Application for a §1915(c) Home and Community-Based Services Waiver

PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waiver's target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the State, service delivery system structure, State goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Request for an Amendment to a §1915(c) Home and Community-Based Services Waiver

1. Request Information

A. The **State** of **Ohio** requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of §1915(c) of the Social Security Act.

B. Program Title:
Level One Waiver Amendment for New Adult Day Services

C. Waiver Number:OH.0380
Original Base Waiver Number: OH.0380.

D. Amendment Number:OH.0380.R03.02

E. Proposed Effective Date: *(mm/dd/yy)*

11/01/16

Approved Effective Date of Waiver being Amended: 07/01/16

2. Purpose(s) of Amendment

Purpose(s) of the Amendment. Describe the purpose(s) of the amendment:
The amendment reflects the Ohio Department of Developmental Disabilities (DODD) new Adult Day Waiver Services (ADWS) package (service definitions, provider qualifications, rate structure) that maximizes opportunities for integrated employment and integrated wrap-around services, as committed to in Ohio's Home and Community Base Setting (HCBS) statewide transition plan submitted to CMS in March 2015.
In addition, modifications of Homemaker/Personal Care (HPC) service definition to incorporate CMS' new HCBS requirements, as committed to in the HCBS statewide transition plan.

Ohio has amended the approved waiver application with the following changes:
Appendix C-3 Participant Services:

(1) The addition of the following new services: Career Planning, Individual Employment Support, Group Employment Support and Money Management.

(2) The modification of the following services definitions: Adult Day Support, Vocational Habilitation, Non-Medical Transportation, Transportation, Homemaker/Personal Care.

(3) It is Ohio's intent to amend the waiver to end Supported Employment-Community, as a service effective 10/31/16. Individual Employment Support and/or Career Planning services will be available as an alternatives to Supported Employment-Community beginning 11/01/16.

(4) It is Ohio's intent to amend the waiver to end Supported Employment-Enclave, as a service effective 10/31/16. Group Employment Support service will be available as an alternative to Supported Employment-Community beginning 11/01/16.

(5) Appendix C-4 Additional Limits on Amount of Waiver Services have been amended under each Adult Day Waiver service to include the following:

(a) Payment for adult day support, career planning, group employment support, individual employment support, and vocational habilitation alone or in combination, shall not exceed the budget limitations contained in appendix C to rule 5123:2-9-19 of the Administrative Code.

(b) As outlined in Appendix D-1-b Service Planning Safeguards: County boards providing Targeted Case Management (TCM) will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan. County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available.

Appendix I-2 Rates, Billing and Claims: Rate determination methods have been added for the new services: Career Planning, Individual Employment Support, Group Employment Support and Money Management.

Appendix J-2-d Estimate of Factor D: Ohio is amending Estimate of Factor D waiver tables to include the new Career Planning, Individual Employment Support, Group Employment Support and Money Management Services effective 11/01/16 and end-date Supported Employment-Community and Supported Employment-Enclave effective 10/31/16.

3. Nature of the Amendment

A. **Component(s) of the Approved Waiver Affected by the Amendment.** This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently *(check each that applies):*

Component of the Approved Waiver	Subsection(s)
☑ **Waiver Application**	Main 2&3, Main 6-I
☐ **Appendix A – Waiver Administration and Operation**	
☐ **Appendix B – Participant Access and Eligibility**	
☑ **Appendix C – Participant Services**	C-1-a, C-4
☐ **Appendix D – Participant Centered Service Planning and Delivery**	
☐ **Appendix E – Participant Direction of Services**	
☐ **Appendix F – Participant Rights**	
☐ **Appendix G – Participant Safeguards**	
☐ **Appendix H**	
☑ **Appendix I – Financial Accountability**	I-2-a
☑ **Appendix J – Cost-Neutrality Demonstration**	J-2-a

B. **Nature of the Amendment.** Indicate the nature of the changes to the waiver that are proposed in the amendment *(check each that applies):*

- ☐ **Modify target group(s)**
- ☐ **Modify Medicaid eligibility**
- ☑ **Add/delete services**
- ☑ **Revise service specifications**
- ☐ **Revise provider qualifications**
- ☐ **Increase/decrease number of participants**
- ☐ **Revise cost neutrality demonstration**
- ☐ **Add participant-direction of services**
- ☐ **Other**

Specify:

Application for a §1915(c) Home and Community-Based Services Waiver

1. Request Information (1 of 3)

A. The **State** of **Ohio** requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of §1915(c) of the Social Security Act (the Act).

B. Program Title (*optional - this title will be used to locate this waiver in the finder*):
Level One Waiver Amendment for New Adult Day Services

C. Type of Request: amendment

Requested Approval Period:*(For new waivers requesting five year approval periods, the waiver must serve individuals who are dually eligible for Medicaid and Medicare.)*

○ **3 years** ◉ **5 years**

Original Base Waiver Number: OH.0380
Waiver Number:OH.0380.R03.02
Draft ID: OH.016.03.02

D. Type of Waiver *(select only one):*
Regular Waiver

E. Proposed Effective Date of Waiver being Amended: 07/01/16
Approved Effective Date of Waiver being Amended: 07/01/16

1. Request Information (2 of 3)

F. Level(s) of Care. This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid State plan (*check each that applies*):

☐ **Hospital**

Select applicable level of care

○ **Hospital as defined in 42 CFR §440.10**
If applicable, specify whether the State additionally limits the waiver to subcategories of the hospital level of care:

○ **Inpatient psychiatric facility for individuals age 21 and under as provided in42 CFR §440.160**

☐ **Nursing Facility**

Select applicable level of care

○ **Nursing Facility as defined in 42 CFR □□440.40 and 42 CFR □□440.155**
If applicable, specify whether the State additionally limits the waiver to subcategories of the nursing facility level of care:

○ **Institution for Mental Disease for persons with mental illnesses aged 65 and older as provided in 42 CFR §440.140**

☑ **Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR §440.150)**
If applicable, specify whether the State additionally limits the waiver to subcategories of the ICF/IID level of care:

1. Request Information (3 of 3)

G. Concurrent Operation with Other Programs. This waiver operates concurrently with another program (or programs) approved under the following authorities
Select one:

- (●) **Not applicable**
- ( ) **Applicable**
  Check the applicable authority or authorities:
  - [ ] **Services furnished under the provisions of §1915(a)(1)(a) of the Act and described in Appendix I**
  - [ ] **Waiver(s) authorized under §1915(b) of the Act.**
    Specify the §1915(b) waiver program and indicate whether a §1915(b) waiver application has been submitted or previously approved:
    Specify the §1915(b) authorities under which this program operates *(check each that applies):*
    - [ ] **§1915(b)(1) (mandated enrollment to managed care)**
    - [ ] **§1915(b)(2) (central broker)**
    - [ ] **§1915(b)(3) (employ cost savings to furnish additional services)**
    - [ ] **§1915(b)(4) (selective contracting/limit number of providers)**
  - [ ] **A program operated under §1932(a) of the Act.**
    Specify the nature of the State Plan benefit and indicate whether the State Plan Amendment has been submitted or previously approved:
  - [ ] **A program authorized under §1915(i) of the Act.**
  - [ ] **A program authorized under §1915(j) of the Act.**
  - [ ] **A program authorized under §1115 of the Act.**
    Specify the program:

H. Dual Eligiblity for Medicaid and Medicare.
Check if applicable:

- [x] **This waiver provides services for individuals who are eligible for both Medicare and Medicaid.**

2. Brief Waiver Description

Brief Waiver Description. *In one page or less*, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g., the roles of state, local and other entities), and service delivery methods.
The purpose of this waiver is to provide services in order to avoid or delay the institutionalization of individuals with developmental disabilities whose support needs are primarily met by family or informal support systems.

The goal of this waiver is to provide waiver services for as many Ohio residents with developmental disabilities who live in their own homes and/or with family,as possible.

The objectives of this waiver are to provide services individuals with developmental disabilities, and to increase enrollment on the waiver in a systematic manner as funding is available.

The organizational structure for this waiver includes the Ohio Department of Medicaid (ODM) as the Single State Medicaid Agency, the Ohio Department of Developmental Disabilities (DODD) as the operating agency, and the County Boards of Developmental Disabilities (County Boards) as the local operating entity. The two state departments operate according to an interagency agreement.

The traditional method of service delivery is used. Providers include for profit and not-for-profit agency and independent

providers, and County Boards when no other providers are available in accordance with the corrective action plan agreed upon by CMS.

3. Components of the Waiver Request

The waiver application consists of the following components. *Note: Item 3-E must be completed.*

A. **Waiver Administration and Operation. Appendix A** specifies the administrative and operational structure of this waiver.

B. **Participant Access and Eligibility. Appendix B** specifies the target group(s) of individuals who are served in this waiver, the number of participants that the State expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.

C. **Participant Services. Appendix C** specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.

D. **Participant-Centered Service Planning and Delivery. Appendix D** specifies the procedures and methods that the State uses to develop, implement and monitor the participant-centered service plan (of care).

E. **Participant-Direction of Services.** When the State provides for participant direction of services, **Appendix E** specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (*Select one*):

- ○ **Yes. This waiver provides participant direction opportunities.** *Appendix E is required.*
- ◉ **No. This waiver does not provide participant direction opportunities.** *Appendix E is not required.*

F. **Participant Rights. Appendix F** specifies how the State informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.

G. **Participant Safeguards. Appendix G** describes the safeguards that the State has established to assure the health and welfare of waiver participants in specified areas.

H. **Quality Improvement Strategy. Appendix H** contains the Quality Improvement Strategy for this waiver.

I. **Financial Accountability. Appendix I** describes the methods by which the State makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.

J. **Cost-Neutrality Demonstration. Appendix J** contains the State's demonstration that the waiver is cost-neutral.

4. Waiver(s) Requested

A. **Comparability.** The State requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in **Appendix C** that are not otherwise available under the approved Medicaid State plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in **Appendix B**.

B. **Income and Resources for the Medically Needy.** Indicate whether the State requests a waiver of §1902(a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy *(select one)*:

- ◉ **Not Applicable**
- ○ **No**
- ○ **Yes**

C. **Statewideness.** Indicate whether the State requests a waiver of the statewideness requirements in §1902(a)(1) of the Act *(select one)*:

- ◉ **No**
- ○ **Yes**

If yes, specify the waiver of statewideness that is requested *(check each that applies)*:

☐ **Geographic Limitation.** A waiver of statewideness is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the State.
Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:

☐ **Limited Implementation of Participant-Direction.** A waiver of statewideness is requested in order to make *participant-direction of services* as specified in **Appendix E** available only to individuals who reside in the following geographic areas or political subdivisions of the State. Participants who reside in these areas may elect to direct their services as provided by the State or receive comparable services through the service delivery methods that are in effect elsewhere in the State.
Specify the areas of the State affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:

5. Assurances

In accordance with 42 CFR §441.302, the State provides the following assurances to CMS:

A. Health & Welfare: The State assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:

1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
2. Assurance that the standards of any State licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The State assures that these requirements are met on the date that the services are furnished; and,
3. Assurance that all facilities subject to §1616(e) of the Act where home and community-based waiver services are provided comply with the applicable State standards for board and care facilities as specified in **Appendix C**.

B. Financial Accountability. The State assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.

C. Evaluation of Need: The State assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.

D. Choice of Alternatives: The State assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:

1. Informed of any feasible alternatives under the waiver; and,
2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the State employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.

E. Average Per Capita Expenditures: The State assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid State plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in **Appendix J**.

F. Actual Total Expenditures: The State assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the

waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the State's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.

G. **Institutionalization Absent Waiver:** The State assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.

H. **Reporting:** The State assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid State plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.

I. **Habilitation Services.** The State assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.

J. **Services for Individuals with Chronic Mental Illness.** The State assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the State has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the State has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

6. Additional Requirements

Note: Item 6-I must be completed.

A. **Service Plan**. In accordance with 42 CFR §441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in **Appendix D**. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including State plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.

B. **Inpatients**. In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are in-patients of a hospital, nursing facility or ICF/IID.

C. **Room and Board**. In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the State that is not a private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in **Appendix I**.

D. **Access to Services**. The State does not limit or restrict participant access to waiver services except as provided in **Appendix C**.

E. **Free Choice of Provider**. In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the State has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.

F. **FFP Limitation**. In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally liable third party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.

G. Fair Hearing: The State provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. **Appendix F** specifies the State's procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.

H. Quality Improvement. The State operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the State assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The State further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the State will implement the Quality Improvement Strategy specified in **Appendix H**.

I. Public Input. Describe how the State secures public input into the development of the waiver:
Throughout the life of the waiver, DODD has engaged individuals enrolled in the Level One Waiver, including parents and other caregivers, providers, and other advocates in both a formal and informal capacity to discuss potential changes to the Level One Waiver.
DODD follows a protocol to advance-publish the changes in the waiver application and provide notice to inform the public including but not limited to individuals, families, County Boards, provider association, and advocates of changes incorporated in the Level One waiver amendment application. These public notices include mass distribution using multiple listservs via e-mail and updates to DODD's website. Individuals are able to obtain the waiver application which is available in both hard copies and online and requests may be through mail or phone request. By providing public notice it allows an opportunity for public input prior to submission of the Level One Waiver amendment application.

The public notice for Amendments to the Level One (IO), Level One and SELF waiver applications to reflect the new Adult Day Waiver Services (ADWS) package were disseminated on May 10, 2016. Formalized public comment period was held from May 10, 2016 through June 8, 2016. The notice was sent through multiple listservs, posted to DODD's website, and sent through DODD's newsletter. Individuals were given the option to request a non-electronic copy of the waiver applications and were given the option to submit public comment non-electronically.

There was one comment received during the public comment period:
Comment: As I am sure others have commented, the proposed rates will incentivize larger ADS groups instead of the smaller groups as we all want.
A provider can make more money by having 12 people with an A acuity with 1 staff person, rather than 12 people with an A acuity with 3 staff using the modifier rate. (It only starts to even out when you consider people with a C Acuity.)
Also, unless the budget cap is going to be raised for ADS and NMT, people attending ADS locations that qualify for the rate modifier will end up being able to attend less days than their peers at an ADS location not using the modifier.
As a former administrator for a provider agency, why would I take the time and expense of providing staff with the additional training when I can make more money without the modifier?
Unless you are counting on Provider Agencies to disregard their bottom line...the rates are going to cause the opposite of what is intended.
Response: DODD engaged stakeholders starting in March 2014. The initial recommendations included phasing out the ability to provide services in large groups. Recommendations included limiting group size to a maximum of 1:4 or 1:8. DODD evaluated both recommendations.
DODD received feedback from multiple stakeholders including persons served, families, providers and county boards that these initial recommendations were too restrictive to adjust to in a short amount of time. DODD heard clearly the need to build a bridge from current services to future services.
DODD has amended appendix C-4-d to increase the budget limitations for Adult Day Support, Vocational Habilitation, Career Planning, Individual Employment Supports, and Group Employment Supports, and Non-Medical Transportation. The new limitations enable the rate modifications to be applied without individuals facing a potential reduction in service.
Comment: Several different stakeholder groups expressed significant concerns around the budget limitations and changes to the currently approved day rate for both the Adult Day Supports and Vocational Habilitation.
Response: In response to a request from stakeholders for further discussion regarding the billing procedures with the proposed rate modifications and budget limitations, a meeting was conducted with representatives from the Ohio Self-Determination Association, The Arc of Ohio, Ohio Provider Resource Association, Ohio Health Care Association,

Ohio Waiver Network, Privatization Support Group, Values and Faith Alliance, Ohio Association of County Boards, and the Ohio Association of Adult Services. During this meeting the group came to consensus that the waiver should reflect the ability for individuals to receive up to 260 days of one or more of the following services: Adult Day Support, Vocational Habilitation, Career Planning, Individual Employment Supports, and Group Employment Supports, and Non-Medical Transportation. In response, DODD has amended appendix C-4-d to incorporate this suggestion and amended the service limitations accordingly. Additionally, the day rate for Adult Day Support and Vocational Habilitation was maintained in Appendix J-2 in response to feedback from both provider associations and county boards that requiring all services to be billed in 15-minute units created an undue administrative burden.
Comment: All employment services mention the expected outcome of competitive integrated employment. What occurs if this does not happen?
Response: Please see paragraph (F)(1) of rule 5123:2-2-05; when progress is not made, the individual service plan must be amended to identify the barriers toward achieving desired outcomes and the action steps to overcome the identified barriers.
Comment: DODD rates for Career Planning, at a minimum, should match the current Opportunities for Ohioans with Disabilities Agency (OOD) fee schedule for similar services. Stakeholders encourage DODD to consider adding a performance-based incentive for job placement
Response: Development of the Career Planning service was guided by DODD stakeholders who indicated they wanted less complexity. Therefore, Career Planning has fewer service components, does not adopt OOD's 6-minute billing units, and Career Planning services are comparable to OOD rates. Collecting data regarding utilization of this new service is the first step toward establishing a performance-based incentive.

J. Notice to Tribal Governments. The State assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.

K. Limited English Proficient Persons. The State assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). **Appendix B** describes how the State assures meaningful access to waiver services by Limited English Proficient persons.

7. Contact Person(s)

A. The Medicaid agency representative with whom CMS should communicate regarding the waiver is:

Last Name: Donica

First Name: Kimberly J.

Title: Bureau Chief, Bureau of Long-Term Care Services and Supports

Agency: Ohio Department of Medicaid

Address: 50 West Town Street, 5th floor, Columbus, OH 43215

Address 2: P.O. Box 182709

City: Columbus

State: **Ohio**

Zip: 43218-2709

Phone: (614) 752-3523 **Ext:** ☐ **TTY**

Fax: (614) 644-9358

E-mail: kimberly.donica@medicaid.ohio.gov

B. If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:

Last Name: Horvath

First Name: Lori

Title: Deputy Director, Medicaid Development and Administration

Agency: Ohio Department of Developmental Disabilities

Address: 30 East Broad Street, 13th floor

Address 2:

City: Columbus

State: **Ohio**

Zip: 43215

Phone: (614) 387-0375 **Ext:** ☐ **TTY**

Fax: (614) 644-0501

E-mail: lori.horvath@dodd.ohio.gov

8. Authorizing Signature

This document, together with the attached revisions to the affected components of the waiver, constitutes the State's request to amend its approved waiver under §1915(c) of the Social Security Act. The State affirms that it will abide by all provisions of the waiver, including the provisions of this amendment when approved by CMS. The State further attests that it will continuously operate the waiver in accordance with the assurances specified in Section V and the additional requirements specified in Section VI of the approved waiver. The State certifies that additional proposed revisions to the waiver request will be submitted by the Medicaid agency in the form of additional waiver amendments.

Signature: ROSEANN CULVER

State Medicaid Director or Designee

Submission Date: Aug 1, 2016

Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.

Last Name: McCarthy

First Name: John B.

Title: Director

Agency: Ohio Department of Medicaid

Address: 50 West Town Street, Suite 400

Address 2:

City: Columbus

State: **Ohio**

Zip: 43218

Phone: (614) 466-4443 **Ext:** ☐ **TTY**

Fax: (614) 752-3986

E-mail: john.mccarthy@medicaid.ohio.gov

Attachments

Attachment #1: Transition Plan

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

- ☐ **Replacing an approved waiver with this waiver.**
- ☐ **Combining waivers.**
- ☐ **Splitting one waiver into two waivers.**
- ☐ **Eliminating a service.**
- ☐ **Adding or decreasing an individual cost limit pertaining to eligibility.**
- ☐ **Adding or decreasing limits to a service or a set of services, as specified in Appendix C.**
- ☐ **Reducing the unduplicated count of participants (Factor C).**
- ☐ **Adding new, or decreasing, a limitation on the number of participants served at any point in time.**
- ☑ **Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.**
- ☐ **Making any changes that could result in reduced services to participants.**

Specify the transition plan for the waiver:

Phase-out schedule of Transitions Developmental Disability Waiver

The phase-out of Transitions DD Waiver will occur over a two year period, beginning July 1, 2015 through June 30, 2017. Effective July 1, 2015, no new entrants will be enrolled in Transitions DD. It is presumed that most individuals enrolled in the Transitions DD Waiver will choose to enroll in the Individual Options (IO) Waiver (OH.0231) which offers the most robust array of services. However, individuals may choose to enroll in the SELF (OH.0877) or Level One (OH.0380) Waivers, as well.

During the initial year of the phase-out, from July 1, 2015 through, June 30, 2016, DODD will begin with voluntary enrollments for those individuals receiving Personal Care Aide (PCA) services only. County Board Service and Support Administrators (SSA) will assist individuals through this transition.
The final phase-out will occur July 1, 2016 through June 30, 2017 for individuals enrolled on Transitions DD who require and are receiving nursing services. In order to meet the needs of those requiring nursing services, Waiver Nursing is being added to the IO Waiver with an effective target date of July 1, 2016.

Summary of how the applicable waiver (IO, SELF and Level One)was updated/amended to accommodate those individual who are transitioning to the waiver from the Transitions DD Waiver:

INDIVIDUAL OPTIONS (OH.0231) WAIVER CHANGES
IO Waiver Amendment was submitted to CMS for proposed effective date of 7/1/15 to include reserved capacity of 3,000 to support the transfer of individuals enrolled on the Transitions DD Waiver to the Individual Options Waiver.

The IO Waiver will be amended with a submission date of 4/1/16 to add Waiver Nursing Services with an effective date of July 1, 2016 to allow for continuity of care.

SELF (OH.0877) and Level One (OH.0380) Waivers Changes

The SELF and Level One waiver applications do not need amended to accommodate those individuals who chose to transfer to either of these waivers. SELF and Level One Waiver Capacity does not need to be increased to accommodate transfers since the State anticipates very few will chose the SELF or Level One Waivers.

HCBS CERTIFIED WAIVER PROVIDERS
All Transitions DD providers will be certified under the Individual Options, Level One and SELF waivers beginning July 1, 2015 to allow for continuity of care. This initial certification will be time-limited for one year. These providers will be required to submit renewal applications to DODD by July 1, 2016.

RULES
Rescission of Transitions DD authorization rule and rescission of Ohio Administrative Code 2-9-50 through 2-9-59 will be effective June 30, 2017. A new service rule related to the IO Waiver Nursing service will be effective July 1, 2016.

IMPACT OF PROPOSED PHASE-OUT OF THE TDD WAIVER
ODM and DODD are confident that by working in partnership, Ohio can accomplish undertaking the phase out Transitions DD and transitioning individuals into the Individuals Options, Level One and SELF Waivers in a manner that allows for the safe transfer of individuals, emphasizing continuity of care and minimizing service disruptions. Both Transitions DD and IO, Level One and SELF Waivers are administered by the same operational agencies promoting continuity of care. The Transitions DD waiver renewal included the new ICF/IID LOC process that is the same as the LOC process for IO, Level One and SELF waivers. Appendix A:7 Waiver Administration and Operation section aligns operation of all four DODD administered waivers.

CASE MANAGEMENT
The Transitions DD and Individual Options, Level One, and SELF waivers are presently administered by the same State agency. In addition, case management for both the Transitions DD and Individual Options, Level One and SELF Waivers is provided by local county boards of developmental disabilities. This provides continuity of care for the individuals transitioning to the IO, Level One and SELF waivers.

LEVEL OF CARE AND SERVICE PLANNING
The ICF/IID LOC will be the same for all waivers administered by DODD effective July 1, 2015. The new LOC rule of the Ohio Administrative Code 5123:2-8-01 will be effective for all waivers (Transitions DD, IO, Level One and SELF).
Service planning will remain with the same entity and SSA's will work with the individuals and their teams to develop a

Person Centered Individual Service Plan.

