



Ohio Administrative Code

Rule 173-39-02.1 ODA provider certification: adult day service.

Effective: December 1, 2023

(A) "Adult day service" ("ADS") means a regularly-scheduled service provided at an adult day center (center) in a non-institutional, community-based setting and consisting of the activities authorized in an individual's person-centered services plan. ADS includes recreational and educational programming to support an individual's health and independence goals; at least one, but no more than two, meals per day; and, sometimes, health status monitoring, skilled therapy services, and transportation to and from the center. Table 1 to this rule defines the levels and activities of ADS.

	ENHANCED ADS	INTENSIVE ADS
Structured activity programming	Yes	Yes
Health assessments	Yes	Yes
Supervision of ADLs	All ADLs	All ADLs
Hands-on assistance with ADLs	Yes, one or more ADL (bathing excluded)	Yes, minimum of two ADLs (bathing included)
Hands-on assistance with medication administration	Yes	Yes
Comprehensive therapeutic activities	Yes	Yes
Monitoring of health status	Intermittent	Regular, with intervention
Hands-on assistance with personal hygiene activities	Yes	Yes
Social work services	No	Yes
Skilled nursing services and rehabilitative nursing services	No	Yes
Rehabilitative and restorative services	No	Yes

(B) Requirements to become, and to remain, an ODA-certified provider of ADS:

(1) General requirements: The provider is subject to rule 173-39-02 of the Administrative Code.



(2) Service requirements:

(a) Transportation: The provider shall transport each individual to and from the center by performing transportation that complies with rule 173-39-02.18 of the Administrative Code, unless the provider subcontracts with another provider that complies with rule 173-39-02.18 of the Administrative Code, or unless the caregiver transports or designates another person, other than the center's provider, to transport the individual to and from the center.

(b) Provider's initial assessment:

(i) The provider shall assess the individual before the end of the individual's second day of attendance at the center. The provider may substitute a copy of the case manager's assessment of the individual if the case manager assessed the individual no more than thirty days before the individual's first day of attendance at the center.

(ii) The initial assessment shall include both of the following components:

(A) The individual's functional, cognitive, and social needs.

(B) A social profile including social activity patterns, major life events, community services, caregiver data, formal and informal support systems, and behavior patterns.

(c) Health assessment: No later than thirty days after the individual's initial attendance at the center or before the individual receives the first ten units of service at the center, whichever comes first, the provider shall obtain a health assessment of each individual from a licensed healthcare professional whose scope of practice includes health assessments or an employee who is such a licensed healthcare professional to perform a health assessment of each individual. The health assessment shall include the individual's psychosocial profile and identify the individual's risk factors, diet, and medications. If the licensed healthcare professional who performs the health assessment is not an employee of the provider, the provider shall retain a record of the professional's name and phone number.

(d) Activity plan: No later than thirty days after the individual's initial attendance at the center or



before the individual receives the first ten units of service at the center, whichever comes first, the provider shall obtain the services of a licensed healthcare professional whose scope of practice includes developing activity plans to draft an activity plan for each individual or an employee who is such a licensed healthcare professional to draft an activity plan for each individual. The plan shall do all of the following:

- (i) Identify the individual's strengths, needs, problems or difficulties, and objectives.
 - (ii) Describe the individual's interest, preferences, and social rehabilitative needs.
 - (iii) Describe the individual's health needs.
 - (iv) Describe the individual's specific goals, objectives, and planned interventions of ADS that meet the goals.
 - (v) Describe the individual's level of involvement in the drafting of the plan, and, if the individual has a caregiver, the caregiver's level of involvement in the drafting of the plan.
 - (vi) Describe the individual's ability to provide a unique identifier as an attestation that the provider, or the provider's staff, completed an activity or unit of service.
- (e) Plan of treatment: Before administering medication or meals with a therapeutic diet, and before providing a nursing service, nutrition consultation, physical therapy, or speech therapy, the provider shall obtain a plan of treatment from a licensed healthcare professional whose scope of practice includes making plans of treatment. The provider shall obtain the plan of treatment at least every ninety days for each individual that receives medication, a nursing service, nutrition consultation, physical therapy, or speech therapy. For diet orders that may be part of a plan of treatment, a new diet order is not required every ninety days. Instead, the provider is subject to the diet-order requirements for therapeutic diets under rule 5160-44-11 of the Administrative Code
- (f) Interdisciplinary care conference (conference):
- (i) Frequency: The provider shall conduct a conference for each individual at least once every six



months.

