Licensure Mandated for Home Health Care Agencies in Ohio

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A new Ohio law mandating licensure for home health agencies and providers will go into effect July 1, 2022. This law will be codified at O.R.C. § 3740.01 et seq., and comes from Ohio House Bill 110 affecting both "home health agencies" and "individual non-agency providers." Home health agencies are those persons or government entities that provide skilled home health services or nonmedical home health services at a patient's home. Individual non-agency providers are natural persons who are self-employed to provide skilled home health services or nonmedical home health services.

Beginning on July 1, 2022, home health agencies must have valid licenses to provide either skilled home health services or "nonmedical home health services" through one or more employees. Non-agency providers must also have a license to provide skilled or nonmedical home health services.

Under the new law, nonmedical home health services include, but are not limited to, bathing assistance, meal preparation, assisting with dressing, and other personal services. Skilled home health services include skilled nursing care, physical therapy, occupational therapy, speech-language pathology, medical social services, and home health aide services.

Applications for licenses for home health agencies and nonagency providers seeking to provide skilled home health services require the following documentation:

- Proper evidence of certification for participation in the Medicare program
- Evidence of accreditation by a national accreditation organization approved by the Centers for Medicare and Medicaid Services
- Evidence of certification by the Department of Aging to provide such services
- Evidence of past provision of direct care (i.e., the provision of home health services in a patient's home or that require

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routine access to a patient's personal property or financial documents); or, in the absence of evidence showing the prior provision of past care, a surety bond in the amount of $50,000

- An application fee of $250
- Copies of fingerprints of the primary owner or the agency, if applicable, or the non-agency provider
- Copies of any filings with the Ohio Secretary of State
- Copies of an agency's criminal record check
- A notarized affidavit confirming the applicant's identity
- Other additional documents outlining the agency or provider's operations, such as a description of services to be provided, an address of the agency or provider's place of business, and days and hours of operation.

Issued licenses are valid for three years and are renewable upon payment of a renewal fee and continued compliance with licensure requirements.

A home health agency or non-agency provider who holds a skilled home health services license can provide nonmedical home health services. However, a home health provider or non-agency provider who holds a license to provide nonmedical home health services cannot perform skilled home health services without holding a valid skilled home health services license.

Prior to the effective date of the bill, the Ohio Department of Health will promulgate rules providing further details on the provision of these licenses.

For any questions about Ohio HB 110 and the licensing process for home health agencies and non-agency providers, please contact Cami Trachtman or any other member of Frost Brown Todd's Health Care Innovation team.

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