

Question	What law governs licensing home health agencies (HHAs)?
Answer	Ohio Revised Code (ORC) Ch. 3740.01 - 3740.05; 3740.07; 3740.10 - 3740.11; and 3740.99. Ohio Administrative Code (OAC) sections 3701-60-01 – 3701-60-09.

Question	What is a home health agency?
Answer	<p>HHA Defined:</p> <p>Per ORC 3740.01(G), a person or government entity that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:</p> <ol style="list-style-type: none"> 1. Skilled nursing care. 2. Physical therapy. 3. Occupational therapy. 4. Speech-language pathology. 5. Medical social services. 6. Home health aide services.* <p>*Per ORC 3740.01(H), home health aide services are any of the following services provided by an employee of an HHA:</p> <ol style="list-style-type: none"> 1. Bathing. 2. Dressing, ambulation, toileting. 3. Catheter care, but not insertion. 4. Meal prep, feeding. <p>Per ORC 3740.01(G), the following are not HHAs:</p> <ul style="list-style-type: none"> • Nursing homes. • Residential care facilities. • Hospice care programs. • Pediatric respite care programs. • Informal respite-care providers. • A provider certified by the department of developmental disabilities under Chapter ORC 5123. of the Revised Code. • A residential facility. • A shared living provider. • An immediate family member.

Question	What is a nonagency provider?
Answer	<p>Per ORC 3740.01(M), a nonagency provider is anyone who provides direct care to an individual on a self-employed basis and does not employ directly or through contract another person to provide the services.</p> <p>The following are not nonagency providers:</p> <ol style="list-style-type: none"> (1) A caregiver who is an immediate family member of the individual receiving direct care. (2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider. (3) A volunteer. (4) A person who is certified under Revised Code to provide publicly funded childcare as an in-home aide. (5) A person who provides privately funded childcare. (6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. Of the Revised Code.

Question	What is “direct care?”
Answer	<p>ORC 3740.01(D) defines “direct care” as any of the following:</p> <ol style="list-style-type: none"> Any of the following services that is provided in a patient’s place of residence used as the patient’s home: <ol style="list-style-type: none"> Skilled nursing care. Physical therapy. Occupational therapy. Speech-language pathology. Medical social services. Home health aide services.* <p>*Home health aide services are any of the following services provided by an employee of a home health agency:</p> <ol style="list-style-type: none"> Hands-on bathing or assistance with a tub bath or shower. Assistance with dressing, ambulation, and toileting. Catheter care but not insertion. Meal preparation and feeding. Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient’s personal property or financial documents regarding a patient. For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.

Question	Our HHA provides skilled medical services. What initial license application form should we use?
Answer	<p>Use the Skilled Home Health Services License Application form on the ODH website.</p> <p>A skilled medical services HHA must submit evidence of certification or accreditation, and, if unable to demonstrate they were providing services prior to Sept. 30, 2021, a surety bond in the amount of \$50,000.</p>

