



Ohio Administrative Code

Rule 5160-1-39 Verification of home care service provision to home care dependent adults.

Effective: July 3, 2015

(A) Home care service providers, as defined in this paragraph, must have a system as follows.

(1) Definitions.

(a) "Home care dependent adult" means a consumer who:

- (i) Resides in a private home or other non-institutional, unlicensed living arrangement without a parent or guardian present;
- (ii) Requires, due to health and safety needs, regularly scheduled home care services to remain in the home or other living arrangement; and,
- (iii) Is sixty years of age or older, or is at least twenty-one years of age but less than sixty years of age, and has a physical disability or mental impairment.

(b) "Home care service provider" is:

- (i) A medicare certified home health agency or other accredited agency in accordance with Chapter 5160-12 of the Administrative Code that provides service in the home to the home care dependent adult; or
- (ii) A medicare certified hospice provider in accordance with Chapter 5160-56 of the Administrative Code that provides services to the terminally ill.

(c) "Life-threatening condition" means a health condition that will place the consumer at risk of permanent impairment if the home care service is not provided.

(d) "Mental impairment" means a consumer has a diminished capacity of judgment such that if the



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consumer were left alone, it would place the consumer at risk of permanent impairment.

(e) "Physical disability" means a consumer's physical condition of severe functional limitations.

(2) A home care service provider, who provides home care services to a home care dependent adult, must have a system which effectively monitors the delivery of services by its employee(s). The system must include:

(a) A mechanism to verify whether their employees are present (e.g., at the beginning and end of a visit) at the location and time where services are to be provided for home care dependent adults who have a mental impairment or life-threatening condition;

(b) Verification of whether the provider's employees have provided the services at the proper location and time at the end of each working day for all other home care dependent adults not addressed in paragraph (A)(2)(a) of this rule. (e.g., adults age sixty or older, or adults that are at least twenty-one years of age but less than sixty years of age and have a physical disability); and,

(c) Implementation of a protocol for scheduling substitute employees when the monitoring system identifies that an employee has failed to provide home care services at the proper location and time. The protocol must include a standard for determining the length of time that may elapse without jeopardizing the health and safety of the home care dependent adult.

(3) For the information obtained through the monitoring system in accordance with paragraph (A)(2) of this rule, the home care service provider must have procedures in place to:

(a) Maintain records;

(b) Compile annual reports which must include the rate at which home care services were provided at the proper location and time;

(c) Conduct random checks of the accuracy of the monitoring system. For purposes of conducting these checks, a random check is considered to be a check of not more than five per cent or less than one per cent of the home care visits the provider's employees make to different home care dependent



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adults within a particular work shift; and,

(d) Retain records in accordance with rule 5160-1-17.2 of the Administrative Code.

(B) Home care service providers, as defined in paragraph (A) of this rule and as defined by the department of developmental disabilities or department of aging, shall demonstrate their verification system of home care service provision in accordance with section 121.36 of the Revised Code and paragraph (A) of this rule by:

(1) Participating in periodic compliance reviews; and/or,

(2) Furnishing upon request to Ohio department of medicaid (ODM), its designee or the medicaid fraud control unit any records related to the provisions outlined in section 121.36 of the Revised Code.