COMMUNICATIONS
Ohio will communicate its plan to close the Transitions DD waiver and transfer eligible individuals to Individual Options Waiver with all affected parties. This will include, but not be limited to individuals enrolled on the Transitions DD Waiver, County Boards, Transitions DD providers, and other stakeholders. A communication strategy and timeline will be developed by DODD for this purpose. ODM and DODD will coordinate the issuance of an initial public notice about the phase-out and termination of the Transitions DD Waiver in a number of ways.
-DODD will have an announcement that will be posted on the department's respective website.
-Notice will be issued to the County Boards who are responsible for Case Management and provider oversight contractors, and they will be asked to disseminate the information to their local partners
-Notice will be issued to stakeholders on DODD's respective rule distribution lists (including but not limited to County Boards, the Ohio Olmstead Task Force, Disability Rights Ohio, Ohio County Board Association, the Ohio Provider Resource Association, the Ohio Waiver Network, Values and Faith Alliance, the Arc of Ohio, the Family Advisory Council, the Ohio Council of Home Care and Hospice).
-ODM and DODD will issue notice through their departmental advisory groups, including HCBS Policy

TIMELINE OF MAJOR MILESTONES

April 1, 2015
Transitions DD – Submit waiver amendment request to CMS proposing closure and phase-out (beginning July 1, 2015) Completed.

April 1, 2015
Stakeholder Communications – Initial stakeholder communication commences

July 1, 2015
Begin transfer of Transitions DD to another DD Waiver selected by the individual (IO, Level One, SELF)
Transitions DD providers certified for Individual Options, Level One, and SELF Waivers for one year.

July 1, 2015-June 30, 2016 Transitions DD Quarterly Transfer Plan

July-Sept 2015	Oct-Dec 2015	Jan-March 2016	April-June 2016
410	293	452	511

July 1, 2016
Effective date of IO Waiver Nursing and initial transfer of individuals who require waiver nursing to IO Waiver
Transitions DD providers renew certification for Individual Options, Level One, and SELF Waivers

July 1, 2016-June 30, 2017 Transitions DD Quarterly Transfer Plan

July-Sept 2016	Oct-Dec 2016	Jan-March 2017	April-June 2017
313	242	315	318

February 1, 2017-March 3, 2017
Public Hearing regarding Transitions DD Waiver Amendment to be terminated on June 30, 2017

April 1, 2017
Submit Waiver Amendment to CMS to close the Transitions DD Waiver with proposed effective date of June 30, 2017.

June 30, 2017
Rescind Ohio Administrative Code rules pertaining to Transitions DD Waiver

Quarterly progress reports to CMS should occur on 10/1/15, 1/1/16, 4/1/16, 7/1/16, 10/1/16, 1/1/17, 4/1/17, and final on 7/1/17.

1634 Transition Plan

Ohio is sensitive to the magnitude of the proposed change to convert from a section 209(b) state to a section 1634 state. The objectives of the waiver transition plan are to ensure every individual potentially impacted by the conversion receives adequate notice of the conversion and potential impact on his or her Medicaid eligibility, is educated on his or her options, and has access to assistance to establish a Qualified Income Trust (QIT)/Miller Trust. All affected Medicaid beneficiaries will receive notification from Ohio Department of Medicaid (ODM) of the conversion to a section 1634 state.

Using information derived from the State's Medicaid eligibility system, the State has identified beneficiaries with income over the special income limit (300% of the SSI Federal Benefit Rate), by waiver program and county of residence. These individuals will have the option to continue their Medicaid eligibility and waiver services through the use of a QIT/Miller Trust.

At least 90 days prior to the conversion to a section 1634 state, ODM will send letters directly to each individual enrolled on the waiver with income over the special income limit. The letter will describe the option of continuing Medicaid eligibility and waiver services through the use of a QIT/Miller Trust. The letter will include the contact information for the vendor that will assist the individual with establishing a QIT/Miller Trust.

Information about the conversion to a section 1634 state will be posted on the ODM website. In addition, the sister agency websites (Ohio Department of Developmental Disabilities and the Ohio Department of Aging) will include a link to the ODM website.

The waiver case managers for the identified individuals will receive information regarding the conversion from a section 209 (b)state to a section 1634 state, and be directed to the ODM website for access to the state-developed QIT/Miller Trust education materials and templates. The State plans to engage a statewide vendor to contact each individual enrolled in the waiver with income over the special income limit to assist with establishing a QIT/Miller Trust. Using state-developed QIT/Miller Trust education materials and templates, the vendor will validate the status of individuals identified as having income over the special income limit, educate individuals on the QIT/Miller Trust option, assist with the creation of the QIT/Miller Trust, assist with the creation of a bank account for QIT/Miller Trust deposits, and ensure trust information is submitted to the local County Department of Job and Family Services.

Subsequent reminders will be mailed by ODM to individuals to encourage them to take the necessary actions in order to maintain Medicaid eligibility.

Attachment #2: Home and Community-Based Settings Waiver Transition Plan
Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.
Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.
To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required.
Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.
Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.

I. STATUS OF THE STATE TRANSITION PLAN

Under the umbrella of the Office of Health Transformation (http://www.healthtransformation.ohio.gov), an interagency project team, comprised of state staff from the Ohio Department of Aging (ODA), the Ohio Department of Developmental Disabilities (DODD), and the Ohio Department of Medicaid (ODM) developed a shared approach for developing the draft statewide transition plan. Compliance with the CMS rule creates different opportunities and challenges for the Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF-IID) waiver system and the Nursing-facility based level of care (NF-LOC) waiver system. As a result, the project team leveraged the existing resources and infrastructures of each waiver

system to established system specific assessment methodologies to conduct a review of the applicable state statutes, administrative rules, approved waivers, provider licensing, qualifications and waiver certification requirements, service specifications, case management administrative and operational processes, person-centered planning processes, monitoring and operational oversight activities, and quality improvement strategies to determine the current level of compliance and identify areas for improvement and remediation to achieve and maintain full compliance.

During Ohio's formal public comment period, a copy of the full draft transition plan was posted to the website of Ohio's Office of Health Transformation from December 15, 2014 through January 23, 2015. During the Statewide formal public comment period, described in detail in Section III of Ohio's State Transition Plan, the state received input from many interested parties including individuals receiving services, family members, providers, advocates and the federal Centers for Medicare and Medicaid Services (CMS). As a result of the feedback, the state made adjustments to the draft plan by adding clarity, adjusting the approach to specific settings, and providing for an increased contribution from individuals and families.

December 2015: The Centers for Medicare and Medicaid Services (CMS) completed its initial review of Ohio's Statewide Transition Plan and issued the findings to the State on July 23, 2015. As a result of the initial CMS review of the draft statewide transition plan, the plan was revised and posted for public comment. During Ohio's second formal public comment period, a copy of the full draft transition plan was posted to the website of Ohio's Office of Health Transformation between October 15, 2015 and November 15, 2015. A summary of how public input process and the summary of comments on the revised draft transition plan pertaining to this waiver is described in Section Main B. Optional Attachment.

Ohio submitted the revised draft statewide transition plan through the portal on December 3, 2015. The State awaits CMS approval of the revised plan. While the State is attaching the updated Level One Waiver Transition plan, the State expects that language in the State's Transition Plan approved by CMS and related to the Level One Waiver will take precedence over the language in the waiver transition plan.

II. DESCRIPTION OF LEVEL ONE WAIVER SERVICES IN RESIDENTIAL AND NON-RESIDENTIAL SETTINGS

Approved in 2002, the Level One Waiver serves individuals with developmental disabilities who meet an ICF/IID LOC, but do not require the same level of services as those who are on the IO Waiver. Level One participants generally have a network of family, friends, neighbors and professionals who can safely and effectively provide needed care.
December 2015: No changes made to this section of the State Transition plan.

III. ANALYSIS OF THE RESIDENTIAL SETTINGS IN THE LEVEL ONE WAIVER

A. Settings which currently do not meet HCBS characteristics but may with modifications.

Analysis:

Of the settings providing DODD waiver services, 5.9%(578 settings, housing 2,045 individuals) fall under the category of not currently meeting all of the HCBS characteristics, but recognize that they could become compliant with modifications. The providers completing the self-assessment were asked to identify barriers to compliance and potential timeframes for remediation. The majority identified changes to person-centered plans, improved linkage to the community, and staff development and training as their primary barriers. To help address these barriers, DODD has included, as part of its remediation strategy, continuation of its statewide person-centered planning training and development of web-based person-centered planning resources to be available to county boards, providers, individuals, and families.

Remediation Strategies and Action Steps as outlined in the Ohio Statewide Transition Plan Appendix 2: ICF-IID Level of Care Waivers Setting Remediation Grid, submitted in CMS portal on December 3, 2015:

A.1. Adopt and implement an overarching DODD HCBS Waiver Administration rule that reflects the characteristics of settings where HCBS may be provided and recognizes the individual's opportunity to choose among services/settings that address assessed needs in the least restrictive manner, promote autonomy and full access to the community, and minimize dependency on paid supports.

Action Steps:
A.1.a. Developed content with the sub-committee with equal representation from advocates/self-advocates, county boards, and providers of HCBS.
A.1.b. Post draft rule for comment, make necessary revisions, final file, and final file.

A.2. Modify Homemaker/Personal Care (HPC) service definition to incorporate CMS' required HCBS community

integration/access characteristics.

Action Steps:
A.2.a. Submit waiver amendment to CMS and modify service rules.
A.2.b. Form a workgroup with a broad cross-section of individuals/families, providers of HCBS and county boards to develop an HCBS settings evaluation tool utilized to conduct compliance reviews of providers to ensure that HCBS services are provided in settings that comport with the regulation.

A.3. Implement a new HCBS settings evaluation tool to assess the HCBS settings standards.

Action Step:
A.3.a. The tool will be used during on-site compliance reviews conducted by the state (DODD personnel). It includes reviews of documentation including the provider's strategic plan, policies/procedures, and staff training. The review also takes into consideration the location of the setting whether it appears to be integrated into the broader community. Interviews will be conducted with individuals receiving services, direct support professionals, and family members to gather information about the types of opportunities for access to the community that are made available.

A.4. Incorporate the evaluation of settings into existing processes for provider certification, licensing and ongoing compliance monitoring.

Action Steps:
A.4.a. DODD will incorporate the setting evaluation in all provider compliance reviews which take place at least once every three years.
A.4.b. DODD will conduct compliance reviews of the providers using the process for regulatory review of certified providers outlined in Ohio Administrative Code 5123:2-2-04.
A.4.c.These reviews will be conducted in accordance with the current review schedule without modification for the compliant settings.
A.4.d. An on-site evaluation will occur prior to enrollment of applicants seeking to provide residential and non-residential HCBS. For individuals with an ICF-IID level of care, local service and support administrators (SSA) will ensure that new settings comply with the HCBS settings standards prior to adding the service to Individual Service Plans. In the event that a setting's non-compliance prevents a service from being added to an individual's plan, the individual will be afforded due process in accordance with Ohio Revised Code 5101:6-1 through 5101:6-9.

A.5. Implement setting-specific remediation strategies.

Actions Steps:
A. 5. a. Based upon the provider self-assessment, the provider indicated the ability to make modifications to ensure compliance. Letters to be sent to providers.
A. 5. b. Remediation plans from providers who identified the ability to comply with the regulation with modifications. Providers will be asked to detail the steps they will take and the timelines by which each action will occur in order to comply. If a remediation plan is not accepted, a DODD internal team will meet with the provider to develop an acceptable remediation plan.
A. 5. c. Verify implementation of providers' remediation strategies to determine completion of action steps in relation to the identified remediation timeframes.

A.6. Ongoing compliance monitoring will be incorporate into current oversight processes.

Action Step:
A.6.a. Monitor ongoing compliance with standards via monitoring by Service and Support Administrators and ongoing provider compliance reviews.

B. Settings which are presumed to have the effect of isolating individuals and may be subject to heightened scrutiny review.

Analysis:

CMS described settings "presumed to have the qualities of an institution" as those located in a public or private facility that provides inpatient treatment, settings located on the grounds of or adjacent to a public institution, or other settings with the effect of isolating individuals. No settings were located in a building that is also a public or private facility that provides inpatient treatment. Additionally, no settings were located in a building on the grounds of, or immediately adjacent to, a

public institution. An additional 73 settings serving 335 individuals, approximately 1% of the DODD waiver population, were identified through a combination of the Residential Settings survey and previous on-site compliance reviews by DODD as potentially having the effect of isolating individuals receiving HCBS, and, therefore, would likely be subject to heightened scrutiny.

Remediation Strategies and Action Steps as outlined in the Ohio Statewide Transition Plan Appendix 2: ICF-IID Level of Care Waivers Setting Remediation Grid, submitted in CMS portal on December 3, 2015:

B.1. Adopt and implement an overarching DODD HCBS Waiver Administration rule that reflects the characteristics of settings where HCBS may be provided and recognizes the individual's opportunity to choose among services/settings that address assessed needs in the least restrictive manner, promote autonomy and full access to the community, and minimize dependency on paid supports.

Action Steps:
B.1.a. Developed content with the sub-committee with equal representation from advocates/self-advocates, county boards, and providers of HCBS.
B.1.b. Post draft rule for comment, make necessary revisions,and final file.

B.2. Modify Homemaker/Personal Care (HPC) service definition to incorporate CMS' required HCBS community integration/access characteristics.

Action Steps:
B.2.a. Submit waiver amendment to CMS and modify service rules.
B.2.b. Form a workgroup with a broad cross-section of individuals/families, providers of HCBS and county boards to develop an HCBS settings evaluation tool utilized to conduct compliance reviews of providers to ensure that HCBS services are provided in settings that comport with the regulation.
B.3. Implement a new HCBS settings evaluation tool to assess the HCBS settings standards.

Action Step:
B.3.a. Form a workgroup with a broad cross-section of individuals/families, providers of HCBS and county boards to develop an HCBS setting evaluation tool utilized to conduct compliance reviews of providers to ensure that HCBS services are provided in setting that comport with the regulation.

B.4. The State will conduct on-site evaluations of all settings which, based upon self-assessment, may be subject to heightened scrutiny.

Action Step:
B.4.a. Conduct on-site evaluations of locations, which include interviews with individuals served to gain insight into the opportunities for integration they experience at the setting and also a review of policies/practices adopted by the provider to promote these opportunities.
B.5. For settings the state determines, based upon the on-site evaluation, do not currently comply, but have the ability to do so with modifications, settings specific remediation plans will be implemented.

Action Steps:
B.5.a. Based upon the on-site evaluation by the state, the provider will be asked to detail the steps they will take and the timelines by which each action will occur in order to comply. If a remediation plan is not accepted, a DODD internal team will meet with the provider to develop an acceptable remediation plan. DODD will required semi-annual status reports from the provider.
B.5.b. Verify implementation of providers' remediation strategies to determine completion of action steps in relation to the identified remediation timeframes.

B.6. For settings the state determines, based upon the on-site evaluation, require requests for heightened scrutiny.

Action Steps:
B.6.a. Compile evidence for settings that were presumed to have institutional qualities but were determined to have HCBS characteristics based upon the on-site evaluation.
B.6.b. Updated and post the transition plan with description of the assessment results and identification of the settings for which CMS heightened scrutiny is requested.
B.6.c. Submit requests for heightened scrutiny to CMS.

B.7. For settings the state determines, based upon the on-site evaluation, require relocation plans and/or those for which CMS determines the setting does not meet the HCBS regulatory requirements.

Action Steps:
B.7.a. Work with individuals, providers, and county boards to identify new locations in which individuals may receive HCBS services.
B.7.b. Relocation plans for individual's transition to a new setting.
B.7.c. DODD will inform individuals served in these settings that the location does not meet HCBS criteria. DODD will ensure the individuals' service and support administrators assist individuals with transitioning to a setting that does comply with the criteria and, if necessary, with choosing a new provider. Individuals will be given timely notice and due process, and will have a choice of alternative settings through a person centered planning process. DODD will require quarterly status reports from the provider.
B.8.Ongoing compliance monitoring will be incorporate into current oversight processes.

Action Step:
B.8.a. Monitor ongoing compliance with standards via monitoring by Service and Support Administrators (SSA) and ongoing provider compliance reviews, using the process for regulatory review of certified providers outlined in Ohio Administrative Code 5123:2-2-04.

C. Settings which cannot meet the HCBS characteristics.

Analysis:

Providers at 4 settings housing a total of 31 individuals indicated in the Residential Settings survey that the settings cannot meet the HCBS settings characteristics. No settings have been identified at this time.

Remediation Strategies and Action Steps as outlined in the Ohio Statewide Transition Plan Appendix 2: ICF-IID Level of Care Waivers Setting Remediation Grid, submitted in CMS portal on December 3, 2015:

C.1. The state will determine if location does or does not meet the HCBS characteristics through on-site evaluations.

Action Steps:
C.1.a. DODD will conduct site visits of the 4 settings whose providers indicated through the self-assessment survey that relocation may be necessary. An on-site visit was scheduled to occur no later than 8/31/15. The on-site visit included a face-to-face meeting with the provider, observations of 100% of the setting, and interviews of individuals, family/guardian and staff and when not possible, the interviews were conducted via phone within 14 days of the on-site review. The on-site and phone review utilized the HCBS Settings Evaluation tool.
C.1.b. If necessary, DODD will provide technical assistance to the provider regarding modifications which may be made to enable the setting to comply with the HCBS characteristics.
C.1.c. These visits will include interviews with individuals served to gain insight into the opportunities for integration they experience at the setting and also a review of policies/practices adopted by the provider to promote these opportunities.

C.2. For settings the state determines, based upon the on-site evaluation, do not currently comply, but have the ability to do so with modifications, setting-specific remediation plans will be implemented.

Action Steps:
C.2.a. Based upon the on-site evaluation by the state, the provider will be asked to detail the steps they will take and the timelines by which each action will occur in order to comply. If a remediation plan is not accepted, a DODD internal team will meet with the provider to develop an acceptable remediation plan.

C.2.b. Verify implementation of providers' remediation strategies to determine completion of action steps in relation to the identified remediation timeframes.

C.3. For settings, the state determines, based upon the on-site evaluation, requests for heightened scrutiny.

Action Steps:
C.3.a. If, upon completing the on-site reviews, DODD determines that a request for heightened scrutiny must be submitted to CMS for consideration, DODD will work with the provider and individuals/families to compile evidence that the setting does

have HCBS characteristics.
C.3.b. Update and post the transition plan with description of the assessment results and identification of the settings for which CMS heightened scrutiny is requested.
C.3.c. Submit requests for heightened scrutiny to CMS.

C.4. For settings the state determines, based upon the on-site evaluation, require relocation plans and/or those for which CMS determines the setting does not meet the HCBS regulatory requirements.

Action Steps:
C.4.a. If the site visits confirms the setting has the qualities of an institution, DODD will inform these providers the location where they are providing waiver services does not meet HCBS Criteria.
C.4.b. DODD will inform individuals served in these settings that the location does not meet HCBS criteria.

C.5. Providers will be given the option to relocate the place where they provide waiver services to more integrated setting, or opt to no longer receive Medicaid waiver funds for services that continue to be provided in these institutional settings.

Action Step:
C.5.a. Work with individuals, providers, and county boards to identify new locations in which individuals may receive HCBS services.

C.6. Develop relocation plans for settings that, based upon the on-site evaluation, and/or CMS determines the setting does not meet the HCBS regulatory requirements.

Action Step:
C.6.a. DODD will ensure the individuals' service and support administrators assist individuals with transitioning to a setting that does comply with the criteria and, if necessary, with choosing a new provider. DODD will ensure the individuals' service and support administrators assist individuals with transitioning to a setting that does comply with the criteria and, if necessary, with choosing a new provider. DODD will require quarterly status reports from the provider. Individuals will be given timely notice and due process, and will have a choice of alternative settings through a person centered planning process.

IV. ANALYSIS OF THE NON-RESIDENTIAL SETTINGS IN THE LEVEL ONE WAIVER

A. Non- Residential Settings which currently do not meet HCBS characteristics but may with modifications.

Analysis:

The survey results show that 50 of the 464 settings, or 8.4%, believe that, while they don't have the qualities of an institution, some improvement could be made for how those services are delivered to the individuals they serve. Although these self-assessment results from providers indicate a relatively low number of settings that have the qualities of an institution, DODD believes the self-reporting significantly underrepresents the number of Adult Day Waiver Services settings that possess these qualities.

As a means of incorporating the CMS HCBS requirements into the Adult Day Waiver Services, DODD is working with an outside consultant who is facilitating a stakeholder group charged with creating a new service package to maximize opportunities for integrated employment and integrated wrap-around supports.

Remediation Strategies and Action Steps as outlined in the Ohio Statewide Transition Plan Appendix 2: ICF-IID Level of Care Waivers Setting Remediation Grid, submitted in CMS portal on December 3, 2015:

A.1. Create and implement a new Adult Day Waiver Service (ADWS) package (service definitions, provider qualifications, rate structure) that maximizes opportunities for integrated employment and integrated wrap-around supports.

Action Steps:
A.1.a. Submit waiver amendment to CMS and modify service rules.
A.1.b. Submit the new Day Services rules through rule review and implementation process.

A.2. Monitor compliance with the provision of services in integrated settings.

Action Steps:
A.2.a. Form a workgroup with a broad cross-section of individuals/families, providers of HCBS and county boards to develop an HCBS settings evaluation tool utilized to conduct compliance reviews of providers to ensure that HCBS services are provided in settings that comport with the regulation.
A.2.b. The tool will be used during on-site compliance reviews conducted by the state (DODD personnel). It includes reviews of documentation including the provider's strategic plan, policies/procedures, and staff training. The review also takes into consideration the location of the setting whether it appears to be integrated into the broader community. Interviews will be conducted with individuals receiving services, direct support professionals, and family members to gather information about the types of opportunities for access to the community that are made available.

A.3. Incorporate the evaluation of settings into existing processes for provider certification, licensing and ongoing compliance monitoring.

Action Steps:
A.3.a. DODD will incorporate the setting evaluation in all provider compliance reviews which take place at least once every three years.
A.3.b. DODD will conduct compliance reviews of the providers using the process for regulatory review of certified providers outlined in Ohio Administrative Code 5123:2-2-04.
A.3.c. These reviews will be conducted in accordance with the current review schedule without modification for the compliant settings.
A.3.d. An on-site evaluation will occur prior to enrollment of applicants seeking to provide residential and non-residential HCBS. For individuals with an ICF-IID level of care, local service and support administrators (SSA) will ensure that new settings comply with the HCBS settings standards prior to adding the service to Individual Service Plans. In the event that a setting's non-compliance prevents a service from being added to an individual's plan, the individual will be afforded due process in accordance with Ohio Revised Code 5101:6-1 through 5101:6-9.
A.3.e. Additional mechanisms which contribute to the ongoing monitoring of the site-specific setting include but aren't limited to: case management oversight as outlined in the approved waivers, involvement of protection and advocacy entities, a complaint process, and participant experience surveys.

A.4. Implement setting-specific remediation strategies.

Action Steps:
A.4.a. Based upon the provider self-assessment,the provider indicated the ability to make modifications to ensure compliance by 2019. Letters to be sent to providers.
A.4.b. Remediation plans from providers who identified the ability to comply with the regulation with modifications. Providers will be asked to detail the steps they will take and the timelines by which each action will occur in order to comply. If a remediation plan is not accepted, a DODD internal team will meet with the provider to develop an acceptable remediation plan.
A.4.c. Verify implementation of providers' remediation strategies to determine completion of action steps in relation to the identified remediation timeframes.

A.5. Ongoing compliance monitoring will be incorporate into current oversight processes.

Action Step:
A.5.a. Monitor ongoing compliance with standards via monitoring by Service and Support Administrators (SSA) and ongoing provider compliance reviews using the process for regulatory review of certified providers outlined in Ohio Administrative Code 5123:2-2-04.

B. Non-residential Settings which are presumed to have the qualities of an institution and may be subject to heightened scrutiny review.

Analysis: In terms of those settings that would be subject to heightened scrutiny, 19 settings (4.1%) identified that the location where they provide services would place them into this category.

Remediation Strategies and Action Steps as outlined in the Ohio Statewide Transition Plan Appendix 2: ICF-IID Level of Care Waivers Setting Remediation Grid, submitted in CMS portal on December 3, 2015:

B.1. Waiver Service (ADWS) package (service definitions, provider qualifications, rate structure) that maximizes opportunities for integrated employment and integrated wrap-around supports.

Action Step:
B.1.a. Submit waiver amendment to CMS and modify service rules.

B.2. The State will conduct on-site evaluations of all settings which, based upon self-assessment, may be subject to heightened scrutiny.

