



Ohio Administrative Code

Rule 5160-12-03.1 Non-agency nurses and otherwise-accredited agencies: qualifications and requirements.

Effective: July 1, 2015

(A) "Non-agency nurses" and "otherwise-accredited agencies" who meet the qualifications and requirements of this rule can provide private duty nursing (PDN) in accordance with rule 5160-12-02 of the Administrative Code.

(B) A "non-agency nurse" that meets the requirements in accordance with this rule is eligible to participate in the Ohio medicaid program upon execution of a provider agreement in accordance with rule 5160-1-17.2 of the Administrative Code. A non-agency nurse is required to:

(1) Be a registered nurse or licensed practical nurse at the direction of a registered nurse practicing within the scope of his or her nursing license pursuant to Chapter 4723. of the Revised Code as an independent provider.

(2) Comply with the requirements of a medicare certified home health agency in accordance to rule 5160-12-03 of the Administrative Code except for paragraphs (A), (B)(1) and (B)(6) of rule 5160-12-03 of the Administrative Code.

(3) Not be the parent, step-parent, foster parent or legal guardian of an individual who is under eighteen years of age, or the individual's spouse.

(4) Meet all conditions of participation in paragraphs (C) and (D) of rule 5160-45-10 of the Administrative Code.

(5) Comply with all federal, state and local laws and regulations as applicable.

(C) "Otherwise-accredited agency" means an agency that has and maintains accreditation by a national accreditation organization for the provision of home health services, private duty nursing, personal care services and support services, and that has executed a medicaid provider agreement in accordance with rule 5160-1-17.2 of the Administrative Code. The accreditation shall be granted by



a national accreditation organization approved by the centers for medicare and medicaid services (CMS), which may include but is not limited to, one of the following: the accreditation commission for health care (ACHC), the community health accreditation program (CHAP) and the joint commission.

(D) Providers of PDN services who are also providers of waiver services to an individual enrolled on a home and community based services (HCBS) waiver must comply with all applicable requirements including those set forth by the HCBS waiver rule(s).