-1-05.1 of the Administrative Code.

(3) Abuser registry

The agency provider shall follow the requirements of sections 5123.50 to 5123.54 of the Revised Code and assure that subcontractors who provide specialized services as defined in division (G) of section 5123.50 of the Revised Code shall meet the requirements of sections 5123.50 to 5123.54 of the Revised Code.

(4) Nurse aide registry

Prior to hiring an employee, the agency provider shall contact the Ohio department of health to inquire whether the nurse aide registry established under section 3721.32 of the Revised Code reveals that its director has made a determination of abuse, neglect, or misappropriation of property of a resident of a long-term care facility or residential care facility by the person.

(5) CPR

The agency provider shall provide evidence that at least one person with a valid certification in CPR is present when the individual is receiving any homemaker/personal care program or service that requires the provider to be in direct contact with the individual .

(6) Training relating to incidents adversely affecting health and safety

(a) The agency provider shall provide evidence that all employees who have

direct contact with individuals receiving homemaker/personal care services have completed training in the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety. Such training shall be completed at least annually.

(b) The agency provider shall maintain documentation of such training in accordance with paragraph (J)(8) of this rule and present such documentation upon request by ODJFS, the department, or the county board.

(c) The agency provider shall ensure that all employees who have direct contact with individuals receiving homemaker/personal care services shall comply with the requirements of rule 5123:2-17-02 of the Administrative Code relating to incidents adversely affecting health and safety.

(7) Prevention of incidents adversely affecting health and safety

The applicant shall take all reasonable steps necessary to prevent the occurrence or reoccurrence of incidents adversely affecting health and safety.

(8) Training in individual rights

(a) The agency provider shall provide evidence that all employees who will have direct contact with individuals receiving homemaker/personal care services have completed training in the provisions governing rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code. Such training shall be completed at least annually.

(b) The agency provider shall maintain documentation of such training in accordance with paragraph (J)(8) of this rule and present such documentation upon request by ODJFS, the department, or the county board.

(9) Behavior supports

(a) All employees of the agency provider shall comply with the requirements of ~~appendix A to this rule~~ <u>behavior supports established in rules adopted by the department</u>.

(b) If there is an individual behavior support plan, the employees of the

agency provider responsible for implementing the plan shall be trained in the components of the plan.

(c) The agency provider shall maintain documentation of such training in accordance with paragraph (J)(8) of this rule and present such documentation upon request by ODJFS, the department, or the county board.

(10) Substitute coverage

The agency provider shall:

(a) Arrange for substitute coverage, if necessary, only from a list of homemaker/personal care certified providers supplied by the department and as identified in the individual's ISP.

(b) Notify the individual or legally responsible persons in the event that substitute coverage is necessary.

(c) Notify the person identified in the ISP when substitute coverage is not available to allow such person to make other arrangements.

(11) Medication administration and the performance of health care tasks

The agency provider shall provide evidence that all medication administration and the performance of health care tasks are carried out in accordance with the applicable requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

(12) Program management

The agency provider shall coordinate with designated persons and family members, where appropriate, to ensure the provision of program management services in accordance with section 5126.14 of the Revised Code.

(13) Individual needs

The agency provider shall only agree to provide services to any individual whose needs the agency provider can meet

(14) ISP compliance

(a) The agency provider shall implement homemaker/personal care services in accordance with the ISP.

(b) The need for assistance with medications or health care tasks as identified in paragraph (F)(11) of this rule shall be specified in the ISP. The presence of a behavior support plan and the requirement for training as identified in paragraph (F)(9)(b) of this rule shall be specified in the ISP .

(15) Provider eligibility

Neither the agency provider nor any employee of the agency provider shall provide homemaker/personal care services to his/her minor child (under age eighteen) or his/her spouse.

(16) Continuing education/training

All employees of agency providers who have direct contact with individuals receiving homemaker/personal care services shall receive annual continuing education/training in accordance with paragraph (J) of this rule.

(17) Evidence of department certification

The agency provider shall maintain documentation from the department of the agency provider's certification under this rule.