Action Step:
B.2.a. DODD will conduct on-site evaluations of locations, which include interviews with individuals served to gain insight into the opportunities for integration they experience at the setting and also a review of policies/practices adopted by the provider to promote these opportunities.

B.3. For settings the state determines, based upon the on-site evaluation, do not currently comply, but have the ability to do so with modifications, settings specific remediation plans will be implemented.

Action Step:
B.3.a. Based upon the on-site evaluation by the state, the provider will be asked to detail the steps they will take and the timelines by which each action will occur in order to comply. If a remediation plan is not accepted, a DODD internal team will meet with the provider to develop an acceptable remediation plan.

B.4. For settings the state determines, based upon the on-site evaluation, require requests for heightened scrutiny.

Action Steps:
B.4.a. Verify implementation of providers' remediation strategies to determine completion of action steps in relation to the identified remediation timeframes.
B.4.b. Compile evidence for settings that were presumed to have institutional qualities but were determined to have HCBS characteristics based upon the on-site evaluation.
B.4.c. Updated and post the transition plan with description of the assessment results and identification of the settings for which CMS heightened scrutiny is requested.
B.4.d. Submit requests for heightened scrutiny to CMS.

B.5. For settings the state determines, based upon the on-site evaluation, require relocation plans and/or those for which CMS determines the setting does not meet the HCBS regulatory requirements.

Action Steps:
B.5.a. Work with individuals, providers, and county boards to identify new locations in which individuals may receive HCBS services from the provider of their choice.
B.5.b. Relocation plans for individual's transition to a new setting.
B.5.c. DODD will ensure the individuals' service and support administrators assist individuals with transitioning to a setting that does comply with the criteria and, if necessary, with choosing a new provider. DODD will ensure the individuals' service and support administrators assist individuals with transitioning to a setting that does comply with the criteria and, if necessary, with choosing a new provider. Individuals will be given timely notice and due process, and will have a choice of alternative settings through a person centered planning process. DODD will require quarterly status reports from the provider.

B. 6. Ongoing compliance monitoring will be incorporate into current oversight processes.

Action Step:
B.6.a. Monitor ongoing compliance with standards via monitoring by Service and Support Administrators (SSA) and ongoing provider compliance reviews using the process for regulatory review of certified providers outlined in Ohio Administrative Code 5123:2-2-04.

C. Non-residential Settings which cannot meet the HCBS characteristics.

Analysis:

Thirteen settings (2.8%) stated they cannot meet the HCBS requirements. To determine the level of compliance for these settings, an on-site review will be conducted and, if the review aligns with the assessment, a carefully constructed plan will be developed for any individual receiving waiver services at that location to ensure as smooth a transition as possible.

Remediation Strategies and Action Steps as outlined in the Ohio Statewide Transition Plan Appendix 2: ICF-IID Level of Care Waivers Setting Remediation Grid, submitted in CMS portal on December 3, 2015:

C.1. Providers will be given the option to relocate the place where they provide waiver services to more integrated setting, or opt to no longer receive Medicaid waiver funds for services that continue to be provided in these institutional settings.

Action Steps:
C.1.a. Inform these providers the location where they are providing services does not meet HCBS Criteria.
C.1.b. Updated and post the transition plan with description of the assessment results and identification of the settings that do not meet the HCBS regulatory requirements.
C.1.c. DODD will inform individuals served in these settings that the location does not meet HCBS criteria. DODD will ensure the individuals' service and support administrators assist individuals with transitioning to a setting that does comply with the criteria and, if necessary, with choosing a new provider. Individuals will be given timely notice and due process, and will have a choice of alternative settings through a person centered planning process.

C.2. Adult Day Health Center waiver service under the Transitions DD Waiver will be ended effective June 30, 2017.

Action Step:
C.2.a. The Adult Day Health Center waiver services under the Transitions DD waiver offers only facility-based options and no employment supports to individuals enrolled in the waiver. A Transitions DD waiver phase-out plan was approved by CMS effective July 1, 2015. Individuals will have the option to enroll in another DD waiver which will have other options of adult day array services.

V. STATUS OF THE STATE'S TRANSITION TO COMPLIANCE

Ohio submitted its Final State Transition Plan through the portal on March 13, 2015. The State awaits CMS approval of the State Transitions Plan.
December 2015: The Centers for Medicare and Medicaid Services (CMS) completed its initial review of Ohio's Statewide Transition Plan and issued the findings to the State on July 23, 2015. As a result of the initial CMS review of the draft statewide transition plan, the plan was revised and posted for public comment. During Ohio's second formal public comment period, a copy of the full draft transition plan was posted to the website of Ohio's Office of Health Transformation between October 15, 2015 and November 15, 2015. A summary of how public input process and the summary of comments on the revised draft transition plan pertaining to this waiver is described in Section Main B. Optional.

The State assures that the settings transition plan included with this waiver renewal will be subject to any provisions or requirements included in the State's approved Statewide Transition Plan. The State will implement any required changes upon approval of the Statewide Transition Plan and will make conforming changes to its waiver when it submits the renewal and/or amendment.

Additional Needed Information (Optional)

Provide additional needed information for the waiver (optional):

December 2015: Public Input Process and Comment Summary for the Revised Draft Statewide Transition Plan

Dates of the formal public comment period for the revised draft statewide transition plan: October 15, 2015 through November 15, 2015.

Active Link used to post the entire plan:
http://www.healthtransformation.ohio.gov/CurrentInitiatives/ExpandandStreamlineHCBS.aspx.

Ohio used the following methods to announce the opportunity to review the revised draft statewide transition plan:

Electronic: Ohio posted the revised draft plan, a public notice, summary, and stakeholder feedback on the original draft plan on the Ohio Office of Health Transformation (OHT) website. The Ohio Department of Medicaid (ODM), the Ohio Department of Aging (ODA) and the Ohio Department of Developmental Disabilities (DODD) posted public notices on their websites, which linked to the OHT site.

Remittance advice. To reach the provider community, ODM placed a notice on provider "remittance advices" during the weeks of October 22 and 29, 2015, advising providers of the draft transition plan and listing website at which they could read the plan and submit comments. Home health agencies, personal care aides and home care attendants, and waiver services organizations were among the provider types notified.

Non-Electronic: The local County Department of Job and Family Services offices posted a copy of the Public Notice and Request for Comment announcement, which included information about how to obtain a non-electronic copy of the waiver and the proposed amendments.

During the public comment period, conversations between waiver case managers individuals served on Medicaid waivers, their family members, or any individuals who may be interested, included the opportunity to provide public comment on the Plan and how to obtain a non-electronic copy of the waiver and proposed amendments.
Announcements at meetings, e-mails and conference calls. Each agency took the opportunity to inform attendees of various Medicaid-related meetings and conference calls and stakeholder e-mail groups about the opportunity to review and comment on the HCBS draft transition plan. Combined, announcements were made at least 16 times through the various methodologies reaching almost 13,000 people, which included individuals receiving services, stakeholders, providers, advocates and professional associations. In the distribution of the e-mails, each agency asked recipients to further spread the opportunity to comment to their respective colleagues and distribution lists.

Stakeholder advisory groups. Announcements were issued to both DODD and ODM/ODA Stakeholder Advisory Groups regarding the formal public comment period with a request to disseminate the information to their respective colleagues and distribution lists.

Ohio provided five methods for the public to provide input on the draft transition plan and/or request a non-electronic copy of the plan:
E-mail - Ohio established a dedicated e-mail box named MCD-HCBSfeedback.
Written comments - Ohio also provided a U.S. Postal Service address, which was Ohio Department of Medicaid, ATTN: HCBS Transition Plan, P.O. Box 182709, 5th Floor, Columbus, OH 43218.
Fax - Ohio provided a fax number, which was (614) 466-6945.
Toll-free phone number - Ohio provided a toll-free number, 1 (800) 364-3153, with a recorded message advising callers they had reached the CMS HCBS draft transition plan phone message box and offering five minutes in which to leave a message.
Video. In response to a stakeholder request during the posting of the first draft transition plan, Ohio also accepted emailed .mov video submissions.

The state received 7 unduplicated comments on the revised draft statewide transition plan during the formal public comment period. Some submissions addressed a variety of themes. The following is a summary of the comments:

Assisted Living: 14% of the comments were on this topic. (1)

Comment: The personal needs allowance for individuals enrolled on the waiver is inadequate to promote community inclusion.
Response: The state acknowledges the value of the personal needs allowance in supporting community integration. The state will consider the personal need allowance policy in future waiver design. No change made to the plan.

Miscellaneous: 86% of comments received were not specific to any type of setting and some submissions addressed a variety of themes. One submission was specific to both systems, one submission was relevant only to the NF-based LOC system and four submissions were directed to the ICF-IID system. (6)

Comment: The principle that individuals and families determine what integration means must permeate the plan.

Response: The State agrees this is a basic principle of the transition plan. The plan provides opportunities for the experience of individuals to inform the implementation and ongoing assessment of compliance. No change made to the plan.

Comment: The on-site evaluations should include a broader sample of settings, not just those based on provider self-assessments.

Response: The State agrees the on-site evaluations should not be limited to those based on provider self-assessments. The ongoing provider oversight process does incorporate a review of the settings beyond those identified proposed plan, as appropriate. No change made to the plan.

Comment: Benchmarks and timelines are needed to make sure sufficient progress is made and process is transparent.

Response: The State acknowledges the importance of identified benchmarks and timelines. The plan outlines the proposed timelines for each component. The State will use existing stakeholder communication avenues to report on implementation

progress. No change made to the plan.

Comment: Enforcement mechanism for individuals to challenge any setting not compliant.

Response: The State acknowledges the value of individual' assessment of initial and ongoing setting compliance. Using the existing complaint processes, individuals have the right to file a complaint regarding a specific setting and/or to report directly to the State any concerns with a setting's ability to comply. Upon receiving a report by an individual or another entity, the State will initiate a formal review, as appropriate. No change made to the plan.

Comment: Clarify the individual has a right to due process upon proposed modifications.

Response: Due process is currently afforded if individuals have concerns with the scope, duration, or frequency of services authorized in the person-centered service plan, including any modifications proposed to the plan. No change made to the plan.

Comment: Ongoing education is needed about the new rule and subsequent changes.

Response: The state will continue to share information about changes and status updates through the established stakeholder groups, routine publications, and websites. The design of the communication strategy included in the plan is underway as well as the development of "easy read" documents for individuals served by the ICF-IID system. No change made to the plan.

Comment: The Office of the State Ombudsman is supportive of the ombudsman's role in the education and relocation process. The Ombudsman recommends flexibility with timeframes for relocation, depending on the number of settings, to ensure smooth transition for individuals.

Response: The existing relocation team protocols will be used to ensure smooth transitions for individuals, including determining time frames for relocations. No change made to the plan.

Comment: The transition plan committee, which advised the development of the ICF-IID remediation plan, should be reassembled.

Response: The State acknowledges the importance of ongoing communication and opportunities to provide feedback on the implementation of the remediation plan for both systems. Ongoing communication will be provided and feedback will be solicited through existing stakeholder workgroups and publications, as well as through future public comment periods related to updates to the statewide transition plan and resulting waiver or rule amendments. No change made to the plan.

Comment: Additional Training and technical assistance is required to assist providers with complying with the regulation.

Response: The State acknowledges the value of ongoing education and technical assistance with plan implementation. Information regarding the requirements for all HCBS settings has been provided via regional forums, conferences, webinar presentations, and written publications. Since the characteristics of HCBS settings are determined through the experiences of individuals receiving supports, training efforts have been focused on the person-centered planning process. DODD has contracted with national experts to provide training and technical assistance to county board personnel and providers. In addition, local training sessions have been made available to individuals and families. Resources to support team members with person-centered planning are also available on DODD's website. To support providers who are transitioning from facility-based day services to integrated community supports, DODD has awarded project transformation grants and has fostered communities of practices for providers to share their experiences with transformation with one another. No change made to the plan.

Comment: Revised service definitions for adult day waiver services and new rate methodologies should be adopted prior to plan implementation.

Response: The State does not agree. Individuals should be afforded opportunities for access to the broader community in accordance with their person-centered plans. DODD continues to meet with stakeholders and respond to feedback regarding proposed service definitions and rates. The planned implementation date remains October 2016. Nothing in the current rules prevents or prohibits compliance. Many providers have already or are in the process of making necessary changes to increase individuals' access to the broader community. No change made to the plan.

Comment: County board personnel should be permitted to accompany DODD personnel during on-site visits.

Response: The State does not agree that it is necessary to include county board personnel in onsite reviews conducted by the

State. County board personnel will receive training on the HCBS settings evaluation tool for use during the ongoing compliance process. No change made to the plan.

Comment: Empower SSAs in evaluating service setting compliance with integration mandate.

Response: County board personnel will receive training on the HCBS settings evaluation tool for use during the ongoing compliance process. No change made to the plan.

Comment: A question was raised about whether a formal strategic plan is required by providers of HCBS.

Response: No formal strategic plan is required. A provider's strategic plan, if available, is one possible indicator of the provider's commitment to supporting individuals with access to the broader community. No change made to the plan.

Comment: A question was raised about the role of protection and advocacy entities in the ongoing monitoring of site-specific settings.

Response: Involvement in ongoing compliance efforts by protection and advocacy entities is not duplicative of other compliance efforts by the State. Protection and advocacy entities are key partners in ongoing compliance by informing individuals of their right to file a complaint regarding a specific setting and/or to report directly to the State any concerns with a setting's ability to comply. Upon receiving a report by an individual or another entity, the State will initiate a formal review, as appropriate. No change made to the plan.

Comment: The State should conduct on-site reviews until county boards have resolved the conflict of interest.

Response: The State agrees that county boards should not conduct reviews of existing adult day waiver settings until they are no longer providers of service. All initial onsite reviews will be conducted by the State. County board personnel will receive training on the HCBS settings evaluation tool for use in the ongoing compliance process. Reviews by county board personnel will focus on residential settings, as long as boards continue to provide adult day waiver (non-residential) services. No change made to the plan.

Comment: Concern was expressed that the HCBS settings evaluation tool was developed by a group of stakeholders chosen by DODD.

Response: The State does not agree. DODD invited individuals, advocates, providers, and county board personnel who provided public input on the initial posting of the statewide transition plan. Representatives included those who submitted comments in support and in opposition to the plan. No change made to the plan.

Comment: Questioned how the public will be able to comment on the results of the onsite evaluations.

Response: The statewide transition plan will be updated to reflect the results of the on-site evaluations. Future public comment periods related to updates to the statewide transition plan and resulting waiver or rule amendments will be available. No change made to the plan.

Comment: State provider compliance reviews need to occur more often than once every 3 years.

Response: Routine reviews are conducted at least once every three years. However, special reviews may be conducted whenever concerns are reported. In addition to the formal provider compliance reviews conducted by DODD and county boards, service and support administrators conduct ongoing monitoring of service plan implementation. No change made to the plan.

Comment: The HCBS settings evaluation tool should be posted to the website.

Response: The State agrees. A copy of the final HCBS evaluation tool will be posted to DODD's website. No change made to the plan.

Comment: Full inclusion requires enhanced literacy.

Response: The State acknowledges the importance of literacy. Case managers are responsible for linking individuals with supports necessary to support their desired outcomes. This may include referrals to literacy organizations, as appropriate. No change made to the plan.

Appendix A: Waiver Administration and Operation

1. **State Line of Authority for Waiver Operation.** Specify the state line of authority for the operation of the waiver (*select one*):

○ **The waiver is operated by the State Medicaid agency.**

Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program *(select one)*:

○ **The Medical Assistance Unit.**

Specify the unit name:

(Do not complete item A-2)

○ **Another division/unit within the State Medicaid agency that is separate from the Medical Assistance Unit.**

Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency.

(Complete item A-2-a).

◉ **The waiver is operated by a separate agency of the State that is not a division/unit of the Medicaid agency.**

Specify the division/unit name:
The Ohio Department of Developmental Disabilities (DODD)

In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. *(Complete item A-2-b).*

Appendix A: Waiver Administration and Operation

2. **Oversight of Performance.**

a. **Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency.** When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:
As indicated in section 1 of this appendix, the waiver is not operated by another division/unit within the State Medicaid agency. Thus this section does not need to be completed.

b. **Medicaid Agency Oversight of Operating Agency Performance.** When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:
The single State Medicaid Agency (ODM) assures the compliant performance of this waiver by: delegating specific responsibilities to the Operating Agency (DODD) through an interagency agreement; managing Medicaid provider agreements; establishing general Medicaid rules; approving the Operating Agency's

program-specific rules related to Medicaid requirements; processing claims for federal reimbursement, conducting audits; conducting post-payment review of Medicaid claims; monitoring the compliance and effectiveness of the Operating Agency's operations; leading the development of quality improvement plans; and facilitating interagency data-sharing and collaboration.

Responsibilities delegated to the Operating Agency include: assuring compliant and effective case management for applicants and waiver participants by County Boards; managing a system for participant protection from harm; certifying particular types of waiver service providers; assuring compliance of non-licensed providers; assuring that paid claims are for services authorized in individual service plans; setting program standards/expectations; monitoring and evaluating local administration of the waiver; providing technical assistance; facilitating continuous quality improvement in the waiver's local administration; and more generally, ensuring that all waiver assurances are addressed and met for all waiver participants. These requirements are articulated in an interagency agreement which is reviewed and re-negotiated at least every two years.

The single State Medicaid Agency's (ODM) oversight of the Operating Agency's (DODD) performance occurs through a combination of reviews of performance data, interagency quality briefings, and fiscal reviews.

ODM monitors DODD's compliance and performance by:

1) Conducting the Continuous Review of DODD performance measure data (described below and in Appendix H);

2) Assuring the resolution of case-specific problems (describe below is the ODM Adverse Outcome and Alert Monitoring processes);

3) Assuring systemic remediation (Quality Improvement Plan) whenever a performance measure is not fully met, and falls below a threshold of 86% (described in Appendix H);

4) Convening operating agency Quality Briefings twice a year;

5) Convening interagency HCBS waiver Quality Steering Committee (QSC) approximately four times per year; and

6) Fiscal reviews and audits (described below and in Appendix I).

ODM's primary means for monitoring waiver compliance with federal waiver assurances occurs through the ongoing review of performance data gathered by DODD and ODM. ODM will examine performance data and other information gathered both by ODM and DODD to measure compliance and performance with respect to the federal waiver assurances including service planning, care management, free choice of provider, level of care, health and welfare, participant satisfaction, and validation of service delivery. This data and any remediation (if necessary) will be submitted in accordance with the approved performance measures in the waiver. This information will also be used by ODM to complete the quality sections of the CMS 372 report (submitted to CMS annually) and include in the Evidence Report submitted for each waiver as part of the renewal process. If areas of non-compliance or opportunities to improve program performance are identified through this process, ODM may require DODD to develop and implement quality improvement plans and monitor their effectiveness at achieving desired outcomes.

As part of the state's oversight strategy, each year ODM will host Quality Briefings between ODM and DODD to review and discuss both monitoring and oversight processes and quality data. In these meetings, which will occur approximately twice per year, the departments will include a discussion about opportunities for program improvement that were detected, what corrective measures are/or were taken, and how the operating agency verified, or intends to verify, that the actions were effective. The quality briefings will also serve as the forum for ODM and DODD to share and review the validity and/or usefulness of performance metrics identified in this application. Throughout this review process, if areas of non-compliance or opportunities to improve program performance are identified through this or other processes, ODM may require DODD to develop and implement quality improvement plans and monitor their effectiveness at achieving desired outcomes.

ODM also convenes the interagency HCBS waiver quality steering committee (QSC). The committee compares performance across Ohio's Medicaid HCBS waiver systems, to identify cross-system structural

weaknesses, to support collaborative efforts to improve program performance, to identify best practices and to help Ohio move toward a more unified quality management system. The QSC was instrumental in facilitating collaborative interaction across state agencies to support the development of the "core measures" that are reflected in this waiver application.

In addition to the DODD's program review and compliance monitoring, fiscal reviews occur on a regular basis. This includes desk reviews of administrative costs and A-133 Audits, which occur at least every three years based on risk.

ODM Adverse Outcomes process-When ODM personnel have reason to believe that a waiver recipient(s)'s health or welfare is or has been at substantial risk of being negatively affected, they will follow a protocol to assure timely reporting, intervention, and resolution in order that to the extent possible the person is made whole. These cases are managed through the Adverse Outcome (AO) Process. AOs are categorized into eight types based upon the level of harm severity: Imminent, Serious, Moderate, Failure to Report, Level of Care, Care Planning, Complaint and Financial Findings. Depending on the level of severity members will take immediate action; contact emergency response and protective service authorities as appropriate; coordinate intervention with providers, case managers, and other authorities; and report the finding to the Operating Agency. The Operating Agency is then required, within certain time frames, to describe and report the progress of their plan(s) for resolution and remediation (including at the systems level). ODM convenes an internal Adverse Outcomes committee to determine if the AO status is merited; make referrals and review responses/action of other mandated/interested parties (Attorney General, ODM's Surveillance/Utilization Review (SUR), Ohio Department of Health, Children/Adult Protective Services, etc.), determine if resolution/remediation plans are appropriate, and determine when the AO is resolved/remedied.

ODM Alert Monitoring – ODM Protection from Harm Unit monitors both prevention and outcome activities performed by DODD to protect Medicaid consumers on HCBS waivers from significant incidents impacting their health and safety. ODM staff review incident alerts, track and monitor them until, resolution has been reached, the individual is healthy and safe, the cause has been identified and remedied, and preventive measures have been taken.
The discovery of potential Incident Alerts may occur through the following means: ODM may be notified by DODD via Director's Alert e-mail or other means; by ODM Protection from Harm Unit; through ODM monitoring of DODD Incident Tracking System (ITS); through other service delivery systems; media; or complaints received directly by ODM.

Appendix A: Waiver Administration and Operation

3. **Use of Contracted Entities.** Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (*select one*):
   - ○ **Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).**
     Specify the types of contracted entities and briefly describe the functions that they perform. *Complete Items A-5 and A-6.:*
   - ◉ **No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).**

Appendix A: Waiver Administration and Operation

4. **Role of Local/Regional Non-State Entities.** Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (*Select One*):
   - ○ **Not applicable**
   - ◉ **Applicable** - Local/regional non-state agencies perform waiver operational and administrative functions. Check each that applies:
     - ☑ **Local/Regional non-state public agencies** perform waiver operational and administrative functions at the local or regional level. There is an **interagency agreement or memorandum of understanding** between the

State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.

Specify the nature of these agencies and complete items A-5 and A-6:

County Boards conduct waiver operational and administrative functions at the local level. These responsibilities include performing assessments and evaluations, assisting individuals in exercising free choice of provider, monitoring services, investigations of abuse, neglect and major incidents, case management (known as service and support administration) and managing waiting lists in accordance with Section 5123.042 of the Ohio Revised Code.

☐ **Local/Regional non-governmental non-state entities** conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The **contract(s)** under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Specify the nature of these entities and complete items A-5 and A-6:

Appendix A: Waiver Administration and Operation

5. **Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities.** Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:
In accordance with Section 5126.054 of the Ohio Revised Code,each County Boards develops a plan for Medicaid waiver administration, which includes the Planning Implementation Component Tracking document (known as the PICT).
DODD role:
* reviews and approves the waiver allocation requests of each County Board,
* reviews County Board recommendations regarding whether an individual's application for HCBS waiver services should be approved or denied, including whether the individual meets an ICF-IID level of care,
* retains the authority to review any Individual Service Plan recommended by the County Board for waiver services, and
* provides communication, technical assistance and training to County Boards regarding their role as local operators for waivers.

Appendix H provides further discussion of the oversight of County Boards by DODD.

Appendix A: Waiver Administration and Operation

6. **Assessment Methods and Frequency.** Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:
The Operating Agency (DODD): 1) accredits each County Board for a period of one to three years, with better performing boards granted the longer accreditation terms, 2) conducts annual reviews of each County Board to evaluate participant Prevention from Harm systems, and 3) on an ongoing basis, investigates complaints and individual incidents of abuse, neglect, or exploitation, especially when the alleged problem potentially resulted from a local system failure. The tools used for accreditation contain questions, probes, and requests for evidence that tie directly to federal assurances, including assurances for: service planning & consumer free choice of provider; level of care determination; health and welfare; and hearing rights. The health and welfare sections of the accreditation tool are used for the annual Protection from Harm evaluations. The Operating Agency produces regular reports on participant-specific Major Unusual Incidents (MUI), including county-specific data, and monitors to detect trends and patterns.