(ii) Participants: The provider shall conduct the conference between the provider's staff and invitees who choose to participate. At least seven days before the conference begins, the provider shall invite the following persons to participate in the conference and provide those persons with the date and time of the conference:

(A) The individual's case manager.

(B) Any licensed healthcare profession who does not work for the provider, but who provided the provider with a health assessment of the individual or an activity plan for the individual.

(C) The individual's caregiver, if the individual has a caregiver.

(iii) Revise activity plan: If the conference participants identify changes in the individual's health needs, condition, preferences, or responses to the service, the provider shall obtain the services of a licensed healthcare professional whose scope of practice includes developing activity plans to revise the activity plan accordingly or an employee who is such a licensed healthcare professional to revise the activity plan accordingly.

(g) Activities: The provider shall announce daily and monthly planned activities through two or more of the following media:

(i) Posters in prominent locations throughout the center.

(ii) An electronic display (e.g., a television) in a prominent location in the center.

(iii) The center's website.

(iv) Email sent to individuals (and others) who agree to receive the email.

(v) Monthly newsletters distributed to individuals by mail, email, or at the center.



(h) Lunch and snacks:

(i) The provider shall provide lunch and snacks to each individual who is present during lunchtime or snack time.

(ii) Each meal the provider provides shall comply with all the requirements for home-delivered meals under rules 173-39-02.14 and 5160-44-11 of the Administrative Code, except for the requirements in those rules pertaining to the delivery of the meal.

(3) Center requirements: A provider qualifies to be an ODA-certified ADS provider only if the provider's center has the following specifications:

(a) If the center is housed in a building with other services or programs other than ADS, the provider uses a separate, identifiable space and staff for ADS during all hours that the provider provides ADS in the center.

(b) The center complies with the "ADA Accessibility Guidelines for Buildings and Facilities" in Appendix A to 28 C.F.R. Part 36.

(c) The center has at least sixty square feet per individual that it serves (not just individuals who are enrolled in an ODA-administered program), excluding hallways, offices, rest rooms, and storage areas.

(d) The provider stores individuals' medications in a locked area the provider maintains at a temperature complying with the storage requirements of the medications.

(e) The provider stores toxic substances in an area which is inaccessible to individuals.

(f) The center has at least one working toilet for every ten individuals present that the center serves (not just individuals who are enrolled in an ODA-administered program) and at least one wheelchair-accessible toilet.

(g) If the center seeks certification to provide intensive ADS, the center has bathing facilities suitable



to the needs of individuals who need intensive ADS.

(4) Staffing levels:

(a) The provider shall have at least two staff members present, with at least one of those staff members having a certification in CPR, when more than one individual is present in the center.

(b) The provider shall maintain a staff-to-individual ratio of at least one staff member to six individuals at all times.

(c) The provider shall have an RN, or LPN under the direction of an RN, available to provide nursing services that need the skills of an RN, or LPN under the direction of an RN, and that are based on the needs of the individuals and within the nurse's scope of practice.

(d) The provider shall employ an activity director to direct activities.

(5) Provider qualifications:

(a) Type of provider:

(i) Only an agency provider qualifies for ODA's certification to provide ADS.

(ii) For each provider that ODA certifies, ODA shall certify the provider as an enhanced or intensive provider. If ODA certifies a provider to provide an intensive service level, the provider may also directly provide, or arrange for, the enhanced service level.

