



**Ohio Department
of Medicaid**

Structured Family Caregiving

Home and Community-Based Service in Ohio

Bureau of Long-Term Services and Support

Home and Community-Based Services Policy

Care Coordination and Review

2024



**Department of
Medicaid**

Agenda

- Background on the Ohio Administrative Code (OAC) rule 5160-44-33 *Nursing facility-based level of care home and community-based services programs: structured family caregiving services* and the purpose of this training.
- OAC Rule 5160-44-33 Overview:
 - Service Description.
 - Provider Requirements.
 - Limitations for SFC.
 - Spouses and other relatives with legal decision-making authority.
 - Authorization Process.
 - Condition of Receiving SFC.
- Care Coordination Activities

Background and Purpose

Background

Effective October 1, 2024, ODM will offer a new service called Structured Family Caregiving. The new service will permit agency providers to employ a caregiver who resides with the individual to provide daily care and support to the individual based on the individual's daily care needs.

This new service will be offered to individuals at least 18 years of age who are enrolled on the MyCare Ohio, Ohio Home Care, or Pre-admission Screening System providing Options and Resources Today (PASSPORT) waiver programs.

Purpose

The goal for today's training is to provide an overview of the new **Rule 5160-44-33**, entitled "Nursing facility-based level of care home and community-based services programs: structured family caregiving."

This rule defines the new service called Structured Family Caregiving and it sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

The effective date for this service is October 1, 2024.

This presentation will serve as a resource to navigate implementing this new service.

OAC Rule 5160-44-33

Rule Outline

New rule 5160-44-33 "Nursing facility-based level of care home and community-based services programs: structured family caregiving".

The new rule is outlined by the following:

- Paragraph A Service Description.
- Paragraph B Provider Requirements.
- Paragraph C Limitations for SFC.
- Paragraph D Spouses and other relatives with legal decision-making authority.
- Paragraph E Authorization Process.
- Paragraph F Condition of Receiving SFC.

Service Description

"Structured Family Caregiving (SFC)" is a service in which an individual at least eighteen years of age who is enrolled on either the MyCare Ohio, Ohio home care, or pre-admission screening system providing options and resources today (PASSPORT) waiver program, resides with a caregiver who provides daily care and support to the individual.

Service Description (Continued)

The individual must meet the following criteria to receive SFC:

- The caregiver resides with the individual in the individual's private home or resides with the individual in the caregiver's private home.
- The individual needs assistance with daily personal care and household support, and assistance with activities needed to promote independence and integration into the community.
- The individual chooses to receive SFC.

Provider Requirements

The waiver service provider will be an agency provider as defined in rule [5160-45-01](#) of the Administrative Code meeting the following criteria:

OHCW

Providers will be a medicare-certified home health agency or otherwise-accredited agency and operate in accordance with Chapter [5160-45](#) of the Administrative Code.

PASSPORT

Providers will be an Ohio department of aging (ODA) certified provider and operate in accordance with Chapter [173-39](#) of the Administrative Code.

MyCare

Providers will operate in accordance with either criteria.

Provider Requirements (Continued)

The waiver service provider will complete caregiver training:

Medicare-certified home health agencies

The caregiver will successfully meet the trainings specified in [42 C.F.R. 484.80](#).

Otherwise-accredited and ODA certified agencies

The caregiver will successfully complete at least eight hours of initial training that the individual determines the provider needs to meet the individual's specific needs by the deadline the individual establishes.

Provider Requirements (Continued)

The waiver service provider will complete caregiver training:

- The provider will ensure the caregiver receives structured training tailored to support the caregiver to meet the individual's assessed needs.
- The provider will maintain documentation that demonstrates the caregiver has completed the training.

Provider Requirements (Continued)

The waiver service provider will ensure SFC is provided as authorized and that any modifications needed in settings adhere to the individual's approved person-centered services plan (PCSP).

Settings where the individual resides in a private residence owned or leased by a caregiver who is not related by blood or marriage are considered provider-owned or controlled settings and are subject to compliance with the conditions described in paragraph (C) of rule [5160-44-01](#) of the Administrative Code.

Provider Requirements (Continued)

The waiver service provider will ensure that the caregiver employed by or contracted with the agency provider is able to meet the individual's need for assistance with daily care as assessed by the waiver program case management entity for the relevant waiver program.

Provider Requirements (Continued)

The waiver service provider will employ coaching and support professional staff. The provider's coaching and support professional staff will include any of the following:

A registered nurse (RN), in accordance with Chapter [4723](#). of the Revised Code.

A licensed social worker (LSW), in accordance with Chapter [4757](#). of the Revised Code.

A licensed practical nurse (LPN), at the direction of an RN, in accordance with Chapter [4723](#). of the Revised Code.