(G) Standards and requirements for county boards

(1) No county board shall be certified to provide homemaker/personal care services or enter into a medicaid provider agreement with ODJFS for homemaker/personal care services.

(2) No county board shall provide homemaker/personal care services as a subcontractor.

(3) In the event that there is no certified private person or entity willing and able to provide homemaker/personal care services, a county board may provide homemaker/personal care services through an independent contractor who is employed in another capacity by the county board. Such independent contractor shall comply with the requirements of sections 5126.032, 5126.033, and 5123.64 of the Revised Code.

(H) Standards and requirements for initial and continuing certification of licensed providers

An applicant for certification to provide homemaker/personal care services as a licensed provider shall meet all of the following requirements in order to ensure the health and welfare of the individuals receiving homemaker/personal care services:

(1) The applicant shall submit an application in accordance with rule 5123:2-9-09 of the Administrative Code.

(2) The applicant shall provide to the department written assurance acknowledging that the applicant will:

(a) Arrange for substitute coverage, if necessary, only from a list of homemaker/personal care certified providers supplied by the department and as identified in the individual's ISP;

(b) Notify the individual or legally responsible persons in the event that substitute coverage is necessary.

(c) Notify the person identified in the ISP when substitute coverage is not available to allow such person to make other arrangements.

(3) The licensed provider shall meet all of the requirements set forth in and have a license issued under section 5123.19 of the Revised Code.

(4) Upon meeting such requirements and the issuance of such license, the application shall be processed by the department and the licensed provider shall be approved in accordance with rule 5123:2-9-09 of the Administrative Code.

(5) In order to maintain certification under this rule, the licensed provider shall maintain its license in accordance with section 5123.19 of the Revised Code, and maintain a current medicaid provider agreement with ODJFS, and comply with the requirements for substitute coverage set forth in paragraph (H)(2) of this rule.

(I) Subcontractors

Individual providers shall not subcontract the provision of homemaker/personal care services. Agency providers may subcontract the provision of

homemaker/personal care services in accordance with the following requirements:

(1) All subcontractors for homemaker/personal care subcontracted services that are individual providers shall meet the requirements of the following paragraphs of this rule:

(a) Paragraph (C)(1) - applicant shall be at least eighteen years old;

(b) Paragraphs (C)(3) and (D)(1) - criminal background check;

(c) Paragraphs (C)(4) and (D)(2) - abuser registry;

(d) Paragraph (C)(5) - nurse aide registry;

(e) Paragraphs (C)(6) and (D)(3) - CPR;

(f) Paragraphs (C)(7) and (D)(4) - training relating to incidents adversely affecting health and safety;

(g) Paragraphs (C)(8) and (D)(6) - prevention of incidents adversely affecting health and safety;

(h) Paragraphs (C)(9) and (D)(7) - training in individual rights;

(i) Paragraphs (C)(11) and (D)(8) - behavior supports;

(j) Paragraphs (C)(13) and (D)(10) - medication administration and the performance of health care tasks;

(k) Paragraphs (C)(15) and (D)(12) - individual needs;

(l) Paragraphs (C)(16) and (D)(13) - ISP compliance;

(m) Paragraphs (C)(17) and (D)(14) - provider eligibility.

(2) All subcontractors for homemaker/personal care subcontracted services that are agency providers shall meet the requirements of the following paragraphs of this rule:

(a) Paragraphs (E)(3) and (F)(2) - criminal background check;

(b) Paragraphs (E)(4) and (F)(3) - abuser registry;

(c) Paragraphs (E)(5) and (F)(4) - nurse aide registry;

(d) Paragraphs (E)(6) and (F)(5) - CPR;

(e) Paragraphs (E)(8) and (F)(6) - training relating to incidents adversely affecting health and safety;

(f) Paragraphs (E)(9) and (F)(7) - prevention of incidents adversely affecting health and safety;

(g) Paragraphs (E)(10) and (F)(8) - training in individual rights;

(h) Paragraphs (E)(11) and (F)(9) - behavior supports;

(i) Paragraphs (E)(13) and (F)(11) - medication administration and performance of health care tasks;

(j) Paragraphs (E)(15) and (F)(13) - individual needs;

(k) Paragraphs (E)(16) and (F)(14) - ISP compliance;

(l) Paragraphs (E)(17) and (F)(14) - provider eligibility

(3) The agency provider shall give the county board notice of all subcontracts for homemaker/personal care services.

