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- (h) A copy of any advance directives including, but not limited to, "do not resuscitate" (DNR) order or medical power of attorney, if they exist.
- (i) Documentation of all drug and food interactions, allergies and dietary restrictions.
- (j) Clinical notes and other documentation of tasks performed or not performed, arrival and departure times, and the dated signatures of the provider, and consumer or authorized representative, verifying the service delivery upon completion of service delivery. Nothing shall prohibit the collection and maintenance of documentation through technology-based systems. The consumer's or authorized representative's signature of choice shall be documented on the consumer's all services plan, and shall include, but not be limited to, any of the following: a handwritten signature, initials, a stamp or mark, or an electronic signature.
- (k) Clinical notes signed and dated by the nurse, documenting all communications with the treating physician and other members of the multidisciplinary team. Nothing shall prohibit the use of technology-based systems in collecting and maintaining the documentation required by this paragraph.
- (l) A discharge summary, signed and dated by the departing nurse, at the point the nurse is no longer going to provide services to the consumer, or when the consumer no longer needs nursing services. The summary should include documentation regarding progress made toward goal achievement and indicate any recommended follow-ups or referrals.

(B) ~~Personal care aide~~ Waiver aide support services.

(1) ~~"Personal care aide services" are defined as services provided pursuant to the transitions DD waiver's all services plan that assist the consumer with activities of daily living (ADL) and instrumental activities of daily living (IADL) needs. If the all services plan states that the service provided is to be personal care aide services, the service shall never be billed as a nursing service. Personal care aide services consists of services listed in paragraphs (B)(1)(a) to (B)(1)(e) of this rule. If the provider cannot perform IADLs, the provider must notify ODJFS or its designee, in writing, of the service limitations prior to inclusion on the all services plan.~~ "Waiver aide support services" are services that assist a transitions DD waiver consumer with activities of daily living (ADL) and instrumental activities of daily living (IADL), increase the consumer's independence at home and in the community, and are necessary in order to assure the consumer's health and welfare. Services include tasks that are directed at the consumer and the consumer's immediate environment; and training, hands-on assistance and support for the consumer to complete ADLs and IADLs, participate in community activities, and attend medical

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appointments. Consumer training focuses on preventing the loss of existing skills; enhancing skills that are already present; and teaching the consumer new skills so that the consumer can live more independently. It may also provide family support and training for the purpose of guiding, educating and empowering the consumer, authorized representative and other family members. Supervision must not be the sole purpose of the waiver aide support services. Waiver aide support services may be furnished at home and in the community.

(a) Waiver aide support services shall include, but not be limited to, the following tasks as identified during the assessment process and documented on the all services plan:

~~(a)~~(i) Bathing, dressing, grooming, nail care, hair care, oral hygiene, shaving, deodorant application, skin care, foot care, feeding, toileting, assisting with ambulation, positioning in bed, transferring, range of motion exercises, and monitoring intake and output;

(ii) Range of motion exercises delegated by a therapist licensed to practice in the state of Ohio;

~~(b)~~(iii) General homemaking activities, including but not limited to: meal preparation and cleanup, laundry, bed-making, dusting, vacuuming, and waste disposal;

~~(c)~~(iv) Household chores, including but not limited to washing floors, windows and walls, tacking down loose rugs and tiles; and moving heavy items to provide safe access and exit;

~~(d)~~(v) Paying bills and assisting with personal correspondence as directed by the consumer; and

~~(e)~~(vi) Accompanying or transporting the consumer to transitions DD waiver services, medical appointments, other community services, or running errands on behalf of the consumer.

(b) Waiver aide support service providers may elect not to furnish one or more of the tasks set forth in paragraph (B)(1)(a) of this rule. If the provider so elects, the provider must notify ODJFS or its designee, in writing, of the services the provider elects not to furnish.