A licensed independent social worker (LISW), in accordance with Chapter [4757](#). of the Revised Code.

Provider Requirements (Continued)

The provider's coaching and support professional staff will conduct an initial in-person home visit with the individual and the caregiver of SFC to review the following:

The roles and responsibilities of the caregiver and the provider.

The applicable rules of ODM and ODA.

The relevant policies of the provider which apply to provider staff.

Provider Requirements (Continued)

The provider's coaching and support professional staff will also conduct monthly contact with the individual and caregiver to:

- Provide individualized coaching to the caregiver to increase the caregiver's competencies to provide care to the individual.
- Help the caregiver identify signs of change in the individual's general condition and how to manage such circumstances.
- Ensure the caregiver is attending to self-care needs.
- Assess the provision of SFC.
- Review the caregiver's goals and needs.
- Share relevant educational content.
- Assess the individual's satisfaction with care delivery and relationship with the caregiver.

Contacts may be a combination of telephonic and in-person visits, with no more than sixty calendar days between in-person visits.

Provider Requirements (Continued)

The waiver service provider will maintain a record for each individual served, in accordance with the criteria outlined in:

OHCW

Paragraph (A)(9) of rule [5160-46-04](#) of the Administrative Code if providing SFC to an individual enrolled on the Ohio home care waiver program.

PASSPORT

Rule [173-39-02](#) of the Administrative Code if providing SFC to an individual enrolled on the PASSPORT program.

MyCare

Either of these options if providing services to an individual enrolled on the MyCare waiver program, as appropriate.

Limitations

SFC will not be authorized for individuals who are medically unstable or medically complex as a substitute for skilled care provided by an RN, LPN, licensed nurse, or other licensed health care professional.

SFC will not be provided on the same calendar day as out-of-home respite as described in rules [5160-44-17](#) and [173-39-02.23](#) of the Administrative Code.

Limitations (Continued)

SFC will not be provided on the same calendar day when a combination of more than two hours of the following services are authorized on the individual's PCSP:

Choices home care attendant service as described in rules [5160-58-04](#) and [173-39-02.4](#) of the Administrative Code.

Home care attendant service as described in rules [5160-44-27](#) and [173-39-02.24](#) of the Administrative Code.

Homemaker as described in rules [5160-31-05](#) and [173-39-02.8](#) of the Administrative Code.

Personal care services as described in rule [5160-46-06](#) of the Administrative Code or personal care as described in rule [173-39-02.11](#) of the Administrative Code.

Spouses and other relatives with legal decision-making authority

Spouses and other relatives with legal decision-making authority may only provide SFC in accordance with the criteria outlined in rule [5160-44-32](#) of the Administrative Code.

Authorization Process

SFC may be authorized for individuals who are eligible and choose to access the service.

The maximum allowable payment rates and procedure codes for SFC are listed in rule [5160-46-06](#) of the Administrative Code. SFC may be authorized as a full day, or a half day as indicated in the individual's PCSP.

- SFC will be authorized as a full day, unless the individual is assessed to need additional services described in paragraph (C) of the rule to be provided on the same calendar day as SFC.
- SFC will only be authorized as a half day when the individual is assessed to need additional services described in paragraph (C) of the rule to be provided on the same calendar day as SFC.

Authorization process (Continued)

Billing code for SFC can be found in rule [5160-46-06 \(B\)](#):

Billing code	Service	Billing unit	Medicaid maximum rate
S5136	Structured family caregiving	Per day	\$102.68
S5136	Structured family caregiving	Per half day	\$51.34

Required modifier for SFC can be found in rule [5160-46-06 \(D\)\(4\)](#):

The "UD" modifier will be used when a provider submits a claim for billing code S5136 for a half day of structured family caregiving.

Authorization process (continued)

The caregiver will provide SFC for no more than three individuals who reside at the same address. When SFC is provided to more than one individual at the same address, the provider will be reimbursed at a group rate as defined in:

OHCW

Paragraph (A)(5) of rule [5160-46-06](#) of the Administrative Code if providing SFC to individuals enrolled on the Ohio home care waiver program.

PASSPORT

Paragraph (C)(3) of rule [5160-31-07](#) of the Administrative Code if providing SFC to individuals enrolled on the PASSPORT program.

MyCare

Paragraph (C) of rule [5160-58-04](#) of the Administrative Code if providing SFC to individuals enrolled on the MyCare waiver program.

Condition of Receiving SFC

As a condition of receiving SFC, individuals will agree to and cooperate with monthly waiver program care management agency contacts.

- Contacts may be a combination of telephonic and in-person visits, with no more than sixty calendar days between in person visits.

THANK YOU

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