Appendix A: Waiver Administration and Operation

7. **Distribution of Waiver Operational and Administrative Functions.** In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (*check each that applies*):
In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency. *Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.*

Function	Medicaid Agency	Other State Operating Agency	Local Non-State Entity
Participant waiver enrollment	☑	☑	☑
Waiver enrollment managed against approved limits	☑	☑	☐
Waiver expenditures managed against approved levels	☑	☑	☐
Level of care evaluation	☑	☑	☑
Review of Participant service plans	☑	☑	☑
Prior authorization of waiver services	☑	☑	☐
Utilization management	☑	☑	☐
Qualified provider enrollment	☑	☑	☑
Execution of Medicaid provider agreements	☑	☐	☐
Establishment of a statewide rate methodology	☑	☑	☐
Rules, policies, procedures and information development governing the waiver program	☑	☑	☐
Quality assurance and quality improvement activities	☑	☑	☑

Appendix A: Waiver Administration and Operation

Quality Improvement: Administrative Authority of the Single State Medicaid Agency

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. **Methods for Discovery: Administrative Authority**
The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.

i. **Performance Measures**

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Performance measures for administrative authority should not duplicate measures found in other appendices of the waiver application. *As necessary and applicable, performance measures should focus on:*

- Uniformity of development/execution of provider agreements throughout all geographic areas covered by the waiver
- Equitable distribution of waiver openings in all geographic areas covered by the waiver
- Compliance with HCB settings requirements and other new regulatory components (for waiver actions submitted on or after March 17, 2014)

Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by

which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM A5: Number and percent of individuals enrolled according to State policies and procedures. Numerator: Number of individuals enrolled according to State policies and procedures on last day of the quarter. Denominator: Total number of individuals enrolled during the quarter.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Waiver Management System (WMS) and IDS (Individual Data System)

Responsible Party for data collection/generation*(check each that applies):*	**Frequency of data collection/generation***(check each that applies):*	**Sampling Approach***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM A2: Number and percent of performance measures required to be reported as specified in the waiver application that were submitted on time and in the correct format. Numerator: Number of performance measures required to be reported submitted timely and in the correct format. Denominator: Total number of performance measures required to be reported as specified in the waiver application.

Data Source (Select one):
Reports to State Medicaid Agency on delegated Administrative functions
If 'Other' is selected, specify:

Responsible Party for data collection/generation*(check each that applies):*	**Frequency of data collection/generation***(check each that applies):*	**Sampling Approach***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM A3: Number and percent of County Board Accreditations that DODD completed timely. Numerator: Number of County Board Accreditations completed timely. Denominator: Total number of County Board of Accreditations due for review.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Accreditation Reviews/Office of Provider Standards and Review (OPSR)

Responsible Party for data collection/generation*(check each that applies):*	**Frequency of data collection/generation***(check each that applies):*	**Sampling Approach***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM A1: Number and percentage of Quality Briefings conducted between Ohio Department of Medicaid (ODM) to review the operating agency's (Ohio Department of Developmental Disabilities (DODD)) performance data as specified in the waiver application. Numerator: Number of conducted Quality Briefings between ODM. Denominator: Total number of Quality Briefings specified in the waiver.

Data Source (Select one):
Other
If 'Other' is selected, specify:
ODM/DODD Quality Briefing Meeting Minutes/Performance Measure Data

Responsible Party for data collection/generation*(check each that applies):*	**Frequency of data collection/generation***(check each that applies):*	**Sampling Approach***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☐ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:

	☑ **Other** Specify: Semi-Annually	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM A6: Number and percent of the Office of Medicaid Development and Administration (MDA)Division Operating Plan reports that were submitted timely to ODM. Numerator: Number of MDA Operating Plan reports that were submitted timely to ODM. Denominator: Total number of MDA Operating Plan reports due to be submitted to ODM.

Data Source (Select one):
Reports to State Medicaid Agency on delegated Administrative functions
If 'Other' is selected, specify:

Responsible Party for data collection/generation*(check each that applies):*	**Frequency of data collection/generation***(check each that applies):*	**Sampling Approach***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☐ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
		☐ **Other**

	☐ **Continuously and Ongoing**	Specify:
	☑ **Other** Specify: Semi-annually	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM A4: Number and percent of County Boards of DD Major Unusual Incidents Quality Tier Site reviews that DODD completed timely. Numerator: Number of County Boards of DD Major Unusual Incidents Quality Tier Site reviews completed timely. Denominator: Total number of County Boards of DD due for review.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Office of Major Unusual Incidents and Investigation Reviews

Responsible Party for data collection/generation*(check each that applies):*	**Frequency of data collection/generation***(check each that applies):*	**Sampling Approach***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:

	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.
Data for specific waivers will be presented to each operating agency in Quality Briefings twice a year. These Quality Briefings will also be informed by data presented by the operating agencies to report oversight activities conducted in the period, and including descriptions of any compliance or performance problems, actions taken to remedy those problems, and how the operating agency verified, or intends to verify, that the actions were effective. The Quality Briefings will also serve as the forum for ODM and DODD to share and review performance metrics identified in this application.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
ODM conducts activities for: 1) case-specific remediation, and 2) system-level remediation.
Activities by ODM for addressing individual problems include:
1) ODM Adverse Outcomes process - during the course of any review conducted by ODM, when staff encounter a situation in which a waiver recipient's health seems to be at risk, the staff follow a protocol to report these observations. Adverse outcomes are prioritized based upon seven reporting levels: Imminent, Serious, Moderate, Failure to Report, Level of Care, Care Planning and Complaint. Depending on the severity of the situation, the staff will take immediate action, coordinate intervention with providers or case managers, or report the finding to ODM staff in Columbus. ODM staff in Columbus communicate findings to the

Operating Agency for review and/or intervention, and with explicit variable timeframes within which a report back to ODM is expected. ODM logs and tracks all such findings and referrals to appropriate assure resolution. ODM convenes an internal Adverse Outcomes committee to determine when an Adverse Outcome is fully resolved and can be closed.
2) Alert Monitoring – ODM Protection from Harm Unit monitors both prevention and outcome activities performed by DODD to protect Medicaid consumers on HCBS waivers from significant incidents impacting their health and safety. ODM staff review incident alerts, track and monitor them until, resolution has been reached, the individual is healthy and safe, the cause has been identified and remedied, and preventive measures have been taken. The discovery of potential Incident Alerts may occur through the following means: may be notified by DODD via Director's Alert e-mail or other means; by ODM Protection from Harm Unit; by DODD; through ODM monitoring of DODD Incident Tracking System (ITS); through other service delivery systems; media; or complaints received directly by ODM.

Activities by ODM geared to support systems level remediation include:
1) Performance Measures data reports submitted to ODM by DODD on a quarterly basis. DODD is able to address individual remediation as they are discovered and provide technical assistance that may include plans of corrective action.
2) Quality Briefings - ODM convenes a bi-annual Quality Briefing with DODD in which the agencies share and review performance measures data. In addition, data may include performance data reflecting DODD monitoring activities, including how many particular monitoring activities were completed in the period, what areas of non-complaints were identified, and what corrective actions were initiated. This Quality Improvement process is described in greater detail in Appendix H.

ii. Remediation Data Aggregation
Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party*(check each that applies):*	**Frequency of data aggregation and analysis** *(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☑ **Quarterly**
☐ **Other** Specify:	☐ **Annually**
	☐ **Continuously and Ongoing**
	☑ **Other** Specify: Semi-annually

c. Timelines
When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operational.

◉ **No**
○ **Yes**
Please provide a detailed strategy for assuring Administrative Authority, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix B: Participant Access and Eligibility

B-1: Specification of the Waiver Target Group(s)

a. **Target Group(s).** Under the waiver of Section 1902(a)(10)(B) of the Act, the State limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. *In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
☐ Aged or Disabled, or Both - General					
	☐	Aged			☐
	☐	Disabled (Physical)			
	☐	Disabled (Other)			
☐ Aged or Disabled, or Both - Specific Recognized Subgroups					
	☐	Brain Injury			☐
	☐	HIV/AIDS			☐
	☐	Medically Fragile			☐
	☐	Technology Dependent			☐
☑ Intellectual Disability or Developmental Disability, or Both					
	☐	Autism			☐
	☑	Developmental Disability	0		☑
	☑	Intellectual Disability	0		☑
☐ Mental Illness					
	☐	Mental Illness			
	☐	Serious Emotional Disturbance			

b. **Additional Criteria.** The State further specifies its target group(s) as follows:

c. **Transition of Individuals Affected by Maximum Age Limitation.** When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit *(select one):*

◉ **Not applicable. There is no maximum age limit**

○ **The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.**

Specify:

Appendix B: Participant Access and Eligibility

B-2: Individual Cost Limit (1 of 2)

a. **Individual Cost Limit.** The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual *(select one)*. Please note that a State may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

○ **No Cost Limit.** The State does not apply an individual cost limit. *Do not complete Item B-2-b or item B-2-c.*

○ **Cost Limit in Excess of Institutional Costs.** The State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the State. *Complete Items B-2-b and B-2-c.*

The limit specified by the State is *(select one)*

○ **A level higher than 100% of the institutional average.**

Specify the percentage:

○ **Other**

Specify:

○ **Institutional Cost Limit.** Pursuant to 42 CFR 441.301(a)(3), the State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. *Complete Items B-2-b and B-2-c.*

◉ **Cost Limit Lower Than Institutional Costs.** The State refuses entrance to the waiver to any otherwise qualified individual when the State reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the State that is less than the cost of a level of care specified for the waiver.

Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.

The primary cost cap for the Level One waiver pertains to the following services: Homemaker/Personal Care, Residential Respite, Community Respite, Informal Respite and Transportation, as delineated in C-4. The state has found that the cap has been sufficient to ensure the health and welfare of enrollees because of the high amounts of informal supports available to these individuals.
The maximum combined service limitation is $5,325 per year for Homemaker/Personal Care, Informal Respite, Residential Respite, Community Respite, and Transportation. These services are grouped together in order to provide the waiver participant the flexibility of choosing the particular service necessary to maintain the individual in his/her current environment.

The maximum combined service limitation is $7,500 over a three-year period for Environmental Accessibility Adaptations, Personal Emergency Response Systems, Remote Monitoring, Remote Monitoring Equipment, Home Delivered Meals, and Specialized Medical Equipment and Supplies. These services are grouped together in order to provide the waiver participant flexibility in selecting the option relevant to maintaining the individual in his/her current environment by addressing specific needs pertaining to the individual's health and safety.

An individual can utilize additional amounts in excess of the limitations specified above for additional Homemaker/Personal Care, Institutional Respite,Residential Respite, Transportation, Personal Emergency Response Systems, Remote Monitoring, Remote Monitoring Equipment, Informal Respite, Environmental Accessibility Adaptations, or Specialized Medical Equipment and Supplies. These services were grouped to allow the greatest flexibility for waiver participants facing transient situations that have the potential of impacting the individual’s health and safety. The maximum limitation for emergency assistance is $8,520 over a three-year period.

Emergency assistance may be provided in one of the following emergency situations:

Involuntary loss of present residence for any reason, including legal action;
Loss of present caregiver for any reason, including death of a caregiver or changes in the caregiver’s mental or physical status resulting in the caregiver’s inability to perform effectively for the individual;
Abuse, neglect, or exploitation of the individual;
Health and welfare conditions that pose a serious risk to the individual of immediate harm or death; or

Significant changes in the emotional or physical condition of the individual that necessitate substantial, expanded accommodations that cannot be reasonably provided by the individual's existing caregiver.

Provision of Emergency Assistance will be used for interim services until the emergency situation has been resolved or the individual is transferred to alternative residential supports applicable to the individual's assessed needs including an ICF-IID or applicable supports under an alternative home and community-based services waiver for which the person is eligible and a slot is available.

The above limitations were developed as the result of discussions with ODM, the County Boards, provider and advocacy organizations and CMS. These limitations have proven to be adequate in meeting individuals' needs. While there is to-date no evidence to justify increasing or modifying the dollar limits, DODD will continue to monitor this issue with ODM,County Boards, and advocacy groups.

A prescreening tool is used to identify those individuals whose needs cannot be met within the cost cap. Applicants or enrollees whose health and safety needs cannot be reasonably assured by the formal supports, informal supports and home and community-based services within the cost limitations associated with this waiver, will not be enrolled or shall be disenrolled from the Level One waiver. Applicants not enrolled or enrollees disenrolled for this reason shall be afforded the opportunity to apply for a DD waiver more appropriate for the individual's level of need or shall be offered ICF-IID services and will be afforded the opportunity for a fair hearing.

The cost limit specified by the State is *(select one)*:

○ **The following dollar amount:**

Specify dollar amount:

The dollar amount *(select one)*

○ **Is adjusted each year that the waiver is in effect by applying the following formula:**

Specify the formula:

○ **May be adjusted during the period the waiver is in effect. The State will submit a waiver amendment to CMS to adjust the dollar amount.**

○ **The following percentage that is less than 100% of the institutional average:**

Specify percent:

◉ **Other:**

Specify:

The County Board must determine that the cost of waiver services necessary to ensure the individual's health and safety does not exceed $5,325 annually, with the exception of the following: a 3-year benefit of $8,520 for emergency assistance; a 3-year benefit of $7,500 for environmental accessibility adaptations, personal emergency response systems, and specialized medical equipment and supplies; and the cost of Adult Day Waiver Services.

Appendix B: Participant Access and Eligibility

B-2: Individual Cost Limit (2 of 2)

b. Method of Implementation of the Individual Cost Limit. When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual's health and welfare can be assured within the cost limit:

The county board must determine that the cost of waiver services necessary to ensure the individual's health and safety does not exceed $5,325 annually, with the exception of the following: a 3-year benefit of $8,520 for emergency assistance; a 3-year benefit of $7,500 for environmental accessibility adaptations, personal emergency response systems, and specialized medical equipment and supplies; and the cost of Adult Day Waiver Services.

A prescreening tool is used to identify those individuals whose needs cannot be met within the cost cap. Applicants or enrollees whose health and safety needs cannot be reasonably assured by the formal supports, informal supports and home and community-based services within the $5,325 annual cap, excluding emergency assistance, environmental accessibility adaptations, and Adult Day Waiver Services will not be enrolled or shall be disenrolled from the Level One waiver. Applicants not enrolled or enrollees disenrolled for this reason shall be afforded the opportunity to apply for an DD waiver more appropriate for the individual's level of need, or may receive services supplemented by local, non-Medicaid funds, or shall be offered ICF-IID services.

In the event that an applicant is denied enrollment, the applicant is notified of the right to a state hearing. The process for fair hearings is described in appendix F.

c. **Participant Safeguards.** When the State specifies an individual cost limit in Item B-2-a and there is a change in the participant's condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, the State has established the following safeguards to avoid an adverse impact on the participant *(check each that applies)*:

- [x] **The participant is referred to another waiver that can accommodate the individual's needs.**
- [x] **Additional services in excess of the individual cost limit may be authorized.**

Specify the procedures for authorizing additional services, including the amount that may be authorized:

Level One Waiver - Emergency Assistance is defined in rule 5123:2-9-11 of the Ohio Administrative Code. Emergency Assistance means an increase of any HCBS Level One waiver service except for Informal Respite or Adult Day Waiver Services. Emergency Assistance services are used for interim services until the emergency situation has been resolved or the individual is transferred to alternative residential supports applicable to the individual's needs. Emergency Assistance is limited to $8,520 over a three-year period (see Appendix C-4).

Eligibility for Emergency Assistance is limited to:
* Involuntary loss of present residence for any reason, including legal action;
* Loss of present caregiver for any reason, including death of caregiver or change in the caregiver's mental or physical status resulting in the caregiver being unable to perform effectively for the individual;
* Abuse, neglect or exploitation of the individual;
* Health and welfare conditions that pose a risk to the individual of immediate harm or death; or
* Significant changes in the emotional or physical condition of the individual that necessitate substantial, expanded accommodations that cannot be reasonably provided by the individual's existing caregiver.

Eligibility for Emergency Assistance is evaluated through the Individual Service Plan (ISP) process conducted by the county board's Service and Support Administrator (SSA) who provides Targeted Case Management (TCM). The county board recommends the additional level of service to DODD for approval. If such a request is recommended to be denied, fair hearing rights are issued in accordance with Appendix F.

- [x] **Other safeguard(s)**

Specify:

The individual will be afforded the opportunity for placement in an ICF-IID, may be referred to another HCBS waiver, or may receive services supplemented by local, non-Medicaid funds.

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (1 of 4)

a. **Unduplicated Number of Participants.** The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The State will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

Table: B-3-a

Waiver Year	Unduplicated Number of Participants
Year 1	16600
Year 2	17250
Year 3	17900
Year 4	18560
Year 5	19200

b. **Limitation on the Number of Participants Served at Any Point in Time.** Consistent with the unduplicated number of participants specified in Item B-3-a, the State may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the State limits the number of participants in this way: *(select one)*:

- (●) **The State does not limit the number of participants that it serves at any point in time during a waiver year.**
- ( ) **The State limits the number of participants that it serves at any point in time during a waiver year.**

The limit that applies to each year of the waiver period is specified in the following table:

Table: B-3-b

Waiver Year	Maximum Number of Participants Served At Any Point During the Year
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (2 of 4)

c. **Reserved Waiver Capacity.** The State may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State *(select one)*:

- ( ) **Not applicable. The state does not reserve capacity.**
- (●) **The State reserves capacity for the following purpose(s).**

Purpose(s) the State reserves capacity for:

Purposes	
Emergencies and Hearing Decisions	

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (2 of 4)

Purpose *(provide a title or short description to use for lookup):*

Emergencies and Hearing Decisions

Purpose *(describe):*

Emergency means any situation that creates, for an individual with developmental disabilities, a risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency' may include one or more of the following situations:
i. Loss of present residence for any reason, including legal action;
ii. Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;
iii. Abuse, neglect, or exploitation of the individual;
iv. Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;
v. Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.

b. Hearing Decisions: An order for the county board of dd to enroll an individual on the waiver as the result of a Medicaid state hearing decision made in conformance with 5101.35 of the Revised Code.

Describe how the amount of reserved capacity was determined:

A total of 3% of unduplicated number of participants (listed in Table B-3-a) is reserved to accommodate emergency situations and hearing decisions during each Waiver Year.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	510
Year 2	534
Year 3	561
Year 4	585
Year 5	720

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (3 of 4)

d. Scheduled Phase-In or Phase-Out. Within a waiver year, the State may make the number of participants who are served subject to a phase-in or phase-out schedule *(select one)*:

- (●) **The waiver is not subject to a phase-in or a phase-out schedule.**
- ( ) **The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.**

e. Allocation of Waiver Capacity.

Select one:

- ( ) **Waiver capacity is allocated/managed on a statewide basis.**
- (●) **Waiver capacity is allocated to local/regional non-state entities.**

Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:

The Ohio Department of Developmental Disabilities (DODD) allocates waiver capacity for the Level One Waiver to the 88 county boards. The allocation process uses both the Planning and Implementation Component Tracking

(PICT) document (submitted by each county board)and our waiver management system. DODD will continue to utilize priority enrollment categories and develop a process to communicate enrollment via PICT. Individuals who are residents of each of Ohio's 88 counties have proportionate access to Level One waiver opportunities.

DODD has applications that tracks the enrollment for the waivers operated by DODD, known as the Waiver Management System (WMS)and the Level of Care (LOC) system. The Waiver Management System and Level of Care system gives additional oversight and monitoring capabilities to DODD and ODM. As a result of these improvements in the system, actions taken by county boards related to waiver allocations are now better understood, and any needed review can occur in real-time.

The PICT, along with its data elements, is an electronic submission by the County Boards. The PICT is maintained and reviewed at DODD. ODM staff members have direct access to the data contained in PICT. ODM can also request reports at any time.

Reports comparing the number of individuals enrolled and the number of waiver applications in process with the unduplicated count are tracked weekly. A monthly summary is sent by DODD to ODM and Office of Budget Managment (OBM). Once the unduplicated count approaches the approved count, the actual enrollments are monitored closely, as well as the number of applications in process to assure that the unduplicated count is not exceeded. The PICT data has both quarterly and annual enrollment projections. This will be used to project future requests to CMS to increase the number of individuals served through the waiver.

The formula for allocation of waiver capacity is mathematical, based on demographic information and census data. The selection for entrance onto the waiver does not have any effect on the formula, as the criteria for selecting entrants onto the waiver is based on the Waiting List rule.

f. Selection of Entrants to the Waiver. Specify the policies that apply to the selection of individuals for entrance to the waiver:

Section 5126.042 of the Ohio Revised Code and rule 5123:2-1-08 of the Ohio Administrative Code specify how individuals are selected for entrance to the waiver. Priority for waiver enrollment is given to the following groups:
• Individuals who have been granted waiting list emergency status advancement receive the highest priority for services which may include waiver enrollment;
• Individuals who are in a priority category*;
• Individuals who are on the waiting list that do not meet the above-mentioned criteria.

*Priority categories are defined in Ohio statute at 5126.042.

Rule 5123:2-1-08 of the Ohio Administrative Code clarifies that there is one statewide process for selecting entrants onto a DODD-operated waiver.

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served - Attachment #1 (4 of 4)

Answers provided in Appendix B-3-d indicate that you do not need to complete this section.

Appendix B: Participant Access and Eligibility

B-4: Eligibility Groups Served in the Waiver

a.

1. **State Classification.** The State is a *(select one)*:
   - (●) **§1634 State**
   - ( ) **SSI Criteria State**
   - ( ) **209(b) State**

2. **Miller Trust State.**
   Indicate whether the State is a Miller Trust State *(select one)*:
   - ( ) **No**
   - (●) **Yes**

b. Medicaid Eligibility Groups Served in the Waiver. Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the State plan. The State applies all applicable federal financial participation limits under the plan. *Check all that apply*:

Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR §435.217)

- [ ] **Low income families with children as provided in §1931 of the Act**
- [x] **SSI recipients**
- [ ] **Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121**
- [ ] **Optional State supplement recipients**
- [ ] **Optional categorically needy aged and/or disabled individuals who have income at:**

Select one:

- ( ) **100% of the Federal poverty level (FPL)**
- ( ) **% of FPL, which is lower than 100% of FPL.**

Specify percentage:

- [x] **Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII)) of the Act)**
- [x] **Working individuals with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)**
- [ ] **Working individuals with disabilities who buy into Medicaid (TWWIIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)**
- [ ] **Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)**
- [ ] **Medically needy in 209(b) States (42 CFR §435.330)**
- [ ] **Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)**
- [x] **Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)**

Specify:

42 CFR 435.145 - Children with Title IV-E Adoption assistance or Foster Care payments
Sec. 1902(a)(10)(A)(i)(VIII) - Adult Expansion
Sec.1902(a)(10)(A)(i)(IX) - Former Foster Children
Sec.1902(a)(10)(A)(ii)(VIII) - Children with Non-IV-E Adoption Assistance
Sec.1902(a)(10)(A)(ii)(XVII) - Independent foster care adolescents
42 CFR 435.110 - Parents/Caretaker Relatives
42 CFR 435.116 - Pregnant Women
42 CFR 435.118 - Infants and children under age 19
42 CFR 435.210 - SSI look alike

Special home and community-based waiver group under 42 CFR §435.217) *Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed*

- ( ) **No. The State does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.** *Appendix B-5 is not submitted.*
- (•) **Yes. The State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.**

Select one and complete Appendix B-5.

- ( ) **All individuals in the special home and community-based waiver group under 42 CFR §435.217**
- (•) **Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217**

Check each that applies:

☑ **A special income level equal to:**

Select one:

◉ **300% of the SSI Federal Benefit Rate (FBR)**
○ **A percentage of FBR, which is lower than 300% (42 CFR §435.236)**

Specify percentage: [ ]

○ **A dollar amount which is lower than 300%.**

Specify dollar amount: [ ]

☐ **Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)**
☐ **Medically needy without spenddown in States which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)**
☐ **Medically needy without spend down in 209(b) States (42 CFR §435.330)**
☐ **Aged and disabled individuals who have income at:**

Select one:

○ **100% of FPL**
○ **% of FPL, which is lower than 100%.**

Specify percentage amount: [ ]

☐ **Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)**

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (1 of 7)

In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.

a. Use of Spousal Impoverishment Rules. Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:

Note: For the five-year period beginning January 1, 2014, the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.