Question	Our HHA provides nonmedical services. What initial application form should we use?
Answer	<p>Use the Nonmedical Home Health Services License Application form found on the ODH website.</p> <p>Unless you are certified by the Ohio Department of Aging under section 173.391 of the Revised Code to provide community-based long-term care services, you will need to submit the following documentation as part of your application:</p> <ol style="list-style-type: none"> 1. A document showing a list of all nonmedical home health services that are provided or will be provided by the agency or nonagency provider. 2. Copies of all documents filed and recorded with the Ohio Secretary of State. 3. If the applicant is a nonagency provider – a notarized affidavit verifying the identity of the nonagency provider. 4. If the applicant is a home health agency – a copy of the home health agency’s written criminal record check policy. 5. Fingerprint impressions of the primary owner of the home health agency or nonagency provider. 6. Documentation providing a description of the geographic area in which the home health agency or nonagency provider provides or will provide services. 7. If not providing services prior to Sept. 30, 2021, a surety bond in the amount of \$20,000. <p>If a home health agency or nonagency provider is certified by the Ohio Department of Aging under section 173.391 of the Revised Code to provide community-based long-term care services, the facility needs only to submit proof of certification from the Ohio Department of Aging, and, if not providing services prior to Sept. 30, 2021, a surety bond in the amount of \$20,000. Items 1 through 6, above, are waived.</p>
Question	Our HHA provides both skilled medical and nonmedical services. What initial license application form should we use?
Answer	<p>You must use the Skilled Home Health Services License Application form on the ODH website.</p> <p>Note that you only need to complete the skilled home health services license application if the same entity provides both skilled medical and nonmedical services. However, if you have two business entities, one of which provides skilled medical services and another that provides nonmedical services, each entity will have to be separately licensed for the services they provide.</p> <p>Please note that you must provide a list for both, the skilled medical and nonmedical services your HHA provides.</p>
Question	I submitted my application. When will I receive my license?
Answer	Please allow 60 days for processing before contacting the Ohio Department of Health (ODH) as to the status of your application.

Question	I submitted my application. Why am I getting an email request for information (RFI)?
Answer	<p>While each situation is unique, there are common reasons for RFIs to be issued:</p> <ol style="list-style-type: none"> 1. You are a skilled agency and did not include evidence of certification or accreditation. 2. You are a nonmedical agency and did not include some required documentation. Review the instructions to see what must be included for the application to be deemed complete. 3. You are a nonmedical agency and did not include those services you provide and the counties in which you provide services. 4. You are a skilled or nonmedical agency that is a business and checked multiple business types (LLC, corporation, partnership, etc.), and what you checked does not match what is recorded by documents submitted to the secretary of state. Please be sure to check only one business type and only provide information for that business.
Question	What steps do we need to take to start an HHA?
Answer	You may contact an attorney or consultant for assistance with this. We're only able to assist you with questions about how to license your HHA.
Question	What steps must be taken to license our HHA?
Answer	<p>Complete the appropriate application, submit it along with a filing fee in the amount of \$250 and all supporting documents. If you file your application without the fee or pay your fee separate from filing your application, the license process will be delayed. For the fastest process time, submit the app, fee and supporting documents all together at the same time.</p> <p>For fastest processing, file your application, upload your documentation, and pay your fee online here. You may also submit your application, supporting documentation and fee by mail to:</p> <p>Ohio Department of Health Revenue Processing #3506 PO Box 15278 Columbus, OH 43215</p>
Question	How do I get paid by the state to provide care to someone?
Answer	Contact the Ohio Department of Medicaid at 1-800-686-1516 for information about becoming a Medicaid provider.
Question	Our HHA is not an agency. Do we need to file an application for a license?
Answer	<p>You will need to be licensed if the primary function is to provide any of the services listed below in a person's home:</p> <ol style="list-style-type: none"> (1) Skilled nursing care. (2) Physical therapy. (3) Occupational therapy. (4) Speech-language pathology. (5) Medical social services. (6) Home health aide services.