~~(2) Personal care aide services do not include services performed in excess of the number of hours approved pursuant to the all services plan.~~

(2) Waiver aide support services does not include the following:

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- (a) Respite services;
 - (b) Home care attendant services;
 - (c) Services delegated in accordance with Chapter 4723. of the Revised Code and rules of the Administrative Code adopted thereunder and to be performed by individuals who are not licensed nurses in accordance with Chapter 4723. of the Revised Code;
 - (d) Waiver nursing services;
 - (e) Home health;
 - (f) Private duty nursing;
 - (g) Supplemental transportation services furnished while waiver aide support services are being furnished to the consumer;
 - (h) Accompanying the consumer to education and educational services under the Individuals with Disabilities Education Act (IDEA) set forth in 20 U.S.C. Sections 1400-1485 (effective date) and 34 C.F.R. part 300, vocational services that are available to the consumer through a program funded under Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) (effective date, or adult day habilitation services; and
 - (i) Services performed in excess of the number of hours approved pursuant to the consumer's all services plan.
- (3) ~~Personal care aides~~ Waiver aide support service providers shall not administer prescribed or over-the-counter medications to the consumer, but may, unless otherwise prohibited by the provider's certification or accreditation status, pursuant to paragraph (C) of rule 4723-13-02 of the Administrative Code, help the consumer self-administer medications by:
- (a) Reminding the consumer when to take the medication, and observing to ensure the consumer follows the directions on the container;
 - (b) Assisting the consumer by taking the medication in its container from where it is stored and handing the container to the consumer;
 - (c) Opening the container for a consumer who is physically unable to open the container;

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- (d) Assisting a consumer who is physically-impaired, but mentally alert, in removing oral or topical medication from the container and in taking or applying the medication; and
 - (e) Assisting a consumer who is physically unable to place a dose of medication in his or her mouth without spilling or dropping it by placing the dose in another container and placing that container to the mouth of the consumer.
- (4) ~~Personal-care-aide~~ Waiver aide support services shall be delivered by one of the following:
- (a) An employee of a medicare-certified, or otherwise-accredited home health agency; or
 - (b) A non-agency ~~personal-care-aide~~ waiver aide support service provider; or
 - (c) A homemaker/personal care provider certified by DODD in accordance with rule 5123:2-13-04, 5123:2-8-03 or 5123:2-8-10 of the Administrative Code, as approved by ODJFS as a waiver aide support service provider in accordance with the requirements set forth in paragraph (B) of this rule.
- (5) In order to be a provider and submit a claim for reimbursement, all individuals providing ~~personal-care-aide~~ waiver aide support services must meet the following:
- (a) Comply with all applicable rules set forth in Chapters 5101:3-45 and 5101:3-47 of the Administrative Code.
 - (b) Request reimbursement for the provision of services in accordance with rule 5101:3-47-06 of the Administrative Code.
 - (c) Be at least eighteen years of age.
 - (d) Be identified as the provider, and have specified, on the consumer's all services plan that is prior-approved by ODJFS or its designee, the number of hours for which the provider is authorized to furnish ~~personal-care-aide -~~ waiver aide support services to the consumer.
 - (e) Have a valid social security number, and one of the following forms of identification:
 - (i) Alien identification,
 - (ii) State of Ohio identification,

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- (iii) A valid driver's license, or
 - (iv) Other government-issued photo identification.
 - (f) Not be the consumer's legally responsible family member as that term family is defined in rule 5101:3-45-01 of the Administrative Code.
 - (g) Not be ~~the foster caregiver of~~ a provider of adult or child foster care services to the consumer.
 - (h) Be providing ~~personal care aide~~ waiver aide support services for one individual, or for up to three individuals in a group setting during a face-to-face visit.
 - (i) Comply with the additional applicable provider-specific requirements as specified in paragraph (B)(6) ~~or~~, (B)(7) or (B)(8) of this rule.
- (6) Medicare-certified and otherwise-accredited agencies must assure that ~~personal care aides~~ waiver aide support service providers meet the following requirements:
- (a) ~~Prior to~~ Before commencing service delivery, the ~~personal care aide~~ waiver aide support service provider must:
 - (i) Obtain a certificate of completion of either a competency evaluation program or training and competency evaluation program approved or conducted by the Ohio department of health under section 3721.31 of the Revised Code, or the medicare competency evaluation program for home health aides as specified in 42 C.F.R. 484.36 (~~as in effect on the effective date of this rule~~ August 12, 2005), and
 - (ii) Obtain and maintain first aid certification from a class that is not solely internet-based and that includes hands-on training by a ~~certified~~ - qualified first aid instructor and a successful return demonstration of what was learned in the course.
 - (b) Maintain evidence of the completion of twelve hours of in-service continuing education within a twelve-month period, excluding agency and program-specific orientation. Continuing education must be initiated immediately, and must be completed annually thereafter.
 - (c) Receive supervision from an Ohio-licensed RN, or an Ohio-licensed LPN, at the direction of an RN in accordance with section 4723.01 of the Revised Code. The supervising RN, or LPN at the direction of an RN, must:

