



Ohio Revised Code Section 3740.01 Definitions.

Effective: October 3, 2023

Legislation: House Bill 33

As used in this chapter:

- (A) "Community-based long-term care provider" means a provider, as defined in section 173.39 of the Revised Code.
- (B) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.
- (C) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.
- (D) "Direct care" means any of the following:
- (1) Any service identified in divisions (G)(1) to (6) of this section that is provided in a patient's place of residence used as the patient's home;
 - (2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;
 - (3) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.
- (E) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.
- (F) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.



(G) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, pediatric respite care program, pediatric transition care program, informal respite care provider, provider certified by the department of developmental disabilities under Chapter 5123. of the Revised Code, residential facility licensed under section 5119.34 or 5123.19 of the Revised Code, shared living provider, or immediate family member, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

- (1) Skilled nursing care;
- (2) Physical therapy;
- (3) Occupational therapy;
- (4) Speech-language pathology;
- (5) Medical social services;
- (6) Home health aide services.

(H) "Home health aide services" means any of the following services provided by an employee of a home health agency:

- (1) Hands-on bathing or assistance with a tub bath or shower;
- (2) Assistance with dressing, ambulation, and toileting;
- (3) Catheter care but not insertion;
- (4) Meal preparation and feeding.

(I) "Hospice care program," "pediatric respite care program," and "pediatric transition care program"



have the same meanings as in section 3712.01 of the Revised Code.

(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.

(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the following:

- (1) A caregiver who is an immediate family member of the individual receiving direct care;
- (2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;
- (3) A volunteer;
- (4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;
- (5) A person who provides privately funded child care;
- (6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code;
- (7) A person who operates a residential facility licensed under section 5119.34 of the Revised Code;



- (8) A person who provides self-directed services, as that term is defined in 42 U.S.C. 1396n(i)(1)(G)(iii)(II), including a person who is certified by the department of aging or registered as a self-directed individual provider through an area agency on aging.
- (N) "Nonmedical home health services" means any of the following:
- (1) Any service identified in divisions (H)(1) to (4) of this section;
 - (2) Personal care services;
 - (3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.
- (O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.
- (P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.
- (Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:
- (1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;
 - (2) Assistance managing the individual's home and handling personal affairs;
 - (3) Assistance with self-administration of medications;
 - (4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;
 - (5) Respite services for the individual's caregiver;



(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.

(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(S) "Skilled home health services" means any of the following:

(1) Any service identified in divisions (G)(1) to (5) of this section;

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code.

(T) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(U) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(V) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.