Question	We operate a staffing agency. Do we need an HHA license?
Answer	<p>Maybe. If the staffing agency is sending people to a licensed home health agency to work, the staffing agency does not need to be licensed. However, if the primary function of the staffing agency is to send someone directly into an individual's home to provide services, you will need to be licensed. This is not legal advice – you may want to consult with your legal counsel for a final determination.</p>
Question	Do physical therapy or occupational therapy agencies need to have an HHA license?
Answer	<p>Maybe. If the primary function of the therapy service provider is to provide care to individuals in their place of residence, you will need to be licensed. However, if your service primarily provides services at an outpatient therapy building or extension, licensure is not required. This is not legal advice – you may want to consult with your legal counsel for a final determination.</p> <p>Please note that care provided to a resident of a residential care facility or independent living facility in their room or apartment is considered providing care in a person's place of residence.</p> <p>Additionally, be aware that certification by the Centers for Medicare and Medicaid Services (CMS) and licensing by ODH are two separate areas. Though you may be certified by CMS as either an outpatient or inpatient therapy provider, you may also need to be licensed as an HHA under Ohio law if the primary function of the therapy service provider is to provide care to individuals in their place of residence.</p>
Question	What is a surety bond? How/where/from what company do I get one? What kind do I get?
Answer	<p>If an applicant was not providing direct care on or prior to Sept. 30, 2021, ORC 3740.03 requires an HHA license applicant to provide a copy of a surety bond, either in the amount of \$50,000 (skilled) or \$20,000 (nonmedical). At this time, if you are required to have a bond, your license application form will specify the amount. A draft bond form you may provide to your bond-issuer is available here:</p> <p>Skilled Home Health Services Surety Bond</p> <p>Nonmedical Home Health Services Surety Bond Form</p>
Question	Who can tell me where/how/what kind of bond to get?
Answer	Please see the draft bond form available above.
Question	I'm a Medicaid certified independent provider. Do I need to be licensed?
Answer	<p>Maybe. You only need to be licensed if you meet the definition of “nonagency provider,” for these purposes defined as “anyone who provides direct care to an individual on a self-employed basis and does not employ directly or through contract another person to provide the services” and do not meet any of the exceptions provided therein.</p> <p>If you only provide care to less “than two individuals who are not immediate family members” <i>at the same time (i.e., simultaneously)</i>, you are not considered to be a nonagency provider and do not need to be licensed. This is not legal advice – you may want to consult with your legal counsel for a final determination.</p>

Question	We're really struggling to find caregiving agencies in our area. We came across one, but they did not know about the license. They have 16 employees and they're 1099. We weren't sure about requirements – do 16 employees require a license?
Answer	Whether an agency needs to be licensed is dependent on the services they provide, not on the payment to employees/contractors. If the primary function of the agency is to provide care in a patient's home, they would need to be licensed

Question	How do I know which application to complete?
Answer	<p>Read instructions thoroughly, as the application has more documentation than just the application itself; completely fill out the application. Identify whether HHA is skilled or non-skilled (for example, some fill out nonmedical and skilled because they want to provide both services, but the skilled HHA license overrides the nonmedical).</p> <p>Please note:</p> <ul style="list-style-type: none"> • Nonagency providers are the ONLY ones who would be listed as an "Individual" vs an "LLC," "Inc.," and "Government." • Understand the difference between a DBA (doing business as) and a legal name. When filling out the application, it's important to put the DBA, not the legal name, on the "facility name." Note: These can be the same. • For Questions 12-15 of the Skilled Home Health Services License Application, skilled agencies must answer "Yes" to at least one question that applies to their application and provide the applicable documentation. <p>Common errors:</p> <ul style="list-style-type: none"> • Statutory agents, which are listed with the Ohio Secretary of State's Office, are incomplete or inaccurate. • No responses to RFI's after multiple requests from ODH. • Incomplete/inaccurate information re addresses (physical and email) and address changes. (For example, a missing suite number could prevent/delay delivery.) • Failure to provide updated documentation (especially when using it for purposes such as accreditation and Department of Aging certification). • Failure to save payment receipt needed for proof of payment.

Question	Has the owner(s) or administrator been affiliated through ownership or employment with any other Home Health Agency or nonagency provider within the last five years?
Answer	If "yes," provide in writing the individual name(s) and address(es) of the facilities.

Question	Where are the surety bonds located on the ODH website?
Answer	Visit our Home Health Agency Licensure webpage to find the surety bond documents.

Question	If I'm applying electronically, can we have an automatic response letting us know that the application has been received?
Answer	You will receive two automatic responses via email when applying electronically; one for successful submission of the application and the second for successful completion of payment.

Question	If we apply via certified mail, can we have a response that the application has been received?
Answer	If you send certified mail with a return receipt requested, you will receive this. Otherwise, you will need to track the certified mail on the USPS website.