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- (i) Conduct a face-to-face consumer home visit explaining the expected activities of the ~~personal-care-aide~~ waiver aide support service provider, and identifying the consumer's ~~personal-care-aide~~ waiver aide support - services.
 - (ii) Conduct a face-to-face consumer home visit at least every sixty days while the ~~personal-care-aide~~ waiver aide support service provider is present and providing care to evaluate the provision of ~~personal-care aide~~ waiver aide support services, the consumer's satisfaction with care delivery and ~~personal-care-aide~~ the provider's performance. The visit must be documented in the consumer's record.
 - (iii) Discuss the evaluation of ~~personal-care-aide~~ waiver aide support - services with the case manager.
 - (d) Be able to read, write and understand English at a level that enables the provider to comply with all requirements set forth in the administrative rules governing the transitions DD waiver.
 - (e) Be able to effectively communicate with the consumer.
- (7) Non-agency ~~personal-care-aides~~ waiver aide support service providers must meet the following requirements:
- (a) ~~Prior to~~ Before commencing service delivery ~~personal-care-aides~~ waiver aide support service providers must have:
 - (i) Obtained a certificate of completion within the last twenty-four months for either a competency evaluation program or training and competency evaluation program approved or conducted by the Ohio department of health in accordance with section 3721.31 of the Revised Code; or the medicare competency evaluation program for home health aides as specified in 42 C.F.R. 484.36 (~~as in effect on the effective date of this rule~~ August 12, 2005); or other equivalent training program. The program must include training in the following areas:
 - (a) ~~Personal-care-aide~~ Waiver aide support services as defined in paragraph (B)(1) of this rule;
 - (b) Basic home safety; and
 - (c) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken.

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- (ii) Obtained and maintain first aid certification from a class that is not solely internet-based and that includes hands-on training by a ~~certified~~ - qualified first aid instructor and a successful return demonstration of what was learned in the course.
 - (b) Complete twelve hours of in-service continuing education annually that must occur on or before the anniversary date of their enrollment as a medicaid personal care aide provider. Continuing education topics include, but are not limited to consumer health and safety, cardiopulmonary resuscitation (CPR), patient rights, emergency preparedness, communication skills, aging sensitivity, developmental stages, nutrition, transfer techniques, disease-specific trainings, and mental health issues.
 - (c) Comply with the consumer's or the consumer's authorized representative's specific ~~personal care aide~~ waiver aide support service instructions, and perform a return demonstration upon request of the consumer or the case manager.
 - (d) Comply with ODJFS monitoring requirements in accordance with rule 5101:3-45-06 of the Administrative Code.
 - (e) Be able to read, write and understand English at a level that enables the provider to comply with all requirements set forth in the administrative rules governing the transitions DD waiver.
 - (f) Be able to effectively communicate with the consumer.
- (8) Homemaker/personal care providers certified by DODD in accordance with rule 5123:2-13-04, 5123:2-8-03 or 5123:2-8-10 of the Administrative Code, and must meet the following requirements:
- (a) Before commencing service delivery, the waiver aide support service provider must have:
 - (i) Obtained training in the following areas:
 - (a) Waiver aide support services as defined in paragraph (B)(1) of this rule;
 - (b) Basic home safety; and
 - (c) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and

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medical instruments that are sharp or may produce sharp pieces if broken.