☑ **Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the State uses *spousal* post-eligibility rules under §1924 of the Act.**
Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after December 31, 2018.

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018 (select one).

- (●) **Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.**

  In the case of a participant with a community spouse, the State elects to (*select one*):

  - (●) **Use spousal post-eligibility rules under §1924 of the Act.**
    (Complete Item B-5-b (SSI State) and Item B-5-d)
  - ( ) **Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State)**
    (Complete Item B-5-b (SSI State). Do not complete Item B-5-d)
- ( ) **Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The State uses regular post-eligibility rules for individuals with a community spouse.**
  (Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (2 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

b. Regular Post-Eligibility Treatment of Income: SSI State.

The State uses the post-eligibility rules at 42 CFR 435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

i. Allowance for the needs of the waiver participant (*select one*):

- ( ) **The following standard included under the State plan**

  Select one:

  - ( ) **SSI standard**
  - ( ) **Optional State supplement standard**
  - ( ) **Medically needy income standard**
  - ( ) **The special income level for institutionalized persons**

    (*select one*):

    - ( ) **300% of the SSI Federal Benefit Rate (FBR)**
    - ( ) **A percentage of the FBR, which is less than 300%**

      Specify the percentage: [ ]
    - ( ) **A dollar amount which is less than 300%.**

      Specify dollar amount: [ ]
  - ( ) **A percentage of the Federal poverty level**

    Specify percentage: [ ]
  - ( ) **Other standard included under the State Plan**

    Specify:

    [ ]
- ( ) **The following dollar amount**

Specify dollar amount: If this amount changes, this item will be revised.

(●) **The following formula is used to determine the needs allowance:**

Specify:

65% of 300% of the Supplemental Security Income Federal Benefit Rate (SSI/FBR).

( ) **Other**

Specify:

ii. Allowance for the spouse only (*select one*):

(●) **Not Applicable**

( ) **The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:**

Specify:

Specify the amount of the allowance (*select one*):

( ) **SSI standard**

( ) **Optional State supplement standard**

( ) **Medically needy income standard**

( ) **The following dollar amount:**

Specify dollar amount: If this amount changes, this item will be revised.

( ) **The amount is determined using the following formula:**

Specify:

iii. Allowance for the family (*select one*):

( ) **Not Applicable (see instructions)**

(●) **AFDC need standard**

( ) **Medically needy income standard**

( ) **The following dollar amount:**

Specify dollar amount: The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.

( ) **The amount is determined using the following formula:**

Specify:

( ) **Other**

Specify:

iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:

a. Health insurance premiums, deductibles and co-insurance charges
b. Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.

Select one:

- ○ **Not Applicable (see instructions)***Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.*
- ◉ **The State does not establish reasonable limits.**
- ○ **The State establishes the following reasonable limits**

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (3 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

c. Regular Post-Eligibility Treatment of Income: 209(B) State.

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (4 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules

The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility under §1924 of the Act. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).

i. Allowance for the personal needs of the waiver participant

(*select one*):

- ○ **SSI standard**
- ○ **Optional State supplement standard**
- ○ **Medically needy income standard**
- ○ **The special income level for institutionalized persons**
- ○ **A percentage of the Federal poverty level**

Specify percentage:

○ **The following dollar amount:**

Specify dollar amount: If this amount changes, this item will be revised

◉ **The following formula is used to determine the needs allowance:**

Specify formula:

65% of 300% of the Supplemental Security Income Federal Benefit Rate (SSI/FBR).

○ **Other**

Specify:

ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.

Select one:

◉ **Allowance is the same**

○ **Allowance is different.**

Explanation of difference:

iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:

a. Health insurance premiums, deductibles and co-insurance charges
b. Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.

Select one:

○ **Not Applicable (see instructions)***Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.*

◉ **The State does not establish reasonable limits.**

○ **The State uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.**

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (5 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

e. Regular Post-Eligibility Treatment of Income: §1634 State - 2014 through 2018.

Answers provided in Appendix B-5-a indicate the selections in B-5-b also apply to B-5-e.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (6 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

f. Regular Post-Eligibility Treatment of Income: 209(B) State - 2014 through 2018.

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (7 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules - 2014 through 2018.

The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).

Answers provided in Appendix B-5-a indicate the selections in B-5-d also apply to B-5-g.

Appendix B: Participant Access and Eligibility

B-6: Evaluation/Reevaluation of Level of Care

As specified in 42 CFR §441.302(c), the State provides for an evaluation (and periodic reevaluations) of the need for the level (s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.

a. Reasonable Indication of Need for Services. In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the State's policies concerning the reasonable indication of the need for services:

i. Minimum number of services.

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is: 1

ii. Frequency of services. The State requires (select one):

- ○ **The provision of waiver services at least monthly**
- ◉ **Monthly monitoring of the individual when services are furnished on a less than monthly basis**

If the State also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:

Pursuant to the provision of ODM rule 5160-42-01, Medicaid home and community-based services program level one waiver, the DODD informed County Board Superintendents and HCBS waiver providers that the HCBS waiver programs are not to be utilized for the sole purpose of obtaining Medicaid eligibility. During each calendar month, county board personnel are to monitor the service used by individuals whose Individual Service Plans (ISPs) indicate the need for waiver services. Consistent with ODM authorizing rules, when an individual does not use any waiver service every thirty consecutive days, the county board must assess the individual's need for continued waiver services. If, through the assessment, it is determined that the individual does not need any waiver services, the county board must recommend the individual for disenrollment from the waiver.

If an individual is anticipated to need waiver services less frequently than every thirty calendar days, Service and Support Administrators (SSAs) are to indicate in the ISP the method of monitoring they will employ to assure that the individual's health and welfare is not in jeopardy. Monitoring is to occur no less

frequently than once each calendar month. Completion of this monitoring activity and the outcomes of the reviews are to be documented and the documentation is to be maintained in the individual's file.

b. **Responsibility for Performing Evaluations and Reevaluations.** Level of care evaluations and reevaluations are performed (*select one*):

- ○ **Directly by the Medicaid agency**
- ◉ **By the operating agency specified in Appendix A**
- ○ **By an entity under contract with the Medicaid agency.**

Specify the entity:

- ○ **Other**

Specify:

c. **Qualifications of Individuals Performing Initial Evaluation:** Per 42 CFR §441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

Initial Levels of Care are determined by Qualified Intellectual Disabilities Professional staff (QIDP), as defined in 42 CFR 483.430(a).

d. **Level of Care Criteria.** Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the State's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized.

As a condition of waiver eligibility, applicants must meet an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) Level of Care as defined in OAC rule 5123:2-8-01.
Criteria for ICF-IID level of care:

(1) For individuals birth through age nine, the criteria for a developmental disabilities level of care is met when:

(a) The individual has a substantial developmental delay or specific congenital or acquired condition other than an impairment caused solely by mental illness; and

(b) In the absence of individually planned supports, the individual has a high probability of having substantial functional limitations in at least three areas of major life activities set forth in OAC 5123:2-8-01 later in life:
(i) Self-care;
(ii) Receptive and expressive communication;
(iii) Learning;
(iv) Mobility;
(v) Self- direction;
(vi) Capacity for independent living; and
(vii) Economic self-sufficiency.

(2) For individuals age ten and older, the criteria for a developmental disabilities level of care is met when:

(a) The individual has been diagnosed with a severe, chronic disability that:

(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments, other than an impairment caused solely by mental illness;
(ii) Is manifested before the individual is age twenty-two; and
(iii) Is likely to continue indefinitely.

(b) The condition described in paragraph (C)(2)(a) of OAC rule 5123: 2-8-01 results in substantial functional limitations in three or more of the following areas of major life activities, as determined through use of the standardized

level of care assessment instrument approved by the Ohio Department of Medicaid:

(c) The condition described in paragraph (C)(2)(a) of this rule reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance of lifelong or extended duration that are individually planned and coordinated.

DODD uses a standardized functional assessment, which is part of the department's web-based application to ensure all required information has been submitted.

e. **Level of Care Instrument(s).** Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care *(select one)*:

- (●) **The same instrument is used in determining the level of care for the waiver and for institutional care under the State Plan.**
- ( ) **A different instrument is used to determine the level of care for the waiver than for institutional care under the State plan.**

Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.

f. **Process for Level of Care Evaluation/Reevaluation:** Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

The details information for this section can also be found in Appendix B-6-d. The requirements and processes for ICF-IID Level of Care determinations and redetermination is prescribed in OAC rule 5123:2-8-01. The level of care initial evaluation and annual reevaluation is completed using the standardized assessment maintained in the DODD's Level of Care application. In order for the ICF-IID LOC request to be approved, each initial LOC recommendation must include:
a) current diagnoses, including an indication of whether the individual has been diagnosed with a severe, chronic disability as described in paragraph (C)(2)(a) of in OAC rule 5123:2-8-01;
b) Review of current functional capacity. This review shall be documented using a standardized functional assessment that is approved by the Ohio Department of Medicaid (ODM).
c) The assessment documentation shall be maintained in the individual's record and made available for state and federal quality assurance and audit purposes.
Initial level of care recommendations for individuals seeking enrollment in a Medicaid home and community-based services waiver must be approved by the DODD prior to enrollment in the waiver. Level of care recommendations may be submitted to the DODD up to ninety days in advance of the proposed enrollment date.

For reevaluations the County Board will submit an ICF-IID level of care redetermination to DODD within twelve months of the previous level of care determination and whenever the individual experiences a significant change of condition as described in paragraph (D) (5)(a-b) in OAC rule 5123:2-8-01.

g. **Reevaluation Schedule.** Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule *(select one)*:

- ( ) **Every three months**
- ( ) **Every six months**
- (●) **Every twelve months**
- ( ) **Other schedule**
  Specify the other schedule:

h. **Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations *(select one)*:

- (●) **The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.**
- ( ) **The qualifications are different.**
  Specify the qualifications:

i. **Procedures to Ensure Timely Reevaluations.** Per 42 CFR §441.303(c)(4), specify the procedures that the State employs to ensure timely reevaluations of level of care *(specify):*

DODD staff receive alerts from the LOC system which gives the waiver particpants names (by county), their LOC due date 90 days prior and 15 days prior to the redetermination due date. A Prior Notice letter (named such as it provides the individual their rights to a prior notice for a pending action) is issued to the individual and/or guardian and to the County Board alerting them of the pending timelines, and encourages collaboration with the County Board to ensure all necessary documentation is submitted to DODD prior to the due date. The information generated from these reports is entered into an excel spreadsheet and is monitored by DODD staff (at two levels) for the purpose of working with the external customers to ensure the timely submittal of the redetermination.

j. **Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR §441.303(c)(3), the State assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

Electronically retrievable documentation of all level of care evaluations and reevaluations are maintained in accordance with state and federal regulations.

Appendix B: Evaluation/Reevaluation of Level of Care

Quality Improvement: Level of Care

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. **Methods for Discovery: Level of Care Assurance/Sub-assurances**

The state demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with level of care provided in a hospital, NF or ICF/IID.

i. **Sub-Assurances:**

a. ***Sub-assurance: An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM B1: Number and percent of new enrollees who had a LOC indicating need for institutional LOC prior to receipt of services. Numerator: Number of new enrollees who had a LOC indicating need for institutional LOC prior to receipt of services. Denominator: Total number new enrollees.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Waiver Management System (WMS)

Responsible Party for data		**Sampling Approach** *(check each that applies):*

collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

b. ***Sub-assurance: The levels of care of enrolled participants are reevaluated at least annually or as specified in the approved waiver.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM B2: Number and percent of level of care redetermination completed within 12 months of the previous level of care determination. Numerator: Number of level of care redetermination completed within 12 months of the previous level of care determination. Denominator: Total number of waiver participants with redetermination needed.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Waiver Management System (WMS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

c. ***Sub-assurance: The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine participant level of care.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM B3: Number and percent of participants that initial LOC determinations reviewed were completed using the process required by the approved waiver. Numerator: Number of participants with initial LOC determinations that were completed using the process required by the approved waiver. Denominator: Total number of participants with initial LOC determinations.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Waiver Management System (WMS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample**

		Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
DODD becomes aware of problems through a variety of mechanisms including, but not limited to, formal & informal complaints, technical assistance requests, and routine & special regulatory review processes (accreditation, licensure, provider compliance, quality assurance, etc). As problems are discovered, the County

Board is notified and technical assistance is provided using email, phone contact and/or letters to the County Board of DD Superintendent. During the DODD regulatory review process citations may be issued and plans of correction required as needed and appropriate. When issues are noted that are systemic, DODD will provide statewide training and additional technical assistance and monitor for improvement during subsequent monitoring cycles.

ii. **Remediation Data Aggregation**

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party*(check each that applies):*	**Frequency of data aggregation and analysis** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☑ **Quarterly**
☐ **Other** Specify:	☐ **Annually**
	☐ **Continuously and Ongoing**
	☑ **Other** Specify: Semi-annually

c. **Timelines**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

◉ **No**

○ **Yes**

Please provide a detailed strategy for assuring Level of Care, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix B: Participant Access and Eligibility

B-7: Freedom of Choice

Freedom of Choice. *As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:*

i. *informed of any feasible alternatives under the waiver; and*
ii. *given the choice of either institutional or home and community-based services.*

a. **Procedures.** Specify the State's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

At the time the individual requests HCBS waiver services, the County Board in the county in which the individual resides is responsible for explaining the services available under the Level One waiver and the alternative of services delivered in an ICF-IID.

The county boards use the "Freedom of Choice" form to document that the individual has chosen to enroll on the waiver as an alternative to services in an ICF-IID. When the "Freedom of Choice" form is signed by the individual, the county board shall provide a copy of the Medicaid Fair Hearings Right to individual using the Ohio Department of Jobs and Family Services (ODJFS 4074) to the individual.

b. **Maintenance of Forms.** Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

The completed Freedom of Choice forms are maintained by the 88 county boards.

Appendix B: Participant Access and Eligibility

B-8: Access to Services by Limited English Proficiency Persons

Access to Services by Limited English Proficient Persons. Specify the methods that the State uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):
Individuals with limited English proficiency have access to a range of supportive services at the time of application and throughout their participation in the waiver program. The need for language accommodation is determined by the County Board. The Service and Supports Administrator(SSA) makes arrangements for individuals to receive interpretation services as needed to ensure individuals can access services. DODD will monitor access to services by persons with limited English proficiency through its ongoing monitoring and technical assistance process.

ODM makes interpretation services available at the county and state levels. A variety of ODJFS forms have been translated into Spanish and Somali, including the Medicaid Consumer guide and state hearing forms. The County Departments of Job and Family Services (CDJFS) also make interpreter services available to individuals when needed during the eligibility determination process.

Appendix C: Participant Services

C-1: Summary of Services Covered (1 of 2)

a. **Waiver Services Summary.** *List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c:*

Service Type	Service		
Statutory Service	Community Respite		
Statutory Service	Habilitation – Adult Day Support		
Statutory Service	Habilitation – Vocational Habilitation		
Statutory Service	Homemaker/Personal Care		
Extended State Plan Service	Specialized Medical Equipment and Supplies		
Other Service	Career Planning		
Other Service	Environmental Accessibility Adaptations		
Other Service	Group Employment Support		
Other Service	Home Delivered Meals		
Other Service	Individual Employment Support		
Other Service	Informal Respite		
Other Service	Money Management		
Other Service	Non-Medical Transportation		
Other Service	Personal Emergency Response Systems		
Other Service	Remote Monitoring Equipment		
Other Service	Remote Monitoring		
Other Service	Residential Respite		
Other Service	Supported Employment - Community		
Other Service	Supported Employment - Enclave		
Other Service	Transportation		

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:
Statutory Service

Service:
Respite

Alternate Service Title (if any):
Community Respite

HCBS Taxonomy:

Category 1:	Sub-Category 1:
09 Caregiver Support	09011 respite, out-of-home
Category 2:	**Sub-Category 2:**
Category 3:	**Sub-Category 3:**
Category 4:	**Sub-Category 4:**

Service Definition *(Scope)*:
Community Respite means services provided to individuals unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide care for the individuals. Community Respite shall only be provided outside of an individual's home in a camp, recreation center, or other place where an organized community program or activity occurs.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See cost limitations as defined in C-4.

Payment for Community Respite does not include room and board.

Community Respite is limited to 60 calendar days per waiver eligibility span.

Community Respite shall not be provided in any residence or a location where Adult Day Support or Vocational Habilitation is provided.

Community Respite shall not be provided to an individual at the same time as Homemaker/Personal Care. Only one provider of Residential Respite or Community Respite shall use a daily billing unit on any given day.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [ ] **Relative**

☐ **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Community Respite

Provider Category:
Agency

Provider Type:
Agency

Provider Qualifications

License *(specify)*:

Certificate *(specify)*:

Other Standard *(specify)*:
Certified under standards listed in OAC 5123:2-9-22.

Verification of Provider Qualifications

Entity Responsible for Verification:
DODD

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:
Statutory Service

Service:
Habilitation

Alternate Service Title (if any):
Habilitation – Adult Day Support

HCBS Taxonomy:

Category 1: **Sub-Category 1:**

04 Day Services	04020 day habilitation

Category 2: **Sub-Category 2:**

Category 3: **Sub-Category 3:**

Category 4: **Sub-Category 4:**

Service Definition *(Scope):*
'Adult day support means provision of regularly scheduled activities in a non-residential setting, such as assistance with acquisition, retention, or improvement of self-help, socialization, and adaptive skills that enhance the individual's social development and performance of daily community living skills. Adult day support activities and environments shall be designed to foster the acquisition of skills, build community membership and independence, and expand personal choice. Adult day support enables the individual to attain and maintain his or her maximum potential. Activities that constitute adult day support include, but are not limited to:
(a) Supports to participate in community activities and build community membership consistent with the individual's interests, preferences, goals, and outcomes.

(b) Supports to develop and maintain a meaningful social life, including social skill development which offers opportunities for personal growth, independence, and natural supports through community involvement, participation, and relationships.

(c) Supports and opportunities that increase problem-solving skills to maximize an individual's ability to participate in integrated community activities independently or with natural supports.

(d) Personal care including supports and supervision in the areas of personal hygiene, eating, communication, mobility, toileting, and dressing to ensure an individual's ability to experience and participate in community living.

(e) Skill reinforcement including the implementation of behavioral support strategies, assistance in the use of communication and mobility devices, and other activities that reinforce skills learned by the individual that are necessary to ensure his or her initial and continued participation in community life.

(f) Training in self-determination which includes assisting the individual to develop self-advocacy skills; to exercise his or her civil rights; to exercise control and responsibility over the services he or she receives; and to acquire skills that enable him or her to become more independent, productive, and integrated within the community.

(g) Recreation and leisure including supports identified in the person-centered individual service plan as being therapeutic in nature, rather than merely providing a diversion, and/or as being necessary to assist the individual to develop and/or maintain social relationships and family contacts.

(h) Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities in accordance with Chapter 5123:2-6 of the Administrative Code.

Requirements for service delivery:

(1) The expected outcome of adult day support is building on the individual's strengths and fostering the development of skills that lead to greater independence, community membership, relationship-building, self-direction, and self-advocacy.

(2) Adult day support is available to individuals who are no longer eligible for educational services based on their graduation and/or receipt of a diploma or equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio department of education.

(3) Adult day support shall be provided pursuant to a person-centered individual service plan that conforms to the requirements of rule 5123:2-1-11 of the Administrative Code and shall be coordinated with other services and supports set forth in the individual service plan.

(4) Adult day support may be provided in a variety of settings in the community, but shall not be furnished in the individual's residence or other residential living arrangement.

(5) A provider of adult day support shall comply with applicable laws, rules, and regulations of the federal, state, and local governments pertaining to the physical environment (building and grounds) where adult day support is provided. A provider of adult day support shall be informed of and comply with standards (e.g., Americans with Disabilities Act of 1990) applicable to the service setting.

(6) Adult day support includes both individual activities and group activities. The nature of group activities and the number of staff providing adult day support to a group of individuals shall be appropriate to meet the needs and achieve the outcomes identified in each group member's person-centered individual service plan.

(7) When meals are provided as part of adult day support, they shall not constitute a full nutritional regimen (i.e., three meals per day).

(8) A provider of adult day support shall recognize changes in the individual's condition and behavior as well as safety and sanitation hazards, report to the service and support administrator, and record the changes in the individual's written record.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

See Appendix C-4, "Other Type of Limit"

Payment for adult day support, career planning, group employment support, individual employment support, and vocational habilitation alone or in combination, shall not exceed the budget limitations contained in appendix C to rule 5123:2-9-19 of the Administrative Code. As part of this waiver amendment, both Supported Employment-Community; and Supported Employment-Enclave will be end dated 10/31/2016.

As outlined in Appendix D-1-b Service Planning Safeguards: County boards providing TCM will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan. County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	County Board of DD providers of Adult Day Support
Agency	For profit and not-for-profit private providers of Adult Day Support

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Habilitation – Adult Day Support

Provider Category:
Agency
Provider Type:
County Board of DD providers of Adult Day Support
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code 5123:2-9-17
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Habilitation – Adult Day Support

Provider Category:
Agency
Provider Type:
For profit and not-for-profit private providers of Adult Day Support
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code 5123:2-9-17
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Deparetment of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:
Statutory Service

Service:
Prevocational Services

Alternate Service Title (if any):
Habilitation – Vocational Habilitation

HCBS Taxonomy:

Category 1:	Sub-Category 1:
04 Day Services	04010 prevocational services

Category 2:	Sub-Category 2:
04 Day Services	04020 day habilitation

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope)*:

Vocational habilitation means services that provide learning and work experiences, including volunteer work, where the individual develops general skills that lead to competitive integrated employment such as ability to communicate effectively with supervisors, coworkers, and customers; generally-accepted community workplace conduct and dress; ability to follow directions; ability to attend to tasks; workplace problem-solving skills and strategies; and workplace safety and mobility training. Services are expected to occur over a defined period of time with specific outcomes to be achieved determined by the individual and his or her team.
Activities that constitute vocational habilitation include, but are not limited to:

(a) Ongoing support which includes direct supervision, telephone and/or in-person monitoring and/or counseling, and the provision of some or all of the following supports to promote the development of general work skills.

(i) Developing a systematic plan of instruction and support, including task analyses to prepare the individual for competitive integrated employment.

(ii) Assisting the individual to perform activities that result in increasing his or her social integration with other individuals and persons employed at the worksite.

(iii) Supporting and training the individual in the use of individualized or community-based transportation services.

(iv) Providing services and training that assist the individual with problem-solving and meeting job-related expectations.

(v) Assisting the individual to use natural supports and community resources.

(vi) Providing training to the individual to maintain current skills, enhance personal hygiene, learn new work

skills, attain self-determination goals, and improve social skills.

(vii) Developing and implementing a plan to assist the individual to transition from his or her vocational habilitation setting to competitive integrated employment emphasizing the use of natural supports.

(viii) Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities in accordance with Chapter 5123:2-6 of the Administrative Code.

(b) Provision of information about or referral to career planning services, disability benefits services, or other appropriate consultative services.

Requirements for service delivery:

(1) The expected outcome of vocational habilitation is the advancement of an individual on his or her path to community employment and the individual's achievement of competitive integrated employment in a job well-matched to the individual's interests, strengths, priorities, and abilities.

(2) Vocational habilitation is available to individuals who are no longer eligible for educational services based on their graduation and/or receipt of a diploma or equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio department of education.

(3) Vocational habilitation shall be provided pursuant to a person-centered individual service plan that conforms to the requirements of rules 5123:2-1-11 and 5123:2-2-05 of the Administrative Code and shall be coordinated with other services and supports set forth in the individual service plan. Individuals receiving vocational habilitation shall have community employment outcomes in their individual service plan; vocational habilitation activities shall be designed to support the individual's community employment outcomes.

(4) Vocational habilitation may be provided in a variety of settings in the community, but shall not be furnished in the individual's residence or other residential living arrangement.

