



Ohio Administrative Code

Rule 3304-4-02 Personal care assistance program.

Effective: November 15, 2024

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

(1) Eligible individuals shall be served based on the rank order of priority groups listed as follows:

(a) The first priority group shall include eligible individuals 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 eligible individuals who are ready for employment and are prepared to actively engage in job seeking activity but cannot accept a job unless personal assistance services are available. Eligible individuals may participate in this priority group for a lifetime maximum of eighteen months and shall demonstrate active job seeking activity. This lifetime maximum may be reassessed if there are significant changes determined on a case-by-case basis.

(c) The third priority group shall include eligible individuals who are self-employed but not earning competitive wages. Eligible individuals may be considered eligible without earning the minimum wages referenced in paragraph (C) of 3304-4-01 of the Administrative Code provided they are currently operating the business and have a viable business plan that supports the continued growth of the business. Eligible individuals may participate in this priority group for a lifetime maximum of sixty months.

(d) The fourth priority group shall include eligible individuals who are preparing for employment and who need personal assistance services to continue an approved training that is leading to a specific employment goal and is state licensed/accredited, if applicable. Eligible individuals within this priority group shall have a maximum of eighteen consecutive months to complete each academic year of the approved training as defined by the academic program. Eligible individuals in other



occupational/vocational/job skills training programs shall have a maximum of one and one half times the usual duration of the approved training program to complete the program. Eligible individuals enrolled in other training programs that identify specific timelines to complete the program shall follow the timelines established by the training program.

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

(i) This priority group may contain eligible individuals who, due to an adverse change in medical condition or are permanently retiring from employment, no longer meet the requirements to remain in a higher priority group. Eligible individuals may receive personal assistance services in this group for a maximum of six months over the lifetime of the eligible individuals.

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

(1) Establishing a maximum hourly service rate the eligible individual shall apply to wages to be paid to the assistant.

(2) Establishing a maximum rate for related employer costs.

(3) Establishing the maximum number of hours of funding available to eligible individuals.

(4) Determining the need for community rehabilitation programs and, if warranted, negotiating terms with them for operating the PCA program at the local level, as described in paragraph (D) of this rule.

(5) 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.

(6) Evaluating the program to ensure efficiency and to determine ways to improve its effectiveness.

(7) Monitoring the program for fraud or abuse.



- (8) Determining eligibility for the program and assigning participants into priority groups.
- (9) Evaluating each participant annually to determine the continued need for PCA.
- (C) To be eligible for the PCA program, 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) Demonstrate need beyond other funding sources. If a person is receiving personal assistance services from another funding source, documentation shall be submitted to the PCA program to determine if personal assistance services from the PCA program would be duplicative.
 - (4) Require not less than six consecutive months of personal assistance services.
 - (5) Be willing to receive services within Ohio unless otherwise approved.
 - (6) Demonstrate the ability to instruct and supervise an assistant about the participant's needs as described in paragraph (D)(3) of this rule or arranging for such supervision or instruction.
 - (7) Demonstrate a level of self-direction to live outside an institution, within the person's family unit or independently with this support.
 - (8) Agree that the person's need for continuing personal assistance services shall be subject to periodic re-evaluation.
 - (9) During re-evaluations for PCA program eligibility, eligible individuals shall demonstrate the ability to follow PCA program guidelines, including but not limited to, timely and accurate invoicing, compliance with submitting required documentation by established timelines, and updating the PCA program on any and all changes in income and employment, job seeking, and progress in training within ten business days of the change.



(D) To be eligible for selection by OOD to operate this PCA 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) Seeking and identifying persons who have a severe physical disability and who may be eligible for the PCA program.

(2) Pre-screening persons according to the criteria in paragraph (C) of this rule by using guidance provided by OOD.

(3) Assessing a person's need to receive personal assistance services through the PCA program. The assessment shall include, but not be limited to, determining the ability to instruct and supervise assistants, to maintain schedules and records or to arrange for such functions to be carried out.

(4) Assessing a person's eligibility for the PCA program.

(5) Providing resources regarding assistant management training to eligible individuals to include, but not be limited to, training in how to recruit assistants, how to conduct interviews and screen applicants, and how to supervise and instruct assistants on tasks required.

(6) Assisting OOD to evaluate each eligible individual'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 eligible individual'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.
 - (a) Eligible individuals shall not use OOD PCA program funding to employ an assistant who is also their legal guardian.
 - (2) Pay the assistant's wages in a timely manner agreed upon by the eligible individual and the assistant. Payment to assistant, at the latest, should occur no later than two weeks after receipt of reimbursement from OOD.
 - (a) Payment to the assistant should occur no later than two weeks after receipt of the invoiced funds from OOD.
 - (3) Comply with applicable employer tax laws.
 - (4) Complete the re-evaluation within the specified time frames as established by the PCA program.
 - (5) Ensure assistants perform tasks that are related to the eligible individual'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, signed and dated receipts, and copies of canceled checks to assistants.
 - (7) If applicable, pay employer costs in a timely manner as required by law.
 - (8) Eligible individuals shall also follow PCA program guidelines including, but not limited to, regular invoicing, compliance with submitting required documentation by established time lines, and updating the PCA program on any and all changes such as income and employment, job seeking, and progress in training within ten business days of the change.
- (F) OOD shall provide funding to an eligible individual for wages to be paid for personal assistance services received and, if applicable, approved employer costs (up to the established OOD maximum rates). Payment will be issued to the eligible individual for services received by the eligible



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individual and approved employer costs.