



## Ohio Administrative Code

### Rule 173-3-01 Older Americans Act: introduction and definitions.

Effective: January 1, 2023

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(A) Introduction: This chapter regulates AAA-provider agreements for services paid, in whole or in part, with Older Americans Act funds.

(B) Definitions for this chapter and Chapter 173-4 of the Administrative Code:

"AAA-provider agreement" (agreement) means a contract or grant between an AAA and a provider for the provision of services to consumers.

"Activities of daily living" (ADLs) means bathing; dressing; eating; grooming; toileting; transferring in and out of a bed or chair; and walking.

"Area agency on aging" (AAA) means an entity ODA designates to be an AAA under rule 173-2-04 of the Administrative Code.

"Assessment" means a gathering of information about a person's strengths, problems, financial resources, and care needs in the following major functional areas: physical health, use of medical care, ADLs, IADLs, mental and social functioning, physical environment, and use of services and supports.

"Assistance with self-administration of medication" has the same meaning as in paragraph (C) of rule 4723-13-02 of the Administrative Code when an unlicensed person provides the assistance.

"Care-coordination program" means a program coordinating and monitoring the provision of services.

"Caregiver" and "family caregiver" have the same meaning as "family caregiver" in 42 U.S.C. 3022.

"Case management service" has the same meaning as in 42 U.S.C. 3002.



"Competency evaluation" includes both standardized testing (which may include written testing) and skills testing by return demonstration to ensure an applicant or employee is able to address the care needs of the consumer to be served.

"Consumer" means, for the purposes of services paid for, in whole or in part, with Older Americans Act funds, any person sixty years of age or older, unless a different age is required by a state or federal law.

"Contract" has the same meaning as "AAA-provider agreement," unless the context clearly indicates otherwise.

"Day" means a twenty-four-hour period beginning and ending at midnight.

"Electronic record" has the same meaning as in section 1306.01 of the Revised Code. For a health care record, "electronic record" has the same meaning as in section 3701.75 of the Revised Code.

"Electronic signature" has the same meaning as in section 1306.01 of the Revised Code. If attached to, or associated with, a health care record, "electronic signature" has the same meaning as in section 3701.75 of the Revised Code.

"Health care record" has the same meaning as in section 3701.75 of the Revised Code. Examples of a health care record are a plan of treatment or diet order received from a licensed healthcare professional.

"Incident" means an event that is inconsistent with the routine care or routine provision of services to a consumer. An incident may involve a consumer, caregiver (to the extent it impacts a consumer), provider, provider's staff or facility, another facility, an AAA's staff, ODA's staff, or other administrative authorities. Examples of an incident are abuse, neglect, abandonment, an accident, or an unusual situation resulting in an injury to a person or damage to the person's property or equipment.

"Instrumental activities of daily living" (IADLs) means preparing meals, shopping for personal



items, medication management, managing money, using the telephone, doing heavy housework, doing light housework, and the ability to get and use available transportation without assistance.

"Legal holiday" has the same meaning as in section 1.14 of the Revised Code.

"Licensed healthcare professional" includes a physician with an "expedited license," as defined in section 4731.11 of the Revised Code; or a licensed audiologist, occupational therapist, occupational therapy assistant, physical therapist, physical therapy assistant, or speech-language pathologist from another state with "compact privilege," as defined in section 4753.17, 4755.14, or 4755.57 of the Revised Code. Beginning on January 1, 2023, "licensed healthcare professional" also includes an RN or LPN with a "multistate license" from another state with "multistate licensure privilege," as those terms are defined in section 4723.11 of the Revised Code.

"Licensed practical nurse" (LPN) has the same meaning as in section 4723.01 of the Revised Code. Beginning on January 1, 2023, "licensed practical nurse" also includes a licensed practical nurse with a "multistate license" from another state with "multistate licensure privilege," as those terms are defined in section 4723.11 of the Revised Code.

"ODA" means the Ohio department of aging.

"Older Americans Act" means 42 U.S.C. Chapter 35.

"Older Americans Act funds" means the federal funds awarded to ODA through Title III of the Older Americans Act (42 U.S.C. Chapter 35, Subchapter III) and any state or local funds used to match those federal funds, regardless of whether the local funds are public or private funds. For the purposes of this chapter and Chapter 173-4 of the Administrative Code, "Older Americans Act funds" does not mean funds for an ombudsman program.

"PCA" means "personal care aide."

"Planning and service area" (PSA) means a geographic region of Ohio that ODA designated as a planning and service area under rule 173-2-02 of the Administrative Code.



"Provider" means a person or entity entering into an AAA-provider agreement with an AAA to provide services to consumers. The three categories of providers are agency providers, self-employed providers, and participant-directed providers. "Agency provider" means a provider hiring persons to provide services to consumers. "Self-employed provider" means a provider who provides services to consumers and who does not hire, or contract with, other persons to provide those services. "Participant-directed provider" means a provider (e.g., relative, friend, neighbor, or other person) a consumer hired and directs to provide services to the consumer.

"Registered nurse" (RN) has the same meaning as in section 4723.01 of the Revised Code. Beginning on January 1, 2023, "registered nurse" also includes a registered nurse with a "multistate license" from another state with "multistate licensure privilege," as those terms are defined in section 4723.11 of the Revised Code.

"RFP" means "request for proposal."

"Unique identifier" means an item belonging to a specific consumer, caregiver, provider (in the case of rules 173-3-06.2 and 173-3-06.3 of the Administrative Code), aide (in the case of rule 173-3-06.4 of the Administrative Code), PCA (in the case of rule 173-3-06.5 of the Administrative Code), driver (in the case of rules 173-3-06.6 and 173-4-05.2 of the Administrative Code), or instructor (in the case of rule 173-4-08 of the Administrative Code) that identifies only that consumer, caregiver, provider, aide, PCA, driver, or instructor. Examples of a unique identifier are a handwritten or electronic signature or initials, fingerprint, mark, stamp, password, barcode, or swipe card. A consumer, caregiver, provider, aide, PCA, driver or instructor offers their unique identifier as an attestation that a provider, or the provider's staff, completed an activity or unit of service.