

173-39-02.21

**ODA provider certification: scheduling personal care aides and participant-directed providers.**

(A) Agency: No agency shall accept a referral to provide personal care to an individual unless it has adequate staffing levels of PCAs and PCA supervisors to provide the number of hours ODA's designee authorized for each individual.

(B) Participant-directed: No participant-directed individual provider shall provide the choices home care attendant service and no participant-directed personal care provider shall provide personal care if in excess of the following limits:

(1) No more than five individuals per week.

(2) No more than forty hours per week for any individual who employs the provider, unless the individual's case manager authorizes working more than forty hours per week due to an emergency that cannot be resolved by allowing another provider to provide personal care after the fortieth hour.

(3) No more than a total of fifty-six hours per week regardless of the number of individuals who employ the provider.

(C) The provider may provide a service not authorized by the individual's service plan, but ODA (and its designee) only pays the provider for providing services authorized in the individual's service plan.

(D) Definitions for this rule:

(1) "Choices home care attendant service" means the service regulated by rule 173-39-02.4 of the Administrative Code.

(2) "PCA" means "personal care aide."

(3) "Personal care" means the service regulated by rule 173-39-02.11 of the Administrative Code.

Replaces: 173-39-02.21  
Effective: 5/1/2019  
Five Year Review (FYR) Dates: 05/01/2024

CERTIFIED ELECTRONICALLY

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Certification

04/08/2019

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Date

Promulgated Under: 119.03  
Statutory Authority: 173.522, 173.52, 173.391, 173.02, 173.01  
Rule Amplifies: 173.39, 173.522; 42 C.F.R. 441.352, 173.52, 173.391  
Prior Effective Dates: 06/30/2011, 11/11/2013