(5) A provider of vocational habilitation shall, in accordance with paragraph (F)(1) of rule 5123:2-2-05 of the Administrative Code, submit to each individual's team at least once every twelve months, or more frequently as decided upon by the individual's team, a written progress report. The written progress report shall outline the anticipated time-frame for each desired outcome of vocational habilitation. If no progress is reported, the individual service plan shall be amended to identify the barriers toward achieving desired outcomes and the action steps to overcome the identified barriers.

(6) The service and support administrator shall ensure that documentation is maintained to demonstrate that the service provided as vocational habilitation to an individual enrolled in a waiver is not otherwise available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730, as in effect on the effective date of this rule.

(7) Individuals receiving vocational habilitation shall be compensated in accordance with applicable federal laws and state laws and regulations. A determination that an individual receiving vocational habilitation is eligible to be paid at special minimum wage rates in accordance with 29 C.F.R. Part 525, "Employment of Workers with Disabilities Under Special Certificates," shall be based on documented evaluations and assessments.

(8) A provider of vocational habilitation shall ensure that appropriate staff are knowledgeable in the Workforce Innovation and Opportunity Act, wage and hour laws, benefits, work incentives, and employer tax credits for individuals with developmental disabilities and ensure that individuals served receive this information.

(9) A provider of vocational habilitation shall comply with applicable laws, rules, and regulations of the federal, state, and local governments pertaining to the physical environment (building and grounds) where vocational habilitation is provided. A provider of vocational habilitation shall be informed of and comply with standards (e.g., Americans with Disabilities Act of 1990) applicable to the service setting.

(10) A provider of vocational habilitation shall recognize changes in the individual's condition and behavior as well as safety and sanitation hazards, report to the service and support administrator, and record the changes in the individual's written record.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See Appendix C-4, "Other Type of Limit"
Payment for adult day support, career planning, group employment support, individual employment support, and vocational habilitation alone or in combination, shall not exceed the budget limitations contained in appendix C to rule 5123:2-9-19 of the Administrative Code. As part of this waiver amendment, both Supported Employment-Community; and Supported Employment-Enclave will be end dated 10/31/2016.

As outlined in Appendix D-1-b Service Planning Safeguards: County boards providing TCM will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan. County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	For-profit and not-for profit private providers of Vocational Habilitation
Agency	County Board providers of Vocational Habilitation

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Habilitation – Vocational Habilitation

Provider Category:
Agency
Provider Type:
For-profit and not-for profit private providers of Vocational Habilitation
Provider Qualifications
License *(specify)*:

Certificate *(specify)*:
Certification standards are promulgated in Ohio Administrative Code 5123:2-9-14
Other Standard *(specify)*:

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that

each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Habilitation – Vocational Habilitation

Provider Category:
Agency
Provider Type:
County Board providers of Vocational Habilitation
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code 5123:2-9-14
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Statutory Service
Service:
Personal Care
Alternate Service Title (if any):
Homemaker/Personal Care

HCBS Taxonomy:

Category 1:	Sub-Category 1:
08 Home-Based Services	08010 home-based habilitation

Category 2: **Sub-Category 2:**

Category 3: **Sub-Category 3:**

Category 4: **Sub-Category 4:**

Service Definition *(Scope):*
Homemaker/personal care (HPC) means the coordinated provision of a variety of services, supports and supervision necessary for the health and welfare of an individual which enables the individual to live in the community. These are tasks directed at increasing the independence of the individual within his/her home or community. This service will help the individual meet daily living needs, and without this service, alone or in combination with other waiver services, the individual would require institutionalization.
Homemaking and personal tasks are combined into a single service titled homemaker/personal care because, in actual practice, a single person provides both services and does so as part of the natural flow of the day. For example, the provider may prepare a dish and place it in the oven to cook (homemaking), assist the individual in washing up before a meal and assist him/her to the table (personal care), put the prepared meal on the table (homemaking), and assist the individual in eating (personal care). Segregating these activities into discrete services is impractical.

(b) Services provided include the following:

1. Self-advocacy training may include training to assist in the expression of personal preferences, self-representation, self-protection from and reporting of abuse, neglect and exploitation, individual rights and to make increasingly responsible choices.

2. Self-direction, including the identification of and response to dangerous or threatening situations, making decisions and choices affecting the individual's life, and initiating changes in living arrangements of life activities.

3. Daily living skills including training in accomplishing routine household tasks, meal preparation, personal care, self-administration of medication, and other areas of daily living including proper use of adaptive and assistive devices, appliances, home safety, first aid and infant and childcare training for parents who have a developmental disability, and communication skills such as using the telephone.

4. Money management services may include training involving money management and personal finances, planning and decision making and may only be provided under HPC if provided in conjunction with other homemaker or personal care tasks.

5. Implementation of recommended follow-up counseling or other therapeutic interventions under the direction of a professional or extension of therapeutic services, which consist of reinforcing physical, occupational, speech and other therapeutic programs. Services are aimed at increasing the overall effective functioning of the individual.

6. Behavior support strategies includes training and assistance in appropriate expressions of emotions or desires, assertiveness, acquisition of socially appropriate behaviors; or extension of therapeutic services. Services are aimed at increasing the overall effective functioning of the individual.

7. Medical and health care services that are integral to meeting the daily needs of the individual (e.g. routine administration of medications or tending to the needs of individuals who are ill or require attention to their medical needs on an ongoing basis.

8. Emergency assistance training includes developing responses in case of emergencies, prevention planning, and training in the use of equipment or technologies used to access emergency response systems.

9. Community access services that explore community services available to all people, natural supports available to the individual, and develop methods to access additional services/supports/activities needed by the individual to

be integrated in and have full access to the community.

10. Mobility including training or assistance aimed at enhancing movement within the individual's home, mastering the use of adaptive aids and equipment, accessing and using public transportation, independent travel, or other means of providing transportation.

The individual provider shall comply with the requirements of rule 5123:2-2-06 regarding behavior supports. If there is an individual behavior support strategy, the individual provider shall be trained in the components of the plan. The individual provider shall maintain documentation of such training in accordance with 5123:2-9-30 and present such documentation upon request by ODM, DODD, or the county board.

On Site/On Call is a subservice of Homemaker Personal Care. The on-site/on-call rate is paid when no need for supervision or supports is anticipated and a provider must be on-site and available to provide homemaker/personal care but is not required to remain awake. This service must be documented in the Individual Service Plan.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See cost limitations as defined in C-4.

The $5,325 combined annual limitation for Homemaker/Personal Care, Informal Respite,Residential Respite, Community Respite, and Transportation is listed in C-4.

Due to the scope of services available, Homemaker/Personal Care services may not be used at the same time as any non-residential habilitation or supported employment service. Homemaker/Personal Care services may not be provided in schools, other educational settings, or in preschool.

As part of this waiver amendment, both Supported-Community; and Supported Employment-Enclave will be end dated 10/31/2016. Individual Employment Support, Group Employment Support and/or Career Planning services will be available, as an alternatives beginning 11/01/2016.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Independent Homemaker/Personal Care Providers
Agency	Homemaker/Personal Care Providers

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Homemaker/Personal Care

Provider Category:
Individual
Provider Type:
Independent Homemaker/Personal Care Providers
Provider Qualifications
License *(specify)*:

Certificate *(specify):*
Certification standards listed in rule 5123:2-9-30 of the Ohio Administrative Code.
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities (DODD)
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Homemaker/Personal Care

Provider Category:
Agency
Provider Type:
Homemaker/Personal Care Providers
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards listed in rule 5123:2-9-30 of the Ohio Administrative Code
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities (DODD)
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Extended State Plan Service
Service Title:

Specialized Medical Equipment and Supplies

HCBS Taxonomy:

Category 1:	Sub-Category 1:
14 Equipment, Technology, and Modifications	14031 equipment and technology

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope):*
Specialized medical equipment and supplies means those specialized medical equipment and supplies that include devices, controls, or appliances, specified in the individual's ISP, which enable individuals to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live.

This service also includes items necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items, and durable and non-durable medical equipment not available under the Medicaid state plan. To the extent that such equipment or supplies are available under the state plan or could be covered under the provisions of 1901(r) of the Social Security Act, they will not be covered as HCBS services for waiver participants less than twenty-one years of age. Excluded are those items that are not of direct medical or remedial benefit to the individual. All items shall meet applicable standards of manufacture, design, and installation.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See cost limitations as defined in C-4.

The maximum combined service limitation is $7,500 over a three-year period for Environmental Accessibility Adaptations, Personal Emergency Response Systems, Remote Monitoring, Remote Monitoring Equipment, Home Delivered Meals, and Specialized Medical Equipment and Supplies.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency Provider of Specialized Medical Equipment and Supplies
Individual	Independent Provider of Specialized Medical Equipment and Supplies

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Extended State Plan Service
Service Name: Specialized Medical Equipment and Supplies

Provider Category:
Agency

Provider Type:
Agency Provider of Specialized Medical Equipment and Supplies

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certified under standards listed in 5123:2-9-25 of the Administrative Code.

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities (DODD)

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Extended State Plan Service
Service Name: Specialized Medical Equipment and Supplies

Provider Category:
Individual

Provider Type:
Independent Provider of Specialized Medical Equipment and Supplies

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certified under standards listed in 5123:2-9-25 of the Administrative Code.

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities (DODD)

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Career Planning

HCBS Taxonomy:

Category 1:	Sub-Category 1:
03 Supported Employment	03030 career planning

Category 2:	Sub-Category 2:
03 Supported Employment	03010 job development

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope):*

Career planning means individualized, person-centered, comprehensive employment planning and support that provides assistance for individuals to attain or advance in competitive integrated employment. Career planning is a focused and time-limited engagement of an individual in identification of a career direction, and development of a plan for achieving competitive integrated employment, and the supports needed to achieve that employment. Activities that constitute career planning include:

(a) Situational observation and assessment. Situational observation and assessment is a time-limited (i.e., thirty days for each experience) service that involves observation and assessment of the individual's interpersonal skills, work behaviors, and vocational skills through practical, experiential, community integrated, paid work experiences related to the individual's preferences as established in the individual service plan. Information gathered through situational observation and assessment provides a context to further determine the skills or behaviors to be developed by the individual to ensure his or her success in the individual's preferred work environment.

(b) Career exploration. Career exploration assists an individual to interact with job holders and observe jobs and job tasks. Career exploration may include informational interviews with and/or shadowing persons who are actually performing the job duties of the identified occupation. When possible, the job seeker shall be given an opportunity to perform actual job duties as well.

(c) Benefits education and analysis. Benefits education and analysis provides information to job seekers, families, guardians, advocates, service and support administrators, and educators about the impact of paid employment on a range of public assistance and benefits programs, including but not limited to supplemental security income, social security disability insurance, Medicaid buy-in for workers with disabilities, Medicare continuation benefits, veteran's benefits, supplemental nutrition assistance program, and housing assistance.

(d) Career discovery. Career discovery is an individualized, comprehensive process to help a job seeker, who is pursuing individualized integrated employment or self-employment, reveal how interests and activities of daily life may be translated into possibilities for integrated employment. Career discovery results in identification of the individual's interests in one or more specific aspects of the job market; the individual's skills, strengths, and other contributions likely to be valuable to employers or valuable to the community if offered through self-employment; and conditions necessary for the individual's successful employment or self-employment. Career discovery culminates in development of a written career discovery profile summarizing the process, revelations, and recommendations for next steps which shall be used to develop the individual's vocational portfolio.

(e) Employment/self-employment plan. Employment/self-employment plan is an individualized service to create a clear plan for employment or the start-up phase of self-employment and includes a planning meeting involving the job seeker and other key people who will be instrumental in supporting the job seeker to become employed in competitive integrated employment. This service may include career advancement planning for individuals who are already employed. This service culminates in a written employment plan directly tied to the results of career exploration, if previously authorized, situational observation and assessment, and/or career discovery. For individuals seeking self-employment, this service results in the development of a self-employment business plan that identifies training and technical assistance needs and potential supports and resources for those services as well as potential sources of business financing given that Medicaid funds may not be used to defray the capital expenses associated with starting up a business.

(f) Job development. Job development is an individualized service to develop a strategy to attain competitive integrated employment. The job development strategy shall reflect best practices. The service may include analyzing a job site, identifying necessary accommodations, and negotiating with an employer for customized employment. This service is intended to result in achievement of a competitive integrated employment outcome consistent with the job seeker's or job holder's personal and career goals as identified in the individual service plan, as determined through career exploration, situational observation and assessment, career discovery, and/or the employment planning process. This service shall not be provided to an individual on place four of the path to community employment as described in rule 5123:2-2-05 of the Administrative Code.

(g) Self-employment launch. Self-employment launch is support to implement a self-employment business plan and launch a business. This service is intended to result in the achievement of an integrated employment outcome consistent with the job seeker's or job holder's personal and career goals as identified in the individual service plan, as determined through career exploration, situational observation and assessment, career discovery, and/or the employment planning process. This service shall not be provided to an individual on place four of the path to community employment as described in rule 5123:2-2-05 of the Administrative Code.

(h) Worksite accessibility. Worksite accessibility includes:

(i) Time spent identifying the need for and ensuring the provision of reasonable worksite accommodations that allow the job seeker or job holder to gain, retain, and enhance employment or self-employment;

(ii) Time spent ensuring the provision of reasonable worksite accommodations through partnership efforts with the employer and, where appropriate, the opportunities for Ohioans with disabilities agency; and

(iii) Purchasing or modifying equipment that will be retained by the individual at the current employment site and/or in other settings, when documented that funding from the opportunities for Ohioans with disabilities agency or any other source is not available.

(iv) Assistive technology assessment. Assistive technology assessment is a systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers encountered by, individuals with disabilities in employment and employment-related transportation. Assistive technology assessment includes both assessment and services. The service may consist of making home or employment site visits, measurements of the physical environment or equipment, developing technical drawings, researching potential modifications, fabrication and installation of modifications, and computer programming to provide for accessibility. The service may also include training on utilization and maintenance of accommodations. The outcome of the service should be modifications to the physical environment or equipment that will enhance the individual's independence and employment options.

Requirements for service delivery:

(1) The expected outcome of career planning is the individual's attainment of competitive integrated employment and/or career advancement in competitive integrated employment.

(2) Career planning shall be provided pursuant to a person-centered individual service plan that conforms to the requirements of rules 5123:2-1-11 and 5123:2-2-05 of the Administrative Code and shall be coordinated with other services and supports set forth in the individual service plan.

(3) Career planning may be provided in a variety of settings but shall not be furnished in the individual's residence or other living arrangement except for a home visit conducted as part of career discovery or when the individual is self-employed and the residence is the site of self-employment.

(4) Career planning shall be provided at a ratio of one staff to one individual.

(5) Career planning services may extend to those times when the individual is not physically present while the provider is performing career planning activities on behalf of the individual.

(6) A provider of career planning shall recognize changes in the individual's condition and behavior as well as safety and sanitation hazards, report to the service and support administrator, and record the changes in the individual's written record.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See Appendix C-4, "Other Type of Limit".

Payment for adult day support, career planning, group employment support, individual employment support, and vocational habilitation alone or in combination, shall not exceed the budget limitations contained in appendix C to rule 5123:2-9-19 of the Administrative Code. As part of this waiver amendment, both Supported Employment-Community; and Supported Employment-Enclave will be end dated 10/31/2016.

As outlined in Appendix D-1-b Service Planning Safeguards: County boards providing TCM will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan. County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available.

Service Delivery Method *(check each that applies)*:

- ☐ **Participant-directed as specified in Appendix E**
- ☑ **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- ☐ **Legally Responsible Person**
- ☑ **Relative**
- ☑ **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	County Board providers of career planning
Agency	For profit and non-profit private providers of career planning service
Individual	Independent provider of career planning

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Career Planning

Provider Category:

Agency

Provider Type:

County Board providers of career planning

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are contained in Ohio Administrative Code 5123:2-9-13

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities (DODD)

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Career Planning

Provider Category:

Agency

Provider Type:

For profit and non-profit private providers of career planning service

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are contained in Ohio Administrative Code 5123:2-9-13

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities (DODD)

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Career Planning

Provider Category:
Individual
Provider Type:
Independent provider of career planning
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are contained in Ohio Administrative Code 5123:2-9-13
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities (DODD)
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Other Service
As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.
Service Title:
Environmental Accessibility Adaptations

HCBS Taxonomy:

Category 1:	Sub-Category 1:
14 Equipment, Technology, and Modifications	14020 home and/or vehicle accessibility adaptations

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope):*
Environmental accessibility adaptations means those physical adaptations to the home, required by the individual's ISP, which are necessary to ensure the health, welfare and safety of the individual, or which enable the individual to function with greater independence in the home, and without which, the individual would require institutionalization. Such adaptations may include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electric and plumbing systems that are necessary to accommodate the medical equipment and supplies that are necessary for the welfare of the individual. Excluded are those adaptations or improvements to the home that are of general utility, and are not of direct medical or remedial benefit to the individual, such as carpeting, roof repair, central air conditioning, etc. Adaptations that add to the total square footage of the home are excluded from this benefit. All services shall be provided in accordance with applicable state or local building codes.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See cost limitations as defined in C-4.

The maximum combined service limitation is $7,500 over a three-year period for Environmental Accessibility Adaptations, Personal Emergency Response Systems, Remote Monitoring, Remote Monitoring Equipment, Home Delivered Meals, and Specialized Medical Equipment and Supplies.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency Environmental Accessibility Adaptation Providers
Individual	Independentl Environmental Accessibility Adaptation Providers

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Environmental Accessibility Adaptations

Provider Category:
Agency

Provider Type:
Agency Environmental Accessibility Adaptation Providers

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certified under standards listed in rule 5123:2-9-23

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Environmental Accessibility Adaptations

Provider Category:
Individual
Provider Type:
Independentl Environmental Accessibility Adaptation Providers
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certified under standards listed in rule 5123:2-9-23
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Other Service
As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.
Service Title:
Group Employment Support

HCBS Taxonomy:

Category 1: **Sub-Category 1:**

03 Supported Employment	03022 ongoing supported employment, group

Category 2: **Sub-Category 2:**

Category 3: **Sub-Category 3:**

Category 4: **Sub-Category 4:**

Service Definition *(Scope):*
Group employment support means services and training activities provided in regular business, industry, and community settings for groups of two or more workers with disabilities such as mobile work crews and other business-based work groups engaging workers with disabilities in employment in the community.
(a) Activities that constitute group employment support include any combination of the following as necessary and appropriate to meet the community employment goals of the individual:

(i) Person-centered employment planning;

(ii) Work adjustment;

(iii) Job analysis;

(iv)Training and systematic instruction;

(v) Job coaching; and

(vi)Training in independent planning, arranging, and using transportation.

(b) Group employment support is provided in two distinct service arrangements:

(i) Dispersed enclaves in which individuals work in a self-contained unit within a company or service site in the community or perform multiple jobs in the company, but are not integrated with non-disabled employees of the company.

(ii) Mobile work crews comprised solely of individuals operating as distinct units and/or self-contained business working in several locations within the community.

Requirements for service delivery:

(1) The expected outcome of group employment support is paid employment and work experience leading to further career development and competitive integrated employment.

(2) Group employment support shall be provided pursuant to a person-centered individual service plan that conforms to the requirements of rules 5123:2-1-11 and 5123:2-2-05 of the Administrative Code and shall be coordinated with other services and supports set forth in the individual service plan.

(3) The service and support administrator shall ensure that documentation is maintained to demonstrate that the service provided as group employment support to an individual enrolled in a waiver is not otherwise available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730, as in effect on the effective date of this rule, or as special education or related services as those terms are defined in section 602 of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1401, as in effect on the effective date of this rule.

(4) Group employment support shall be provided in an integrated setting and support individuals' access to the greater community, including opportunities to seek competitive, integrated employment, to engage in community

life, and to have control over earned income.

(5) Group employment support may be provided in a variety of settings in the community but shall not be furnished in the individual's residence or other residential living arrangement.

(6) Individuals receiving group employment support shall be compensated in accordance with applicable federal and state laws and regulations. A determination that an individual receiving group employment support is eligible to be paid at special minimum wage rates in accordance with 29 C.F.R. Part 525, " Employment of Workers with Disabilities under Special Certificates," shall be based on documented evaluations and assessments.

(7) A provider of group employment support shall ensure the appropriate staff are knowledgeable about the Workforce Innovation and Opportunity Act, wage and hour laws, benefits, work incentives, and employer tax credits for individuals with developmental disabilities and ensure that individuals served receive this information.

(8) A provider of group employment support shall, in accordance with paragraph (F)(1) of rule 5123:2-2-05 of the Administrative Code, submit to each individual's team at least once every twelve months, or more frequently as decided upon by the individual's team, a written progress report. The written progress report shall outline the anticipated time-frame for each desired outcome of group employment support. If no progress is reported, the individual service plan shall be amended to identify the barriers toward achieving desired outcomes and the action steps to overcome the identified barriers.

(9) A provider of group employment support shall provide the service in a manner that presumes all participants are capable of working in competitive, integrated employment. The provider shall encourage individuals receiving the service, on an ongoing basis, and as part of the annual person-centered planning process, to explore their interests, strengths, and abilities relating to community competitive integrated employment. The provider shall, as a component of this service, assist individuals to explore, identify, and pursue career advancement opportunities that advance them toward competitive, integrated employment with individual employment support as necessary.
(10) A provider of group employment support shall recognize changes in the individual's condition and behavior, report to the service and support administrator, and record the changes in the individual's written record.

(11) A provider of group employment support shall report identified safety and sanitation hazards that occur at the work site to employers having the responsibility to remedy the condition.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See Appendix C-4, "Other Type of Limit"

Payment for adult day support, career planning, group employment support, individual employment support, and vocational habilitation alone or in combination, shall not exceed the budget limitations contained in appendix C to rule 5123:2-9-19 of the Administrative Code. As part of this waiver amendment, both Supported Employment-Community; and Supported Employment-Enclave will be end dated 10/31/2016.

As outlined in Appendix D-1-b Service Planning Safeguards: County boards providing TCM will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan. County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	County board providers of group employment support
Agency	For profit and non-profit private providers of group employment support

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Group Employment Support

Provider Category:
Agency
Provider Type:
County board providers of group employment support
Provider Qualifications
License *(specify)*:

Certificate *(specify)*:
Certification standards are contained in Ohio Administrative Code 5123:2-9-16
Other Standard *(specify)*:

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities (DODD)
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Group Employment Support

Provider Category:
Agency
Provider Type:
For profit and non-profit private providers of group employment support
Provider Qualifications
License *(specify)*:

Certificate *(specify)*:
Certification standards are contained in Ohio Administrative Code 5123:2-9-16
Other Standard *(specify)*:

Verification of Provider Qualifications
Entity Responsible for Verification:

Ohio Department of Developmental Disabilities (DODD)
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Other Service
As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.
Service Title:
Home Delivered Meals

HCBS Taxonomy:

Category 1:	Sub-Category 1:
06 Home Delivered Meals	06010 home delivered meals

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope):*
Home delivered meals means the preparation, packaging and delivery of one or more meals to consumers who are unable to prepare or obtain nourishing meals. A full regimen of three meals a day shall not be provided under the HCBS waiver.

This service alone or in conjunction with other services prevents institutionalization of the consumer.

Providers of home delivered meals shall:

• Initiate new orders for home delivered meals within seventy-two (72) hours of referral if specified by the service plan;

• Participate in the consumer's Individual Service Plan (ISP) meetings if and when requested by the consumer's team;
• Be able to provide two (2) meals per day, seven days per week;
• Assure that home delivered meals are delivered to each consumer in accordance with the consumer's ISP;

• Possess the capability to provide special diets including, but not limited to, sodium and low sugar;
• Ensure that each meal served contains at least one-third of the current recommended dietary allowance as established by the Food and Nutrition Board of the National Academy of Sciences National Research Council;
• Have a licensed dietitian approve and sign all menus; and,
• Shall have a licensed dietitian plan and write all special menus in accordance with the ISP.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See cost limitations as defined in C-4.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Independent
Agency	Agency

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Home Delivered Meals

Provider Category:
Individual

Provider Type:
Independent

Provider Qualifications

License *(specify)*:

Certificate *(specify)*:

Other Standard *(specify)*:
Certified under standards listed in OAC 5123:2-9-29.

