

Personal care assistance program.

(A) The purpose of the program described in this rule shall be to provide funds to pay for personal assistance services to enable eligible persons with severe physical disabilities to work and/or to live independently. OOD shall administer this program.

(1) Participants shall be served based on the rank order of priority groups listed below:

(a) The first priority group shall include persons who are competitively employed by meeting the definition of competitive employment; according to paragraph (C) of rule 3304-4-01 of the Administrative Code and who need personal assistance services to maintain employment.

(b) The second priority group shall include persons who are ready for employment but cannot accept a job unless personal assistance services are available. Participants may participate in this priority group for a maximum of eighteen months and shall demonstrate active job seeking activity.

(c) The third priority group shall include persons who are self-employed but not earning competitive wages. Participants may be considered eligible without earning a minimum wage equivalent income provided they are currently operating the business and have a viable business plan that supports the continued growth of the business. Participants may participate in this priority group for a lifetime maximum of sixty months.

(d) The fourth priority group shall include persons who are preparing for employment and who need personal assistance services to continue training that is leading to a specific employment goal and is state licensed/accredited, if applicable. Participants within this priority group shall have a maximum of eighteen consecutive months to complete each academic year of post-secondary training as defined by the degree program. Participants in other training programs shall have a maximum of one and one half times the usual duration of the training program to complete the program.

(e) The fifth priority group shall be closed to new applicants.

(i) This priority group may contain participants who, due to an adverse change in medical condition, no longer meet the requirements to remain in a higher priority group. Participants may receive personal

assistance services in this group for a maximum of six months over the lifetime of the participant.

(ii) Participants receiving personal assistance services as of May 1995 under this group for the purpose of independent living who had been grandfathered shall continue to remain on the PCA longer than the maximum indicated in paragraph (A)(1)(e) of this Rule, provided the participant submits required documentation and alternative resources have been explored and are unavailable.

(B) OOD's duties and responsibilities for administration and management of the program shall include but not be limited to the following:

- (1) Establishing a maximum hourly reimbursement rate for wages to pay an assistant.
- (2) Establishing a maximum reimbursement rate for related employer costs.
- (3) Establishing the maximum number of hours of funding available to eligible participants.
- (4) Determining the need for community rehabilitation programs and, if warranted, negotiating terms with them for operating the program at the local level, as described in paragraphs (D) to (D)(8) of this rule.
- (5) Assisting community rehabilitation programs in locating persons with severe physical disabilities to apply for personal assistance services.
- (6) Determining a person's eligibility to receive personal assistance services under the program based on the assessment performed by the community rehabilitation program as described in paragraph (D) of this rule.
- (7) Evaluating the program to ensure efficiency and to determine ways to improve its effectiveness.
- (8) Monitoring the program for fraud or abuse.
- (9) Determining eligibility for the program and assigning participants into priority groups.
- (10) Evaluating each participant annually to determine the continued need for PCA.

(C) To be eligible for the PCA, a person shall:

- (1) Be an Ohio resident eighteen years old or older with a severe physical disability.
 - (2) Exhaust all available resources before receiving services from the PCA.
 - (3) Not duplicate services. Participants may receive personal assistance services from the PCA in addition to other resources, but may not bill for personal assistance services for the same hours from more than one resource.
 - (4) Require not less than six consecutive months of personal assistance services.
 - (5) Be willing to receive services within Ohio unless otherwise approved.
 - (6) Require no more than four hundred fifty-five hours of personal assistance services per quarter from the PCA. Participants may pay and arrange for any personal assistance services exceeding this limitation.. These additional resources shall be documented with the program.
 - (7) Be capable of instructing and supervising an assistant about the participant's needs as described in paragraph (D)(3) of this rule or arranging for such supervision or instruction.
 - (8) Be capable of enough self-direction to live outside an institution, within the participant's family unit or independently with this support.
 - (9) Agree that the participant's need for continuing personal assistance shall be subject to periodic reevaluation, and to an in-person evaluation at least once every calender year.
 - (10) During re-evaluations for PCA eligiblity, participants shall demonstrate the ability to follow program guidelines, including but not limited to, regular billing, compliance with submitting required documentation by established time lines, and updating the program on any and all changes in income and employment, job seeking, and progress in training within ten (10) business days of the change.
- (D) To be eligible for selection by OOD to operate this program at the local level, a community rehabilitation program shall be a nonprofit and, as its purpose, shall exist at least in part to provide services to persons with disabilities. The community rehabilitation program's duties and responsibilities shall include, but not be limited to, the following:
- (1) Locating persons who have a severe physical disability and who may be eligible for the program.

- (2) Pre-screening persons according to the criteria in paragraphs (C)(1) to (C)(10) of this rule by using a checklist and guide to personal assistance services as prescribed by OOD.
 - (3) Assessing a person's need to receive personal assistance services through this program. The assessment shall include, but not be limited to, determining the ability to instruct and supervise assistants, and to maintain schedules and records or to arrange for such functions to be carried out.
 - (4) Assessing a person's eligibility for the PCA.
 - (5) Providing assistant management training to participants to include, but not be limited to, training in how to recruit assistants, how to conduct interviews and screen applicants, how to supervise and instruct assistants on tasks required.
 - (6) Assisting OOD to annually evaluate each participant's need for continued personal assistance services.
 - (7) Serving the community as an information resource on personal assistance services.
 - (8) Providing information and referral services about other financial assistance and social service programs that assist persons who have severe physical disabilities toward employment and/or independent living.
- (E) The participant's responsibilities shall include but not be limited to:
- (1) Screen, interview, select, instruct, and supervise assistants or arranging for such functions to be carried out.
 - (2) Pay the assistant wages in a timely manner agreed upon by the participant and the assistant. Payment to assistant, at the latest, should occur no later than two weeks after receipt of reimbursement from OOD.
 - (3) Investigate the need for compliance with employer tax laws.
 - (4) Complete the annual review within specified time frames.
 - (5) Ensure assistants perform tasks that are related to the participant's ADLs and not beyond that scope, such as performing work tasks or other activities that are not considered ADLs.
 - (6) Maintain financial documentation for audit purposes, such as assistant time sheets and copies of canceled checks to assistants.

(7) Participants shall also follow program guidelines including, but not limited to, regular billing, compliance with submitting required documentation by established time lines, and updating the program on any and all changes in income and employment, job seeking, and progress is training within ten (10) business days of the change.

(F) OOD shall reimburse a participant for wages paid for personal assistance services and approved employer costs. Reimbursement will be paid only for costs incurred and paid by the participant.