(4) The agency provider shall enter into a written contract with the subcontractor.

(5) An agency provider that subcontracts the provision of homemaker/personal care services shall ensure that the subcontractor complies with all applicable requirements of this rule.

(J) Training

(1) Individual providers and all employees of agency providers who have direct

contact with individuals receiving homemaker/personal care services shall receive annual training in accordance with the requirements of this paragraph.

(2) Each individual provider shall be required to obtain at least eight hours of continuing education/training every year after the individual provider has been certified.

(3) An agency provider shall ensure that each employee of the agency provider who has direct contact with individuals receiving homemaker/personal care services receives at least eight hours of continuing education/training every year based on the employee's date of hire.

(4) An employee of an agency provider or individual provider shall be deemed to have met the requirements in paragraph (J)(2) or (J)(3) of this rule if such employee is scheduled for training and the training is completed within thirty days of the deadline.

(5) Carryover

(a) Any hours in excess of the amounts required in paragraphs (J)(2) and (J)(3) of this rule cannot be carried over to any subsequent year.

(b) An employee of an agency provider may transfer hours of continuing education/training from one agency provider to another provided that the employee has proper documentation that the training was completed.

(6) Continuing education/training shall be designed to enhance the skills and competencies of the individual provider or employees of the agency provider relevant to their job responsibilities.

(a) The continuing education/training areas shall include annual training in:

(i) Identification and response to incidents adversely affecting an individual's health and safety;

(ii) Individual rights.

(b) Other topics may include, but are not limited to:

(i) CPR;

(ii) Behavior supports;

(iii) Medication administration and performance of health care tasks;

(iv) OSHA requirements;

(v) Other areas that enhance the skills and competencies of the individual provider or employee of an agency provider relevant to his/her job responsibilities.

(7) Continuing education/training may be structured or unstructured and may include, but not be limited to, the following:

(a) Lectures, seminars or formal course work;

(b) Workshops and conferences;

(c) Demonstrations and displays;

(d) Visitations and observations of other facilities, services and programs;

(e) Distance learning and other electronic means of learning;

(f) Video and other audio-visual training; and

(g) Staff meetings.

(8) The provider shall maintain a written record, which may include an electronic record, of each person's continuing education/training. This information shall be presented upon request by ODJFS, the department, or the county board. Documentation shall include the following:

(a) The name of the person receiving the training;

(b) Date(s) of training;

(c) Length of training;

(d) Training topic;

(e) Instructor's name, if applicable;

(f) Brief description of the content of the training.

(K) Denial , suspension or revocation of certification

(1) Failure to comply with the standards set forth in this rule for initial certification of providers may result in denial of certification by the department pursuant to rule 5123:2-9-09 of the Administrative Code.

(2) After being certified in accordance with this rule, providers shall comply with the continuing certification standards set forth in this rule. Providers shall be subject to monitoring and compliance reviews conducted by the county board and/or the department as set forth in rule 5123:2-9-08 of the Administrative Code. Failure to comply with the standards set forth in this rule for continuing certification of providers may result in corrective action by the department up to and including suspension or revocation of certification as set forth in rule 5123:2-9-08 of the Administrative Code.

(3) When denying, supending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter 119. of the Revised Code.

Effective:	07/01/2006
R.C. 119.032 review dates:	04/28/2008

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Certification

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Date

Promulgated Under:	119.03
Statutory Authority:	5123.04, 5123.045, 5123.16, 5111.871
Rule Amplifies:	5123.04, 5123.045, 5123.16, 5111.871
Prior Effective Dates:	4/28/03