Verification of Provider Qualifications

Entity Responsible for Verification:
DODD

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Home Delivered Meals

Provider Category:
Agency
Provider Type:
Agency
Provider Qualifications
License *(specify):*

Certificate *(specify):*

Other Standard *(specify):*
Certified under standards listed in OAC 5123:2-9-29.
Verification of Provider Qualifications
Entity Responsible for Verification:
DODD
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Other Service
As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.
Service Title:
Individual Employment Support

HCBS Taxonomy:

Category 1:	Sub-Category 1:
03 Supported Employment	03021 ongoing supported employment, individual

Category 2:	Sub-Category 2:

Category 3: **Sub-Category 3:**

Category 4: **Sub-Category 4:**

Service Definition *(Scope):*
Individual employment support means individualized support for an individual to maintain competitive integrated employment. Activities that constitute individual employment support include but are not limited to:
(a) Job coaching. Job coaching is identification and provision of services and supports, utilizing task analysis and systematic instruction that assist the individual in maintaining employment and/or advancing his or her career. Job coaching includes supports provided to the individual and his or her supervisor or coworkers on behalf of the individual, either in-person or remotely via technology. Job coaching may include the engagement of natural supports in the workplace to provide additional supports that allow the job coach to maximize his or her ability to fade. Examples of job coaching strategies include job analysis, job adaptations, instructional prompts, verbal instruction, self-management tools, physical assistance, role playing, coworker modeling, written instruction. Job coaching for self-employment includes identification and provision of services and supports, including counseling and guidance, which assist the individual in maintaining self-employment through the operation of a business. When job coaching is provided, a plan outlining the steps to reduce job coaching over time shall be in place within thirty days.
(b) Benefits and work incentive management.

(c) Training in assistive or other technology utilized by the individual while on the job.

(d) Other workplace support services including services not specifically related to job skill training that enable the individual to be successful in integrating into the job setting.

(e) Personal care and assistance, which may be a component of individual employment support but shall not comprise the entirety of the service.

Requirements for service delivery
(1) The expected outcome of individual employment support is sustained competitive integrated employment in a job that is well-matched to the individual's interests, strengths, priorities, and abilities, and that meets the individual's personal and career goals.

(2) Individual employment support shall be provided pursuant to a person-centered individual service plan that conforms to the requirements of rules 5123:2-1-11 and 5123:2-2-05 of the Administrative Code and shall be coordinated with other services and supports set forth in the individual service plan.

(3) The service and support administrator shall ensure that documentation is maintained to demonstrate that the service provided as individual employment support to an individual enrolled in a waiver is not otherwise available as vocational rehabilitation services funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730, as in effect on the effective date of this rule, or as special education or related services as those terms are defined in section 602 of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1401, as in effect on the effective date of this rule.

(4) Individual employment support shall be provided at a ratio of one staff to one individual.

(5) Individual employment support services may extend to those times when the individual is not physically present and the provider is performing individual employment support on behalf of the individual (e.g., developing coworker supports or meeting with a supervisor).

(6) A provider of individual employment support shall recognize changes in the individual's condition and behavior, report to the service and support administrator, and record the changes in the individual's written record.

(7) A provider of individual employment support shall report identified safety and sanitation hazards that occur at the worksite to employers having the responsibility to remedy the condition.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:

See Appendix C-4, "Other Type of Limit"

Payment for adult day support, career planning, group employment support, individual employment support, and vocational habilitation alone or in combination, shall not exceed the budget limitations contained in appendix C to rule 5123:2-9-19 of the Administrative Code. As part of this waiver amendment, both Supported Employment-Community; and Supported Employment-Enclave will be end dated 10/31/2016.

As outlined in Appendix D-1-b Service Planning Safeguards: County boards providing TCM will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan. County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Independent providers of individual employment support
Agency	For profit and non-profit private providers of individual employment support
Agency	County Board providers of individual employment support

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Individual Employment Support

Provider Category:
Individual

Provider Type:
Independent providers of individual employment support

Provider Qualifications

License *(specify)*:

Certificate *(specify)*:
Certification standards are contained in Ohio Administrative Code 5123:2-9-15

Other Standard *(specify)*:

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Development Disabilities (DODD)

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver

Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Individual Employment Support

Provider Category:
Agency

Provider Type:
For profit and non-profit private providers of individual employment support

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certification standards are contained in Ohio Administrative Code 5123:2-9-15

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Development Disabilities (DODD)

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Individual Employment Support

Provider Category:
Agency

Provider Type:
County Board providers of individual employment support

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certification standards are contained in Ohio Administrative Code 5123:2-9-15

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Development Disabilities (DODD)

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Informal Respite

HCBS Taxonomy:

Category 1:	Sub-Category 1:
09 Caregiver Support	09011 respite, out-of-home

Category 2:	Sub-Category 2:
09 Caregiver Support	09012 respite, in-home

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope)*:

Informal respite means services provided by a provider to individuals unable to care for themselves, furnished on a short-term basis because of the absence or need for relief of those persons normally providing the care. Informal respite may be provided in the individual's home or place of residence, home of a friend or family member, or sites of community activities.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

See cost limitations as defined in Appendix C-4.

The $5,325 combined annual limitation for Homemaker/Personal Care, Informal Respite, Residential Respite, Community Respite, and Transportation is listed in C-4.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Independent Provider of Informal Respite

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Informal Respite

Provider Category:
Individual

Provider Type:
Independent Provider of Informal Respite

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certified under standards listed in rule 5123:2-9-21 of the Administrative Code.

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:
Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:
Money Management

HCBS Taxonomy:

Category 1: 08 Home-Based Services

Sub-Category 1: 08010 home-based habilitation

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Service Definition *(Scope):*
Money management means services that provide assistance to individuals who need support managing personal and financial affairs. Money Management may also include training to assist the individual in acquisition, retention and/or improvement in money management skills. The services meet a continuum of individualized needs, from organizing and keeping track of financial records and health insurance documentation, to assisting with bill-paying and maintaining bank accounts. Money management does not take the place of services provided by professionals in the accounting, investment, or social services fields. Money management complements the work of other professionals by facilitating the completion of the day-to-day tasks rather than determining or executing long-term plans. Money management includes a broad range of tasks determined necessary in the individual service plan. Examples of supports that may be provided as a component of money management include:

(a) Bill-paying and preparation of checks for individuals to sign;

(b) Balancing checkbooks, reconciling bank account statements, and maintaining or organizing bank records;

(c) Preparing and delivering bank account deposits;

(d) Assisting an individual with applying for benefits such as Medicaid buy-in for workers with disabilities and other resources as appropriate;

(e) Assist in maintaining eligibility for monthly benefits such as food stamps;

(f) Consulting or making referrals for consultation regarding available benefits;

(g) Making referrals as appropriate for establishment of special needs accounts (e.g., Qualified Income Trusts or Achieving a Better Life Experience Act account);

(h) Organizing tax documents and other paperwork;

(i) Negotiating with creditors;

(j) Deciphering medical insurance papers and verifying proper processing of claims;

(l) Providing referrals to legal, tax, and investment professionals;

(m) Notarizing documents;

(n) Providing assistance associated with money management tasks when an individual relocates (e.g., transferring bank accounts and or updating address with creditors);

(o) Acting as power of attorney or authorized representative for financial affairs;

Requirements for service delivery

(1) Money management shall be provided pursuant to an individual service plan that conforms to the requirements of rule 5123:2-1-11 of the Administrative Code. Providers of money management shall participate in individual service plan development meetings when a request for their participation is made by the individual.

(2) The scope and intensity of money management services shall be determined by the team based on the individual's needs. Money management shall be authorized for more than ten hours per month.

(3) Persons providing money management shall comply with rule 5123:2-2-07 of the Administrative Code and the money management code of ethics contained in appendix A to this rule.

(4) A provider shall provide money management to only one individual at a time.

(5) Money management services may extend to those times when the individual is not physically present and the provider is performing money management activities on behalf of the individual.

A provider of money management shall not also provide adult family living, adult foster care, or homemaker/personal care to the same individual.

(7) Money management services involving direct contact with an individual receiving the services shall not be provided at the same time the individual is receiving homemaker/personal care involving direct contact with the individual.

(8) A provider of money management who is also an individual's payee shall:

(a) Obtain and maintain benefits for the individual; for which they are the payee

(b) Pay all of the individual's living expenses prior to providing the individual with discretionary spending money;

(c) Take all necessary measures to maintain the individual's eligibility for benefits such as ensuring bank account balances remain within established resource limitations; and

(d) Maintain documentation, report information, and comply with all other requirements and standards, including audit protocols, established by the payer of benefits as established by the Social Security Administration.

(9) Under no circumstances shall a provider of money management who is also the individual's payee be exempted from a requirement to furnish receipts for purchases or expenditures (including expenditures for travel or vacations when the individual is with his or her guardian).

(10) A provider of money management who is also the individual's payee shall not request or accept reimbursement through more than one funding source for the services that fall under the responsibilities of a payee. Additional money management tasks beyond the responsibilities of a payee may be determined through the person-centered planning process and authorized in the individual service plan.

(11) Money management shall not duplicate or include activities that help link eligible individuals with medical, social, or educational providers, programs, or services that are functions of targeted case management pursuant to rule 5160-48-01 of the Administrative Code.

(12) A provider of money management shall maintain and submit financial statements and information (e.g. checking account balance, bank statements savings account statements, trends on spending, income statements, etc.) to the individual upon request by the team.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

The scope and intensity of money management services shall be determined by the team based on the individual's needs. Money management shall be authorized for no less than two hours per month and no more than ten hours per month.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency Provider of money management
Individual	Independent provider of money management

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Money Management

Provider Category:
Agency

Provider Type:
Agency Provider of money management

Provider Qualifications

License *(specify)*:

Certificate *(specify)*:
Certification standards are contained in Ohio Administrative Code 5123:2-9-20

Other Standard *(specify)*:

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities (DODD)

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Money Management

Provider Category:
Individual

Provider Type:
Independent provider of money management

Provider Qualifications

License *(specify)*:

Certificate *(specify)*:
Certification standards are contained in Ohio Administrative Code 5123:2-9-20

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities (DODD)

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123:2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD compliance reviews of certified providers shall be conducted so that each certified provider is reviewed once during the term of their certification.

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Non-Medical Transportation

HCBS Taxonomy:

Category 1:	Sub-Category 1:
15 Non-Medical Transportation	15010 non-medical transportation

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope):*

Non- medical Transportation as a waiver service is available to enable waiver participants to access Adult Day Support, Vocational Habilitation, Supported Employment-Enclave and Supported Employment- Community waiver services, as specified by the Individual Service Plan. Whenever possible, family, friends, neighbors, or community agencies that can provide this service without charge shall be used. Transportation services that are not provided free of charge and are required by enrollees in HCBS waivers administered by the Department to access one or more of these four services shall be considered to be Non-medical Transportation services and the payment rates, service limitations and provider qualifications associated with the provision of this service shall be applicable.

Non-medical Transportation is available in addition to the Transportation services described in Ohio

Administrative Code 5123:2-9-06, which will be used primarily in connection with the provision of Homemaker/Personal Care Services.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

The maximum service limitation for Non-medical Transportation services is as indicated below for each year.

Category 1 $9,740
Category 2 $9,844
Category 3 $9,943
Category 4 $10,042
Category 5 $10,146
Category 6 $10,244
Category 7 $10,348
Category 8 $10,447

As part of this waiver amendment, both Supported Employment- Community; and Supported Employment-Enclave will be end dated 10/31/2016. Individual Employment Support, Group Employment Support and/or Career Planning services will be available, as an alternatives beginning 11/01/2016.

As outlined in Appendix D-1-b Service Planning Safeguards: County boards providing TCM will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan. County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	For profit and non-profit private providers of non-medical transportation per mile
Individual	Independent private providers of non-medical transportation per trip
Agency	County board of DD providers of non-medical transportation per mile
Individual	Independent private providers of non-medical transportation per mile
Agency	County board of DD providers of non-medical transportation per trip
Agency	Commercial buses, livery vehicles and taxicabs per mile
Agency	Commercial buses, livery vehicles and taxicabs providing non-medical transportation per trip
Agency	For profit and non-profit private providers of non-medical transportation per trip

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Non-Medical Transportation

Provider Category:

Agency

Provider Type:

For profit and non-profit private providers of non-medical transportation per mile

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18

Other Standard *(specify):*

Providers of transportation that is not available to the general public who are using non- modified vehicles with a capacity of eight or fewer passengers are eligible to bill on a per mile basis when the vehicles/providers/drivers meet the certification standards of the Department. In addition all other providers who do not meet the qualifications necessary to bill on a per trip basis are afforded the opportunity to bill on a per mile basis when the vehicles, the providers and the drivers/attendants of these vehicles meet the certification standards related to per mile billing. The Department plans to incorporate these standards in Ohio Administrative Code following the public hearing and review processes.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department of Developmental Disabilities

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Non-Medical Transportation

Provider Category:

Individual

Provider Type:

Independent private providers of non-medical transportation per trip

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18

Other Standard *(specify):*

Providers of transportation that is not available to the general public who are using vehicles of any capacity size modified to be handicapped accessible and/or non-modified vehicles with a capacity of nine or more passengers are eligible to bill on a per trip basis, when the vehicles, the providers and the drivers/attendants of these vehicles meet the certification standards listed in administrative rules.

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Non-Medical Transportation

Provider Category:
Agency
Provider Type:
County board of DD providers of non-medical transportation per mile
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18
Other Standard *(specify):*
Providers of transportation that is not available to the general public who are using non- modified vehicles with a capacity of eight or fewer passengers are eligible to bill on a per mile basis when the vehicles/providers/drivers meet the certification standards of the Department. In addition all other providers who do not meet the qualifications necessary to bill on a per trip basis are afforded the opportunity to bill on a per mile basis when the vehicles, the providers and the drivers/attendants of these vehicles meet the certification standards related to per mile billing. The Department plans to incorporate these standards in Ohio Administrative Code following the public hearing and review processes.
Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Non-Medical Transportation

Provider Category:
Individual
Provider Type:
Independent private providers of non-medical transportation per mile
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18
Other Standard *(specify):*
Providers of transportation that is not available to the general public who are using non- modified vehicles with a capacity of eight or fewer passengers are eligible to bill on a per mile basis when the vehicles/providers/drivers meet the certification standards of the Department. In addition all other providers who do not meet the qualifications necessary to bill on a per trip basis are afforded the opportunity to bill on a per mile basis when the vehicles, the providers and the drivers/attendants of

these vehicles meet the certification standards related to per mile billing. The Department plans to incorporate these standards in Ohio Administrative Code following the public hearing and review processes.

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Non-Medical Transportation

Provider Category:

Agency

Provider Type:

County board of DD providers of non-medical transportation per trip

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18

Other Standard *(specify):*

Providers of transportation that is not available to the general public who are using vehicles of any capacity size modified to be handicapped accessible and/or non-modified vehicles with a capacity of nine or more passengers are eligible to bill on a per trip basis, when the vehicles, the providers and the drivers/attendants of these vehicles meet the certification standards listed in administrative rules.

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Non-Medical Transportation

Provider Category:

Agency

Provider Type:

Commercial buses, livery vehicles and taxicabs per mile

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18
Other Standard *(specify):*
Non-Medical Transportation providers whose services are available to the general public will not be subject to certification when the transportation service is subcontracted by or purchased on behalf of a waiver recipient by a waiver provider certified to provide Adult Day Support, Vocational Habilitation, Supported Employment-Enclave and/or Supported Employment-Community.

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Non-Medical Transportation

Provider Category:
Agency
Provider Type:
Commercial buses, livery vehicles and taxicabs providing non-medical transportation per trip

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18
Other Standard *(specify):*
Non-Medical Transportation providers whose services are available to the general public will not be subject to certification when the transportation service is subcontracted by or purchased on behalf of a waiver recipient by a waiver provider certified to provide Adult Day Support, Vocational Habilitation, Supported Employment-Enclave and/or Supported Employment-Community.

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Non-Medical Transportation

Provider Category:

Agency

Provider Type:

For profit and non-profit private providers of non-medical transportation per trip

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are promulgated in Ohio Administrative Code.5123:2-9-18

Other Standard *(specify):*

Providers of transportation that is not available to the general public who are using vehicles of any capacity size modified to be handicapped accessible and/or non-modified vehicles with a capacity of nine or more passengers are eligible to bill on a per trip basis, when the vehicles, the providers and the drivers/attendants of these vehicles meet the certification standards listed in administrative rules.

Verification of Provider Qualifications

Entity Responsible for Verification:

The Department of Developmental Disabilities

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Personal Emergency Response Systems

HCBS Taxonomy:

Category 1:	Sub-Category 1:
14 Equipment, Technology, and Modifications	14010 personal emergency response system (PERS)

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope):*
Personal Emergency Response Systems (PERS) is an electronic device which enables certain individuals at high risk of institutionalization to secure help in an emergency. The individual may also wear a portable "help" button to allow for mobility. The system is connected to the person's phone and programmed to signal a response center once a "help" button is activated. Trained professionals staff the response center. PERS services are limited to those individuals who live alone, or who are alone for significant parts of the day and have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
The rate for personal emergency response systems service includes maintenance/replacement.

See cost limitations as defined in Appendix C-4.
The maximum combined service limitation is $7,500 over a three-year period for Environmental Accessibility Adaptations, Personal Emergency Response Systems, Remote Monitoring, Remote Monitoring Equipment, Home Delivered Meals, and Specialized Medical Equipment and Supplies.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [ ] **Relative**
- [ ] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency Provider of PERS

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Personal Emergency Response Systems

Provider Category:
Agency
Provider Type:
Agency Provider of PERS
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certified under Standards listed in rule 5123:2-9-26 of the Administrative Code
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that

each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Remote Monitoring Equipment

HCBS Taxonomy:

Category 1:	Sub-Category 1:
17 Other Services	17990 other

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope)*:

"Remote Monitoring Equipment" means the equipment used to operate systems such as live video feed, live audio feed, motion sensing system, radio frequency identification, web-based monitoring system, or other device approved by the department. It also means the equipment used to engage in live two-way communication with the individual being monitored.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

See cost limitations as defined in C-4.

Remote Monitoring Equipment must be leased.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Independent
Agency	Agency

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Remote Monitoring Equipment

Provider Category:
Individual
Provider Type:
Independent
Provider Qualifications
License *(specify)*:

Certificate *(specify)*:

Other Standard *(specify)*:
Certified per standards listed in OAC 5123:2-9-35.
Verification of Provider Qualifications
Entity Responsible for Verification:
DODD
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Remote Monitoring Equipment

Provider Category:
Agency
Provider Type:
Agency
Provider Qualifications
License *(specify)*:

Certificate *(specify)*:

Other Standard *(specify)*:
Certified per standards listed in OAC 5123:2-9-35.
Verification of Provider Qualifications

Entity Responsible for Verification:
DODD
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Other Service
As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.
Service Title:
Remote Monitoring

HCBS Taxonomy:

Category 1:	Sub-Category 1:
17 Other Services	17990 other

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope):*
"Remote Monitoring" means the monitoring of an individual in his or her residence by remote monitoring staff using one or more of the following systems: live video feed, live audio feed, motion sensing system, radio frequency identification, web-based monitoring system, or other device approved by the department. The system shall include devices to engage in live two-way communication with the individual being monitored as described in the individual's ISP.

To address potential issues of privacy, informed consent for using this service will be documented in the ISP.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See cost limitations as defined in C-4.

Remote Monitoring shall only be used to reduce or replace the amount of Homemaker/Personal Care an individual needs.

Remote Monitoring shall not be provided in an adult foster care, adult family living, supported employment or non-residential habilitation setting.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Remote Monitoring

Provider Category:
Agency
Provider Type:
Agency
Provider Qualifications
License *(specify)*:

Certificate *(specify)*:

Other Standard *(specify)*:
Certified per standards listed in OAC 5123:2-9-35.
Verification of Provider Qualifications
Entity Responsible for Verification:
DODD
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Residential Respite

HCBS Taxonomy:

Category 1:	Sub-Category 1:
09 Caregiver Support	09011 respite, out-of-home
Category 2:	**Sub-Category 2:**
Category 3:	**Sub-Category 3:**
Category 4:	**Sub-Category 4:**

Service Definition *(Scope):*

"Residential Respite" means services provided to individuals unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide care for the individuals. Residential Respite shall only be provided in the following locations:

(a) An intermediate care facility for individuals with intellectual disabilities (ICF/IID); or

(b) A residential facility, other than an intermediate care facility for individuals with intellectual disabilities, licensed by the department under section 5123.19 of the Revised Code; or

(c) A residence, other than an intermediate care facility for individuals with intellectual disabilities or a facility licensed by the department under section 5123.19 of the Revised Code, where Residential Respite is provided by an agency provider.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

See cost limitations as defined in C-4.

Residential Respite is limited to 90 calendar days per waiver eligibility span.

The cost for Residential Respite services does not include room and board.

Only one provider of Residential Respite or Community Respite shall use a daily billing unit on any given day.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [ ] **Relative**
- [ ] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	Facilities certified as ICFs/IID
Agency	Agency Providers of Residential Respite
Agency	Facilities licensed by DODD under section 5123.19 of the Revised Code

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Residential Respite

Provider Category:
Agency
Provider Type:
Facilities certified as ICFs/IID
Provider Qualifications
License *(specify):*
Licensed by the Ohio Department of Health as an ICF/IID under Chapter 3721 of the Revised Code
Certificate *(specify):*
Certified under standards listed in OAC 5123:2-9-34
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
All licensed facilities are awarded term license of one to three years based upon the results of a licensure survey. The reviews measure compliance with provider standards, including the physical environment, quality of services and areas that ensure the individual's health and welfare. At the end of each term, a review is conducted and a new term is issued (OAC 5123:2-3-02, OAC 5123:2-3-03).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Residential Respite

Provider Category:
Agency
Provider Type:
Agency Providers of Residential Respite
Provider Qualifications
License *(specify):*

Certificate *(specify):*

Other Standard *(specify):*
Certified under standards listed in OAC 5123:2-9-34.
Verification of Provider Qualifications
Entity Responsible for Verification:
DODD

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Residential Respite

Provider Category:
Agency
Provider Type:
Facilities licensed by DODD under section 5123.19 of the Revised Code
Provider Qualifications
License *(specify):*

Certificate *(specify):*

Other Standard *(specify):*
Certified under standards listed in OAC 5123:2-9-34.
Verification of Provider Qualifications
Entity Responsible for Verification:
DODD
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Other Service
As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.
Service Title:
Supported Employment - Community

HCBS Taxonomy:

Category 1: **Sub-Category 1:**

03 Supported Employment	03010 job development

Category 2: **Sub-Category 2:**

03 Supported Employment	03021 ongoing supported employment, individual

Category 3: **Sub-Category 3:**

03 Supported Employment	03022 ongoing supported employment, group

Category 4: **Sub-Category 4:**

Service Definition *(Scope):*
"Supported employment services" consist of intensive, ongoing supports that enable participants, for whom competitive employment at or above the minimum wage is unlikely absent the provisions of supports, and who, because of their disabilities, need supports to perform in a regular work setting. "Supported employment" does not include sheltered work or other similar types of vocational services furnished in specialized facilities.

"Supported employment - community" means supported employment services provided in an integrated community work setting where waiver recipients and persons without disabilities are employed to perform the same or similar work tasks. Supported employment - community may also include services and supports that assist an individual to achieve self-employment through the operation of a business. Such self employment assistance may be provided in the individual's home or the residence of another person and may include:
1. Aiding the individual to identify potential business opportunities;
2. Participating in developing a business plan, including identifying potential sources of business financing and gaining assistance to launch a business;
3. Identifying supports necessary for the individuals to operate the business;
4. Providing ongoing counseling and guidance once the business has been launched.

Supported employment - community waiver funds may not be used to either start-up or operate a business.

Supported Employment – Community services are available to individuals who are no longer eligible for educational services based on their graduation and /or receipt of a diploma/equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio Department of Education. Supported Employment- Community services furnished under the waiver are not available under a program funded by the "Rehabilitation Act of 1973", 29 U.S.C.701, as amended and in effect on the effective date of approval of this waiver service by CMS.