(b) Staff qualifications:

(i) Every person who is an RN, LPN under the direction of an RN, social worker, physical therapist, physical therapy assistant, speech therapist, licensed dietitian, occupational therapist, occupational therapy assistant, or other licensed professional qualifies to practice in the center only if the person has a current, valid license to practice in their profession.



(ii) A person qualifies to be an activity director only if the person has at least one of the following:

(A) A baccalaureate or associate degree in recreational therapy or a related degree.

(B) At least two years of experience as an activity director, activity coordinator, or a related position.

(C) Compliance with the qualifications under rule 3701-17-07 of the Administrative Code for directing resident activities in a nursing home.

(D) A certification from the national certification council for activity professionals (NCCAP).

(iii) A person qualifies to be an activity assistant only if the person has at least one of the following:

(A) A high school diploma.

(B) A high school equivalence diploma as defined in section 5107.40 of the Revised Code.

(C) At least two years of employment in a supervised position to provide personal care, to provide activities, or to assist with activities.

(iv) A person qualifies to be a PCA only if the person has at least one of the following:

(A) A high school diploma.

(B) A high school equivalence diploma as defined in section 5107.40 of the Revised Code.

(C) At least two years of employment in a supervised position to provide personal care, to provide activities, or to assist with activities.

(D) The successfully completion of a vocational program in a health or human services field.

(v) A person qualifies to transport individuals for the provider only if the person meets the qualifications for drivers under rule 173-39-02.18 of the Administrative Code.



(c) Staff training:

(i) Orientation: The provider shall comply with the requirements for the orientation of PCAs in rule 173-39-02.11 of the Administrative Code.

(ii) Task-based training: Before each new PCA provides ADS, the provider shall provide task-based training.

(iii) Continuing education and in-service training: Each PCA, activity director, and activity assistant shall successfully complete at least eight hours of continuing education or in-service training each calendar year. Any hour of continuing education or in-service training successfully completed during a calendar year to comply with the requirements for certification as an activity director or activity assistant counts towards the eight-hour requirement in this paragraph.

(iv) Verification of compliance: The provider shall comply with paragraph (C)(3)(f) of rule 173-39-02.11 of the Administrative Code regarding records of each PCA's successful completion of any training and competency evaluation program, orientation, and in-service training.

(6) Service verification: The following are the mandatory reporting items that a provider retains for each ADS session to comply with the requirements under paragraph (B)(10)(a)(i) of rule 173-39-02 of the Administrative Code:

(a) Individual's name.

(b) Service date.

(c) Individual's arrival time.

(d) Individual's departure time.

(e) Individual's mode of transportation.



(f) Unique identifier of the individual to attest to receiving the service.

(C) Units and rates:

(1) For the PASSPORT program, the appendix to rule 5160-1-06.1 of the Administrative Code lists the following:

(a) The units of ADS attendance.

(b) The units of ADS transportation.

(c) The maximum rates allowable per unit of ADS attendance or ADS transportation.

(2) For the PASSPORT program, the rate-setting methodology is established in rule 5160-31-07 of the Administrative Code and in the following paragraphs:

(a) Attendance:

(i) Units of ADS attendance are calculated as follows:

(A) One-half day unit is less than four hours of ADS per day.

(B) One day unit is four to eight hours of ADS per day.

(C) A fifteen-minute unit is each fifteen-minute period of time over eight hours up to, and including, a maximum of twelve hours of ADS per day.

(ii) A unit of ADS attendance does not include transportation time.

(b) Transportation: If the service is provided to an individual enrolled in the PASSPORT program, a unit of ADS transportation is a round trip, a one-way trip, or one mile with the trip cost based on a case manager's pre-determined calculation of distance between the individual's home and the center multiplied by an established ADS mileage rate. If the provider provides the transportation



simultaneously to more than one PASSPORT-enrolled individual who resides in the same household in the same vehicle to the same destination, the provider's payment rate for that trip is seventy-five per cent of the per-unit rate.