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Title 22@ Social Security

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Division 5@ Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

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Chapter 6@ Home Health Agencies

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Article 1@ Definitions

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Section 74652@ Skilled Nursing Services Criteria for Licensure of Home Health Agencies

## **74652 Skilled Nursing Services Criteria for Licensure of Home Health Agencies**

### **(a)**

For purposes of licensure as a home health agency, "skilled nursing services" means services which are provided by and within the scope of practice of a registered nurse or licensed vocational nurse. Entities providing or arranging for the provision of skilled nursing services shall obtain a home health agency license.

### **(b)**

For purposes of licensure as a home health agency, "providing or arranging for the provision of skilled nursing services" means that an entity does either one or both of the following: (1) Employs a registered nurse or licensed vocational nurse to utilize his or her skills to promote the medical benefit of the patient in a temporary or permanent place of residence. (2) Obtains the services of a registered nurse or licensed vocational nurse who is not an employee in order to fulfill its contractual obligations to promote the medical benefit of the patient in the patient's temporary or permanent place of residence.

#### **(1)**

Employs a registered nurse or licensed vocational nurse to utilize his or her skills to promote the medical benefit of the patient in a temporary or permanent place of residence.

#### **(2)**

Obtains the services of a registered nurse or licensed vocational nurse who is not an employee in order to fulfill its contractual obligations to promote the medical benefit of the patient in the patient's temporary or permanent place of residence.

**(c)**

For purposes of licensure as a home health agency, "providing or arranging for the provision of skilled nursing services" does not include: (1) Any entity that utilizes qualified, licensed nursing personnel within their scope of practice to evaluate individuals only to determine their quality and/or level of care or nursing needs; (2) Any entity that utilizes qualified, licensed nursing personnel within their scope of practice to facilitate access by referral to needed home care services (e.g., determining that an individual requires skilled nursing care, and referring the case to a licensed home health agency); (3) Any entity that utilizes qualified, licensed nursing personnel within their scope of practice to provide only case management and/or supervision for personnel providing only personal care services (e.g., any business that only furnishes personal care or services that are not related to a patient's illness or injury).

**(1)**

Any entity that utilizes qualified, licensed nursing personnel within their scope of practice to evaluate individuals only to determine their quality and/or level of care or nursing needs;

**(2)**

Any entity that utilizes qualified, licensed nursing personnel within their scope of practice to facilitate access by referral to needed home care services (e.g., determining that an individual requires skilled nursing care, and referring the case to a licensed home health agency);

**(3)**

Any entity that utilizes qualified, licensed nursing personnel within their scope of practice to provide only case management and/or supervision for personnel providing only personal care services (e.g., any business that only furnishes personal care or services that are not related to a patient's illness or injury).