



Ohio Revised Code

Section 5123.47 Authorizing in-home worker to perform health care tasks.

Effective: September 30, 2025

Legislation: House Bill 96

(A) As used in this section:

(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care on a self-employed basis and does not employ, either directly or through contract, another person to provide the in-home care, but who is not a health care professional.

(4) "Health care professional" means any of the following:

(a) A dentist who holds a valid license issued under Chapter 4715. of the Revised Code;

(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;

(c) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code;

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;



(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;

(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;

(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;

(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code;

(i) A certified mental health assistant who holds a valid license issued under Chapter 4772. of the Revised Code.

(5) "Health care task" means a task that is prescribed, ordered, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of medications.

(B) Except as provided in division (F) of this section, a family member of an individual with a developmental disability may authorize an unlicensed in-home care worker to perform health care tasks as part of the in-home care the worker provides to the individual, if all of the following apply:

(1) The family member is the primary supervisor of the care.

(2) At the time the family member both authorizes the unlicensed in-home care worker to perform health care tasks and supervises the care provided to the individual, the family member is not acting as a paid provider for the individual.

(3) The unlicensed in-home care worker has been selected by the family member or the individual receiving care and is under the direct supervision of the family member.



- (4) The health care task is completed in accordance with standard, written instructions.
 - (5) Performance of the health care task requires no judgment based on specialized health care knowledge or expertise.
 - (6) The outcome of the health care task is reasonably predictable.
 - (7) Performance of the health care task requires no complex observation of the individual receiving the care.
 - (8) Improper performance of the health care task will result in only minimal complications that are not life-threatening.
- (C) A family member who authorizes an unlicensed in-home care worker to perform health care tasks under this section shall do all of the following:
- (1) Obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual;
 - (2) Authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority;
 - (3) Provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional;
 - (4) Be available to communicate with the unlicensed in-home care worker either in person or by telecommunication while the in-home care worker performs a health care task.
- (D) Before an unlicensed in-home care worker may perform the health care tasks authorized by a family member under this section, the worker shall accept the written document described in division (C)(2) of this section granting the worker that authority.
- (E) A family member who authorizes an unlicensed in-home care worker to perform health care



tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes willful or wanton misconduct.

(F) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. In evaluating the authority, the board shall use appropriately licensed health care professionals.

If, after its evaluation, the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, then all of the following apply:

- (1) The authorization granted by the family member to an unlicensed in-home care worker is void.
- (2) The family member may not authorize other unlicensed in-home care workers to provide the care.
- (3) The board shall authorize appropriately licensed or certified providers to instead perform the health care tasks.
- (4) The board shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.