(ii) Obtained and maintain first aid certification from a class that is not solely internet-based and that includes hands-on training by a qualified first aid instructor and a successful return demonstration of what was learned in the course.

(b) Complete twelve hours of in-service continuing education annually that must occur on or before the anniversary date of their enrollment as a medicaid personal care aide provider. Continuing education topics include, but are not limited to consumer health and safety, cardiopulmonary resuscitation (CPR), patient rights, emergency preparedness, communication skills, aging sensitivity, developmental stages, nutrition, transfer techniques, disease-specific trainings, and mental health issues.

(c) Comply with the consumer's or the consumer's authorized representative's specific waiver aide support service instructions, and perform a return demonstration upon request of the consumer or the case manager.

(d) Comply with ODJFS monitoring requirements in accordance with rule 5101:3-45-06 of the Administrative Code.

(e) Be able to read, write and understand English at a level that enables the provider to comply with all requirements set forth in the administrative rules governing the transitions DD waiver.

(f) Be able to effectively communicate with the consumer.

~~(8)~~(9) All ~~personal-care-aide~~ waiver aide support service providers must maintain a clinical record for each consumer served in a manner that protects the confidentiality of these records. ~~medicare-certified, or otherwise-accredited agencies, must maintain the clinical records at their place of business. Non-agency~~ ~~personal-care-aides~~ waiver aide support service providers must maintain the clinical records at their place of business in a manner that protects the confidentiality of these records, and maintain a copy in the consumer's residence. For the purposes of this rule, the place of business must be a location other than the consumer's residence. At a minimum, the clinical record must contain the information listed in paragraphs ~~(B)(8)(a)~~ (B)(9)(a) to ~~(B)(8)(i)~~ - (B)(9)(i) of this rule.

(a) Consumer identifying information, including but not limited to: name, address, age, date of birth, sex, race, marital status, significant phone numbers and health insurance identification numbers.

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- (b) Consumer medical history.
 - (c) Name of consumer's treating physician.
 - (d) A copy of the initial and all subsequent all services plans.
 - (e) Documentation of all food and drug interactions, allergies and dietary restrictions.
 - (f) A copy of any advance directives including, but not limited to, DNR order or medical power of attorney, if they exist.
 - (g) Documentation of tasks performed or not performed, arrival and departure times, and the dated signatures of the provider and consumer or authorized representative, verifying the service delivery upon completion of service delivery. Nothing shall prohibit the collection and maintenance of documentation through technology-based systems. The consumer's or authorized representative's signature of choice shall be documented on the all services plan, and shall include, but not be limited to, any of the following: a handwritten signature, initials, a stamp or mark, or an electronic signature.
 - (h) Progress notes signed and dated by the ~~personal-care-aide~~ waiver aide support service provider, documenting all communications with the CM, treating physician, other members of the multidisciplinary team, and documenting any unusual events occurring during the visit, and the general condition of the consumer.
 - (i) A discharge summary, signed and dated by the departing ~~non-agency--personal-care aide or RN supervisor of an agency personal-care aide,~~ waiver aide support service provider, or when the service is furnished through an agency, the RN supervisor of the provider, at the point the ~~personal-care-aide provider~~ is no longer going to ~~provide~~ furnish services to the consumer, or when the consumer no longer needs ~~personal-care-aide - waiver aide support~~ services. The summary should include documentation regarding progress made toward achievement of goals as specified on the consumer's all services plan and indicate any recommended follow-ups or referrals.
- (C) Adult day ~~health-center~~ habilitation services.
- (1) "Adult day ~~health-center-services (ADHCS)~~ habilitation services " are regularly scheduled services delivered at an adult day ~~health-center~~ habilitation site to consumers age eighteen or older. A qualifying adult day ~~health-center - habilitation site~~ must be a freestanding building or a space within another