

\*\*\* DRAFT - NOT YET FILED \*\*\*

173-39-02.4

**Choices home care attendant service (CHCAS).**

ODA is proposing to add "consumer-directed" to the definition.

(A) "Choices home care attendant service" ("CHCAS") means a consumer-directed service that furnishes specific activities to support the needs of an individual consumer with impaired physical or cognitive functioning. Activities of the service include:

- (1) Personal assistance with bathing; dressing; grooming; caring for nail, hair and oral hygiene; shaving; deodorant application; skin care; foot care; ear care; feeding; toileting; ambulation; changing position in bed; assistance with transfers, normal range of motion, and nutrition and fluid intake.
- (2) General household assistance with the planning; preparation and clean-up of meals; laundry; bed-making; dusting; vacuuming; shopping and other errands; the replacement of furnace filters; waste disposal; seasonal yard care; and snow removal.
- (3) Heavy household chores including washing floors; windows and walls; tacking down loose rugs and tiles; moving heavy items of furniture to furnish safe access and egress.
- (4) Assistance with money management and correspondence as directed by the consumer.
- (5) Escort and transportation to community services, activities, and resources. This activity is offered in addition to medical transportation available under the medicaid state plan, and may not replace it.

(B) Requirements for the service in addition to the conditions of participation under rule 173-39-02 of the Administrative Code:

(1) In general:

(a) Availability: The provider shall furnish the service as agreed upon with the consumer and as authorized in the consumer's service plan.

(b) Oversight: The consumer is the employer of record and is responsible for supervising the provider. As used in this paragraph, "employer of record" means the consumer who employs the provider; supervises the provider; pays the appropriate state, federal, and local taxes; and pays premiums for worker's compensation and unemployment compensation insurance. A financial management service acts as the agent of the common-law employer with the consumer-directed individual provider that the consumer employs.

ODA is proposing to borrow this language from the consumer-directed portion of rule 173-39-02.11

ODA is proposing to relocate this paragraph from paragraph (B)(1) of the version of the rule that ODA is proposing to rescind.

(c) Escort and transportation: The provider shall only transport the consumer if the provider has a valid driver's license and collision and liability insurance for each vehicle used.

(2) Provider qualifications:

(a) General qualifications:

(i) Only a consumer-directed individual provider that ODA certifies or an agency provider that ODA certifies shall furnish the service.

(ii) The provider shall complete an application to become an ODA-certified long-term care consumer-directed individual provider.

(iii) At the request of a consumer, the provider shall participate in an interview with the consumer before providing the first episode of service to the consumer.

(iv) The provider shall be at least eighteen years of age.

(v) The provider shall have a valid social security number and at least one of the following current, valid, government-issued, photographic identification cards:

(a) Driver's license.

(b) State of Ohio identification card.

(c) United States of America permanent residence card.

(vi) The provider shall read, write, and understand English at a level that enables the provider to comply with this rule and rule 173-39-02 of the Administrative Code.

(vii) The provider shall be able to effectively communicate with the consumer.

(b) Initial training: The provider shall successfully complete training in the following five areas of core competency before providing the first episode of service to the consumer:

(i) Maintaining a clean and safe environment. Training on this competency shall include the following topics:

(a) Basic home safety.

ODA is proposing to relocate these requirements from rule 173-39-02 to this rule.

The proposed new training requirements implement recommendations from the Direct Care Worker Advisory Workgroup to exempt consumer-directed providers from the proposed testing requirements, yet still require them to assure that they meet six core competencies.

(b) 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.

(ii) Promoting the consumer's development.

(iii) Assisting with activities of daily living.

(iv) Communicating the consumer's information to authorized persons.

(v) Performing administrative tasks.

(c) Continuing education: Each year, the provider shall successfully complete at least eight hours of continuing education before his or her anniversary date of enrollment as an ODA-certified consumer-directed provider.

(d) Person-centered training: The provider shall successfully complete any training that the consumer or ODA's designee consider necessary to meet the consumer's needs. This training is in addition to the eight hours of continuing education.

The 6th core competency is professional development of "continuing education."

ODA is proposing to relocate this paragraph from (B)(1)(b) of the version of this rule that ODA is proposing to rescind.

### (3) Records:

(a) Initial training verification: The consumer shall retain a copy of completed and signed form ODA1042 to verify that the provider complied with this rule's initial training requirements.

(b) Continuing education verification: The consumer shall retain a completed and signed form ODA1043 to verify that the provider complied with the continuing education requirements. The consumer shall also retain a copy of each certificate of completion and course syllabus that verifies that the provider complied with this rule's continuing education requirements.

(c) Service verification:

(i) The provider shall complete the time sheets the consumer furnishes through the financial management service, which shall include the date the provider furnished the service, the consumer's name, the consumer's signature, the provider's name, the provider's arrival and departure times, and the provider's written or electronic signature to verify the accuracy of the record.

(ii) The provider shall complete the service task sheet with a description

ODA is proposing to require the same service verification that it requires for other services. (Cf., personal care in rule 173-39-02.11 of the Administrative Code.)

of the activities the provider furnished. The provider shall retain the service task sheet in the consumer's home records.

(iii) The provider shall retain records required under this rule and furnish access to those records for monitoring according to paragraph (D)(5) of rule 173-39-02 of the Administrative Code.

(4) The provider shall continue to meet all the criteria under paragraph (B) of this rule in order to continue providing the service.

(C) Rates and Units:

(1) One unit of the service is equal to fifteen minutes.

(2) The maximum rate allowable for the service is established in the appendix to rule 5160-1-06.1 of the Administrative Code.

(3) The provider may furnish a service that is not authorized by the consumer's service plan, but ODA (or ODA's designee) only reimburses the provider for furnishing a service that is authorized by the consumer's service plan.

(D) Definitions for this rule:

(1) "Form ODA1042" means "ODA1042 'Employee core Competencies Verification." The form is available to the general public on [www.age.ohio.gov](http://www.age.ohio.gov).

(2) "Form ODA1043" means "ODA1043 'Employee Continuing Education Verification." The form is available to the general public on [www.age.ohio.gov](http://www.age.ohio.gov).

Replaces: 173-39-02.4

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Certification

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