

173-39-02.4

ODA provider certification: Choices home care attendant service (CHCAS).

Adding to the beginning of every rule in Chapter 173-39

Replace "consumer-directed" with "participant-directed" throughout the rule. ODA will propose the same for rule 173-39-01 of the Administrative Code.

(A) "Choices home care attendant service" ("CHCAS") means a ~~consumer-directed~~ participant-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 the following:

Replace "consumer" with "individual" throughout the rule, except as otherwise noted.

- (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~~ individual.
- (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~~ a provider of the choices home care attendant service in addition to the ~~conditions of participation~~ requirements for every ODA-certified provider 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~~ individual and as authorized in the ~~consumer's~~ individual's service plan.
 - (b) Oversight: The ~~consumer~~ individual who receives the service is the employer of record and is responsible for supervising the provider. As used in this paragraph, "employer of record" means the ~~consumer~~ individual 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~~ participant-directed individual provider that the ~~consumer~~ individual employs.

~~(e) 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:

ODA is proposing to replace this language with language later in the rule.

(a) General qualifications:

- (i) Only a ~~consumer-directed~~ participant-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~~ an individual, the provider shall participate in an interview with the ~~consumer~~ individual before providing the first episode of service to the ~~consumer~~ individual.
- (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~~ individual.

(viii) Transporting the individual:

(a) If the provider intends to transport the individual, before providing the first episode of transportation, the provider shall show ODA's designee a valid driver's license and a valid insurance identification card to show that the provider has liability insurance for driving a vehicle that complies with the financial responsibility requirements in Chapter 4501:1-02 of the Administrative Code. The provider shall only transport the individual in a vehicle for which ODA's designee has verified is insured.

(b) If the provider does not intend to transport the individual, the provider shall submit an email or written attestation to ODA's designee that declares that the provider will not transport the individual unless the provider complies with paragraph (B)(2)(a)(viii)(a) of this rule.

(b) Initial training:

(i) There are five areas of core competency for a ~~consumer-directed~~ participant-directed individual provider:

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

(i) Basic home safety.

(ii) Universal precautions ~~fro~~ 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.

(b) Promoting the ~~consumer's~~ individual's development.

(c) Assisting with activities of daily living.

(d) Communicating the ~~consumer's~~ individual's information to authorized persons.

This would replace the requirement for ALL providers to have an insurance policy with liability and collision coverage. Plus, there is no need for any auto insurance if the provider never transports the individual.

(e) Performing administrative tasks.

(ii) Beginning on July 1, 2014, every ~~consumer-directed~~ participant-directed provider that ~~a-consumer~~ an individual hired on or after July 1, 2014 shall successfully complete training in the core competencies that ODA listed in paragraph (A)(2)(b)(i) of this rule before furnishing the first episode of service to ~~a~~ consumer an individual.

(iii) Beginning on September 1, 2014, every ~~consumer-directed~~ participant-directed provider that ~~a-consumer~~ an individual hired before July 1, 2014 shall successfully complete training in the core competencies that ODA listed in paragraph (A)(2)(b)(i) of this rule before continuing to furnishing services to ~~a-consumer~~ an individual.

(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~~ participant-directed provider.

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

(3) Records:

(a) Initial training verification: The ~~consumer~~ individual 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~~ individual shall retain a completed and signed form ODA1043 to verify that the provider complied with the continuing education requirements. The ~~consumer~~ individual 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 individual's** name, the **consumer's individual'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 of the activities the provider furnished. The provider shall retain the service task sheet in the **consumer's individual's** home records.

This requirement is duplicative of rule 173-39-02, so ODA is proposing to delete it.

~~(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:

This highlights a matter of law that's already in force, but of which providers may not know without this helpful cross reference.

(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 reimbursement rates are subject to the rate-setting methodology in rule 5160-31-07 of the Administrative Code.

~~(3)~~(4) The provider may furnish a service that is not authorized by the **consumer's individual's** service plan, but ODA (or ODA's designee) only reimburses the provider for furnishing a service that is authorized by the **consumer's individual's** service plan.

(D) Definitions for this rule:

(1) "Form ODA1042" means "ODA1042 'Employee Core Competencies Verification. (March, 2014)" The form is available to the general public on ODA's website.

(2) "Form ODA1043" means "ODA1043 'Employee Continuing Education

Verification. (March, 2014)" The form is available to the general public on ODA's website.