



Ohio Administrative Code Rule 3796:7-2-02 Caregiver eligibility.

Effective: [September 5, 2022](#)

(A) Unless otherwise approved by the board, or provided in paragraph (B) of this rule, in order to be eligible to serve a qualifying patient, a caregiver must be:

- (1) A natural person;
- (2) At least twenty-one years of age or older;
- (3) A resident of the state of Ohio.

(B) Notwithstanding the age limitation in paragraph (A) of this rule, the parent of a minor patient who is eighteen years of age or older and who otherwise meets the requirements of Chapter 3796. of the Revised Code and this division, may serve as the minor patient's caregiver.

(C) No person shall serve as a caregiver for any patient before registering with the state board of pharmacy in accordance with rule 3796:7-2-03 of the Administrative Code.

(D) A patient shall designate no more than two caregivers. The state board of pharmacy shall register no more than two caregivers for each patient.

(E) An individual shall serve as a caregiver for no more than two patients. Except as provided in paragraph (F) of this rule, the state board of pharmacy shall associate no more than two patients for each caregiver.

(F) Upon a written request on a form in accordance with section 3796.04 of the Revised Code, the state board of pharmacy may, in its discretion, permit an individual to serve as a caregiver for more than two patients, permit a patient to designate more than two caregivers, and permit an individual who is not a resident of the state of Ohio to serve as a caregiver:



- (1) In order to avoid unnecessary hardship to the patient or patients;
 - (2) Where the patient's care is being provided in a hospice program licensed under Chapter 3712. of the Revised Code; or
 - (3) Where the caregiver is simultaneously caring for multiple patients who reside in the same household as the caregiver.
- (G) If a patient requests permission to change a caregiver before renewal, the patient shall cause a change of caregiver request to be submitted by the recommending physician, or, subject to the limitations under section 3796.08 of the Revised Code, the physician's delegate, who shall set forth the reasons the patient seeks to change caregivers and conform with the caregiver registration requirements under rule 3796:7-2-03 of the Administrative Code. The state board of pharmacy shall approve a new caregiver only if such individual meets the requirements of Chapter 3796. of the Revised Code and this division.
- (H) A patient's recommending physician shall not serve as the patient's caregiver.
- (I) The state board of pharmacy shall deny a submission for a caregiver registration if the individual identified on the submission is included in one or more of the following databases:
- (1) The system for award management (SAM) maintained by the United States general services administration;
 - (2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to 42 U.S.C. part 1320a-7 (as effective on January 3, 2017) and 42 U.S.C. part 1320c-5 (as effective on January 3, 2017);
 - (3) The Ohio department of developmental disabilities (DODD) online abuser registry established under section 5123.52 of the Revised Code;
 - (4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;



- (5) The national sex offender public website established under 18 United States Code 16918;
- (6) The internet-based database of department of rehabilitation and correction inmates established under section 5120.66 of the Revised Code; or
- (7) The state nurse aide registry established under section 3721.32 of the Revised Code, and there is a statement detailing findings by the director of health that the provider applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident.
- (8) The Ohio medicaid provider exclusion and suspension list found at: <http://medicaid.ohio.gov>.
- (J) Prior to receiving approval to serve as a caregiver, an individual who is not a resident of the state of Ohio must provide any information sought by the board in order for it to confirm that that individual is not included in a substantially similar database to any of those listed in paragraph (I) of this rule that may be maintained by the state in which that individual is a resident. Failure to do so will result in a denial of their written request submitted pursuant to paragraph (F) of this rule.