Activities that constitute supported employment – community services follow:

1. "Vocational assessment" that is conducted through formal and informal means for the purpose of developing a vocational profile and employment goals. The profile may contain information about the individual's educational background, work history and job preferences; will identify the individual's strengths, values, interests, abilities, available natural supports and access to transportation; and will identify the earned and unearned income available to the individual.
2. "Job development and placement" includes some or all of the following activities provided directly or on behalf of the individual:
(a) Developing a resume that identifies the individual's job related and/or relevant vocational experiences;
(b) Training and assisting the individual to develop job-seeking skills;
(c) Targeting jobs on behalf of the individual that are available in the individual's work location of choice;
(d) Assisting the individual to find jobs that are well matched to his/her employment goals;
(e) Developing job opportunities on behalf of the individual through direct and indirect promotional strategies and relationship-building with employers;
(f) Conducting work-site analyses, including customizing jobs;
(g) Increasing potential employers' awareness of available incentives that could result from employment of the individual.
3. "Job training/coaching" includes some or all of the following activities:
(a) Developing a systematic plan of on-the-job instruction and support, including task analyses;

(b) Assisting the individual to perform activities that result in his/her social integration with disabled and non-disabled employees on the work-site;
(c) Supporting and training the individual in the use of generic and/or individualized transportation services;
(d) Providing off-site services and training that assist the individual with problem solving and meeting job-related expectations;
(e) Developing and implementing a plan to assist the individual to transition from his/her prior vocational or educational setting to employment, emphasizing the use of natural supports.
4. "Ongoing job support" includes direct supervision, telephone and/or on-site monitoring and counseling and the provision of some or all of the following supports to promote the individual's job adjustment and retention.
(a) Following-up with the employer and/or the individual at the frequency required to assist the individual to retain employment;
(b) Assisting the individual to use natural supports and generic community resources;
(c) Providing training to the individual to maintain work skills, enhance personal hygiene, learn new work skills, improve social skills and/or modify behaviors that are interfering with the continuation of his/her employment;
(d) Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licensed nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

5. Worksite accessibility" includes some or all of the following activities:
(a) Time spent identifying the need for and assuring the provision of reasonable job site accommodations that allow the individual to gain and retain employment;
(b) Time spent assuring the provision of these accommodations through partnership efforts with the employer;

6."Training in self-determination" includes assisting the individual to develop self-advocacy skills, to exercise his/her civil rights, to exercise control and responsibility over the services he/she receives and to acquire skills that enable him/her to become more independent, productive and integrated within the community.

7.Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licenses nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
It is Ohio's intent to amend the waiver to end Supported Employment-Community, as a service effective 10/31/2016. Individual Employment Support and/or Career Planning services will be available as an alternatives to Supported Employment-Community beginning 11/01/2016.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	For profit and non-profit private providers of supported employment community services
Agency	County board of dd providers of supported employment community services
Individual	Individual providers of supported employment community

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Supported Employment - Community

Provider Category:

Agency

Provider Type:

For profit and non-profit private providers of supported employment community services

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are contained in Ohio Administrative Code 5123:2-9-16

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Supported Employment - Community

Provider Category:

Agency

Provider Type:

County board of dd providers of supported employment community services

Provider Qualifications

License *(specify):*

Certificate *(specify):*

Certification standards are contained in Ohio Administrative Code 5123:2-9-16

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:

Ohio Department of Developmental Disabilities

Frequency of Verification:

DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Supported Employment - Community

Provider Category:
Individual

Provider Type:
Individual providers of supported employment community

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certification standards are contained in Ohio Administrative Code 5123:2-9-16

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:
Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:
Supported Employment - Enclave

HCBS Taxonomy:

Category 1:	Sub-Category 1:
03 Supported Employment	03022 ongoing supported employment, group

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4: **Sub-Category 4:**

Service Definition *(Scope):*
"Supported employment services" consist of intensive, ongoing supports that enable participants, for whom competitive employment at or above the minimum wage is unlikely absent the provisions of supports, and who, because of their disabilities, need supports to perform in a regular work setting. "Supported employment" does not include sheltered work or other similar types of vocational services furnished in specialized facilities.

'Supported Employment - Enclave' means Supported Employment services provided to waiver enrollees who work as a team at a single work site of the 'host' community business or industry with initial training, supervision and ongoing support provided by specially trained, on-site supervisors.

Two unique service arrangements have been identified in which Supported Employment – Enclave waiver services are provided:

a.) 'Dispersed enclaves' in which individuals with developmental disabilities work as a self-contained unit within a company or service site in the community or perform multiple jobs in the company, but are not integrated with non-disabled employees of the company.
b.) 'Mobile work crews comprised solely of individuals with developmental disabilities operating as distinct units and/or self-contained businesses working in several locations within the community.

Supported employment enclave services shall normally be made available four or more hours per day on a regularly scheduled basis, for one or more days per week, unless provided as an adjunct to other day activities included in an ISP and shall take place in a non-residential setting separate from any home or facility in which an individual resides.

Supported employment - enclave services are provided to eligible waiver enrollees who participate in a work program that meets the criteria for employment of workers with disabilities under certificates at special minimum wage rates issued by the department of labor, as required by the "Fair Labor Standards Act," and in accordance with the requirements of 29 C.F.R. Part 525: "Employment of Workers with Disabilities Under Special Certificates" (revised as of July 1, 2005).

Supported Employment - Enclave services are available to individuals who are no longer eligible for educational services based on their graduation and /or receipt of a diploma/equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio Department of Education.

Supported Employment-Enclave services furnished under the waiver are not available under a program funded by the "Rehabilitation Act of 1973", 29 U.S.C.701, as amended and in effect on the effective date of approval of this waiver service by CMS.

Activities That Constitute Supported Employment – Enclave
1. "Vocational assessment" that is conducted through formal and informal means for the purpose of developing a vocational profile and employment goals. The profile may contain information about the individual's educational background, work history and job preferences; will identify the individual's strengths, values, interests, abilities, available natural supports and access to transportation; and will identify the earned and unearned income available to the individual.

2. "Job development and placement" includes some or all of the following activities provided directly or on behalf of the individual:

(a) Developing a resume that identifies the individual's job related and/or relevant vocational experiences;

(b) Training and assisting the individual to develop job-seeking skills;

(c) Targeting jobs on behalf of the individual that are available in the individual's work location of choice;

(d) Assisting the individual to find jobs that are well matched to his/her employment goals;

(e) Developing job opportunities on behalf of the individual through direct and indirect promotional strategies and relationship-building with employers;

(f) Conducting work-site analyses, including customizing jobs;

(g) Increasing potential employers' awareness of available incentives that could result from employment of the individual.

3. "Job training/coaching" includes some or all of the following activities:

(a) Developing a systematic plan of on-the-job instruction and support, including task analyses;
(b) Assisting the individual to perform activities that result in his/her social integration with disabled and non-disabled employees on the work-site;
(c) Supporting and training the individual in the use of generic and/or individualized transportation services;
(d) Providing off-site services and training that assist the individual with problem solving and meeting job-related expectations;
(e) Developing and implementing a plan to assist the individual to transition from his/her prior vocational or educational setting to employment, emphasizing the use of natural supports.

4."Ongoing job support" includes direct supervision, telephone and/or on-site monitoring and counseling and the provision of some or all of the following supports to promote the individual's job adjustment and retention.
(a) Following-up with the employer and/or the individual at the frequency required to assist the individual to retain employment;
(b) Assisting the individual to use natural supports and generic community resources;
(c) Providing training to the individual to maintain work skills, enhance personal hygiene, learn new work skills, improve social skills and/or modify behaviors that are interfering with the continuation of his/her employment.
(d) Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licensed nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

5. "Worksite accessibility" includes some or all of the following activities:
(a) Time spent identifying the need for and assuring the provision of reasonable job site accommodations that allow the individual to gain and retain employment;
(b) Time spent assuring the provision of these accommodations through partnership efforts with the employer;
6. "Training in self-determination" includes assisting the individual to develop self-advocacy skills, to exercise his/her civil rights, to exercise control and responsibility over the services he/she receives and to acquire skills that enable him/her to become more independent, productive and integrated within the community.
7. Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licenses nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.
Specify applicable (if any) limits on the amount, frequency, or duration of this service:
It is Ohio's intent to amend the waiver to end Supported Employment-Enclave, as a service effective 10/31/2016. Group Employment Support service will be available as an alternatives to Supported Employment-Community beginning 11/01/2016.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Agency	County board of DD providers of Supported Employment - Enclave services
Agency	For profit and non-profit private providers of Supported Employment - Enclave services

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Supported Employment - Enclave

Provider Category:
Agency
Provider Type:
County board of DD providers of Supported Employment - Enclave services
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code 5123:2-9-16
Other Standard *(specify):*

Verification of Provider Qualifications
Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Supported Employment - Enclave

Provider Category:
Agency
Provider Type:
For profit and non-profit private providers of Supported Employment - Enclave services
Provider Qualifications
License *(specify):*

Certificate *(specify):*
Certification standards are promulgated in Ohio Administrative Code 5123:2-9-16
Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities
Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).
Service Type:
Other Service
As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.
Service Title:
Transportation

HCBS Taxonomy:

Category 1:	Sub-Category 1:
15 Non-Medical Transportation	15010 non-medical transportation

Category 2:	Sub-Category 2:

Category 3:	Sub-Category 3:

Category 4:	Sub-Category 4:

Service Definition *(Scope)*:
Service offered in order to enable individuals served on the waiver to gain access to waiver and other community services, activities and resources, specified by the individual's service plan. This service is offered in addition to medical transportation required under 42 CFR 431.53 and transportation services under the State plan, defined at 42 CFR 440.170(a) (if applicable), and shall not replace them. Transportation services under the waiver shall be offered in accordance with the individual's service plan. Whenever possible, family, neighbors, friends, or community agencies that can provide this service without charge will be utilized. Transportation services may be provided in addition to the Non-Medical Transportation services that may only be used to enable individuals to access Adult Day Support, Vocational Habilitation, Individual Employment Support, Group Employment Support and Career Planning. To avoid service duplication with Non-Medical Transportation Service, documentation is required to show what service has been billed at what time. DODD conducts audits on services provided by aligning what is in the plan (ISP) with what has been approved in the Payment Authorization for Waiver Services (PAWS) and what has been billed in the Medicaid Billing System to ensure that no duplication has occurred. The SSA maintains the responsibility for monitoring the services as authorized in the ISP.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:
See cost limitations as defined in Appendix C-4.

The $5,325 combined limitation for Homemaker/Personal Care, Informal Respite, Institutional Respite Residential Respite, Community Respite, and Transportation.

It is Ohio's intent to amend the waiver to end Supported Employment-Community and Supported Employment Enclave, as services effective 10/31/2016. Individuals Employment Support, Group Employment Support and/or Career Planning services will be available as an alternatives beginning 11/01/2016.

Service Delivery Method *(check each that applies)*:

- [ ] **Participant-directed as specified in Appendix E**
- [x] **Provider managed**

Specify whether the service may be provided by *(check each that applies)***:**

- [ ] **Legally Responsible Person**
- [x] **Relative**
- [x] **Legal Guardian**

Provider Specifications:

Provider Category	Provider Type Title
Individual	Individual Transportation Providers
Agency	Agency Transportation Providers

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Transportation

Provider Category:
Individual

Provider Type:
Individual Transportation Providers

Provider Qualifications

License *(specify)*:

Certificate *(specify)*:
Certification Standards listed in rule 5123:2-9-25 of the Ohio Administrative Code

Other Standard *(specify)*:

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Transportation

Provider Category:
Agency

Provider Type:
Agency Transportation Providers

Provider Qualifications

License *(specify):*

Certificate *(specify):*
Certification Standards listed in rule 5123:2-9-25 of the Ohio Administrative Code

Other Standard *(specify):*

Verification of Provider Qualifications

Entity Responsible for Verification:
Ohio Department of Developmental Disabilities

Frequency of Verification:
DODD has the statutory authority in section 5123.16 of the Revised Code to establish a period of recertification. Pursuant to rule 5123: 2-2-04 HCBS Waivers: Compliance Reviews of HCBS Waiver Providers, DODD shall ensure that compliance reviews of certified providers are conducted so that each certified provider is reviewed within one year of initial billing for provision of services, and thereafter once during the term of their certification (3 years).

Appendix C: Participant Services

C-1: Summary of Services Covered (2 of 2)

b. **Provision of Case Management Services to Waiver Participants.** Indicate how case management is furnished to waiver participants (*select one*):

- ○ **Not applicable** - Case management is not furnished as a distinct activity to waiver participants.
- ◉ **Applicable** - Case management is furnished as a distinct activity to waiver participants.
  Check each that applies:
  - ☐ **As a waiver service defined in Appendix C-3.** *Do not complete item C-1-c.*
  - ☐ **As a Medicaid State plan service under §1915(i) of the Act (HCBS as a State Plan Option).** *Complete item C-1-c.*
  - ☑ **As a Medicaid State plan service under §1915(g)(1) of the Act (Targeted Case Management).** *Complete item C-1-c.*
  - ☐ **As an administrative activity.** *Complete item C-1-c.*

c. **Delivery of Case Management Services.** Specify the entity or entities that conduct case management functions on behalf of waiver participants:

County Boards conduct case management services (TCM) through Service and Support Administrators (SSAs) who are certified or registered through the Ohio Department of Developmental Disabilities (DODD).

Appendix C: Participant Services

C-2: General Service Specifications (1 of 3)

a. **Criminal History and/or Background Investigations.** Specify the State's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (select one):

○ **No. Criminal history and/or background investigations are not required.**

◉ **Yes. Criminal history and/or background investigations are required.**

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

DODD does not certify an applicant as a waiver provider until a background investigation has been satisfactorily completed. Each independent provider; each member of a family consortium; each chief executive officer or person responsible for administration of an agency provider; and each employee, contractor, and employee of a contractor of an agency provider who is engaged in a direct services position shall have a current report from the bureau of criminal identification and investigation (BCII), which demonstrates that he/she has not been convicted of or pleaded guilty to any of the offenses listed Section 5126.28(E) of the Ohio Revised Code and rule 5123:2-1-05.1(J) of the Ohio Administrative Code (OAC).

An applicant to be a provider is responsible for having his/her own background check completed by obtaining a report from Ohio's bureau of criminal identification and investigation (BCII). If the applicant who is the subject of a background investigation does not present proof that he/she has been a resident of Ohio for the five-year period immediately prior to the date of the background investigation, a request that BCII obtain information regarding the applicant's criminal record from the federal bureau of investigation (FBI) shall be made. If the applicant presents proof that he/she has been a resident of Ohio for that five-year period, a request may be made that BCII include information from the FBI in its report.

An independent provider is required to report to DODD if he or she is ever formally charged with, convicted of, or pleads guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code. The independent provider shall make such report, in writing, not later than fourteen calendar days after the date of such charge, conviction or guilty plea.

An agency provider shall require any employee in a direct services position to report, in writing, to the agency provider if the employee is ever formally charged with, convicted of, or plead guilty to any of the offenses listed in division (E) of section 5126.28 of the Revised Code not later than fourteen calendar days after the date of such charge, conviction or guilty plea.

b. **Abuse Registry Screening.** Specify whether the State requires the screening of individuals who provide waiver services through a State-maintained abuse registry (select one):

○ **No. The State does not conduct abuse registry screening.**

◉ **Yes. The State maintains an abuse registry and requires the screening of individuals through this registry.**

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

The requirements for the abuser registry are contained in Sections 5123.50 through 5123.54 of the Ohio Revised Code. DODD maintains an abuser registry and screens applicants for Level One waiver positions having direct contact with waiver participants against the abuser registry. Certification as an independent waiver provider who is engaged in a direct services position shall not be approved until the screening has been satisfactorily completed. Agency providers must assure that employees or contractors in a direct services position have been screened against the abuser registry.

Certification shall be denied to any applicant whose name appears on the abuser registry. For waiver providers who previously have been certified, DODD shall initiate revocation proceedings for any provider who has been convicted or pled guilty of any of the offenses listed in Division (E) of section 5126.28 of the Ohio Revised Code.

DODD may initiate revocation proceedings for any individual provider who has failed to report that he or she has been charged with such offenses.

Additionally, contact is made with the Ohio Department of Health to inquire whether the nurse aide registry established under section 3721.32 of the Revised Code reveals that its director has made a determination of abuse, neglect, or misappropriation of property of a resident of a long-term care facility or residential care facility by the applicant. The Ohio Department of Developmental Disabilities (DODD) will deny certification to an applicant whose name appears on the nurse aide registry with regard to abuse, neglect or misappropriation.

For employees, subcontractors of the applicant, and employees of subcontractors who provide specialized services to an individual with a developmental disability as defined in division (G) of section 5123.50 of the Revised Code, the applicant shall provide to DODD written assurance that, as of the date of the application, no such persons are listed on the abuser registry established pursuant to sections 5123.50 to 5123.54 of the Revised Code. DODD compliance reviews verify whether the provider has checked the registry to ensure no employees have been placed on the registry.

Appendix C: Participant Services

C-2: General Service Specifications (2 of 3)

c. Services in Facilities Subject to §1616(e) of the Social Security Act. *Select one:*

○ **No. Home and community-based services under this waiver are not provided in facilities subject to §1616(e) of the Act.**

◉ **Yes. Home and community-based services are provided in facilities subject to §1616(e) of the Act. The standards that apply to each type of facility where waiver services are provided are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).**

i. Types of Facilities Subject to §1616(e). Complete the following table for each type of facility subject to §1616(e) of the Act:

Facility Type	
Facilities licensed by DODD under ORC 5123.19	

ii. Larger Facilities: In the case of residential facilities subject to §1616(e) that serve four or more individuals unrelated to the proprietor, describe how a home and community character is maintained in these settings.

Residential Respite is a short-term service that can be provided in facilities licensed by DODD. These facilities may be licensed for fewer or more than four individuals. Individuals, parents, guardians, family members, and SSAs provide necessary information to the facility to ensure that individuals receive their respite service in a manner that resembles their home life as much as possible.

Each facility in which more than four individuals with developmental disabilities reside must be licensed by DODD in accordance with Chapter 5123.19 of the Ohio Revised Code. Licensure requirements assure that the home provides individualized services, that residents have access to laundry facilities, personalized bedrooms that cannot be occupied by more than two individuals and accessible bathrooms. Homes are required to have food preparation and dining areas and non-sleeping areas that meet minimum square footage requirements. No rooms within the home, other than staff living areas, are to be 'off limits' to any resident. Residential providers are required to provide or arrange for transportation of individuals to access community services, in accordance with their Individual Service Plans. Licensed facilities may not erect any sign or otherwise differentiate the home from other private residences in the community.

DODD licenses 2 types of facilities: ICF-IIDs and non-ICF-IIDs. Currently, OAC 5123:2-16-01 limits the number of beds in new non-ICF-IID licensed facilities to 4; however, facilities licensed for more than 4 prior to this rule becoming effective may maintain their current capacity.

The review process for both licensed waiver facilities and ICF-IIDs are very similar, but are different in the areas of: Individual Service Plan/Individual Plan (county board of dd responsibility versus ICF-IID facility responsibility); Behavior Support (rule for waiver facilities

versus DODD Licensure Rule for ICF-IID); Waiver administration (not required in ICF's); Non-Medical Transportation (not applicable in ICF's).

The review process for licensed waiver facilities includes the review of: Individual Service Planning, Medication Administration, Behavior Support, Money Management, Waiver Administration Activities, Service Delivery and Documentation, MUI/UI, Personnel, Training/Certification for Drivers Attendants/Transportation, Vehicles/Transportation, Non-Medical Transportation and Physical Environment.

The review process for licensed ICF-IIDs includes the review of: Individual Planning, Medication Administration, Behavior Support, Money Management, Individual Service Plan implementation, MUI/UI, Personnel, Vehicles/Transportation (if the provider is responsible for providing any type of transportation) and Physical Environment.

Appendix C: Participant Services

C-2: Facility Specifications

Facility Type:

Facilities licensed by DODD under ORC 5123.19

Waiver Service(s) Provided in Facility:

Waiver Service	Provided in Facility
Informal Respite	☐
Career Planning	☐
Remote Monitoring	☐
Group Employment Support	☐
Supported Employment - Community	☐
Specialized Medical Equipment and Supplies	☐
Remote Monitoring Equipment	☐
Environmental Accessibility Adaptations	☐
Residential Respite	☑
Non-Medical Transportation	☐
Personal Emergency Response Systems	☐
Transportation	☐
Individual Employment Support	☐
Habilitation – Adult Day Support	☐
Community Respite	☐
Homemaker/Personal Care	☑
Supported Employment - Enclave	☐
Money Management	☐
Home Delivered Meals	☐

Waiver Service	Provided in Facility
Habilitation – Vocational Habilitation	☐

Facility Capacity Limit:

OAC 5123:2-16-01 limits the number of beds in new non-ICF/IID licensed facilities to 4, but facilities licensed >4 prior to this rule becoming effective may maintain their current capacity.

Scope of Facility Sandards. For this facility type, please specify whether the State's standards address the following topics (*check each that applies*):

Scope of State Facility Standards

Standard	Topic Addressed
Admission policies	☑
Physical environment	☑
Sanitation	☑
Safety	☑
Staff : resident ratios	☑
Staff training and qualifications	☑
Staff supervision	☑
Resident rights	☑
Medication administration	☑
Use of restrictive interventions	☑
Incident reporting	☑
Provision of or arrangement for necessary health services	☑

When facility standards do not address one or more of the topics listed, explain why the standard is not included or is not relevant to the facility type or population. Explain how the health and welfare of participants is assured in the standard area(s) not addressed:

Appendix C: Participant Services

C-2: General Service Specifications (3 of 3)

d. **Provision of Personal Care or Similar Services by Legally Responsible Individuals.** A legally responsible individual is any person who has a duty under State law to care for another person and typically includes: (a) the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or (b) a spouse of a waiver participant. Except at the option of the State and under extraordinary circumstances specified by the State, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. *Select one*:

- (●) **No. The State does not make payment to legally responsible individuals for furnishing personal care or similar services.**
- ( ) **Yes. The State makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.**

Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) State policies that specify the circumstances when payment may be authorized for the provision of ***extraordinary care*** by a legally responsible individual and how the State ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 the personal care or*

similar services for which payment may be made to legally responsible individuals under the State policies specified here.

e. **Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians.** Specify State policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. *Select one*:

○ **The State does not make payment to relatives/legal guardians for furnishing waiver services.**

○ **The State makes payment to relatives/legal guardians under specific circumstances and only when the relative/guardian is qualified to furnish services.**

Specify the specific circumstances under which payment is made, the types of relatives/legal guardians to whom payment may be made, and the services for which payment may be made. Specify the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 each waiver service for which payment may be made to relatives/legal guardians.*

◉ **Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.**

Specify the controls that are employed to ensure that payments are made only for services rendered.

Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3, except as follows:
• Legally responsible individuals are not permitted to furnish any waiver services to the individuals for whom they are responsible.
• Spouses are not permitted to furnish waiver services to their spouses.
• Parents are not permitted to furnish waiver services to their children (defined as biological children, adoptive children, or stepchildren) who are under the age of eighteen.
• Guardians of individuals who are unrelated to their dependents are not permitted to furnish waiver services to those dependents.

Procedures that have been established to ensure that payment is made only for services rendered:
The Individual Service Plan (ISP) developed by the County Board specifies the waiver services eligible for payment. Waiver services specified in the ISP are entered into the DODD-operated payment system to ensure that payment is made only for waiver services specified in ISP and only in the amounts specified in the ISP.

Consistent with the limitations in Appendix C-2-e and Appendix C-1/C-3, relatives/family members who are otherwise qualified to provide services as specified in Appendix C-1/C-3 may become qualified waiver providers by following the same certification process as DODD's other waiver providers.

Monitoring of the ISP implementation is done by the County Board's Service and Support Administrator, and provider compliance reviews conducted by DODD include a review of whether services were actually delivered in accordance with the individual's ISP.

○ **Other policy.**

Specify:

f. **Open Enrollment of Providers.** Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:

DODD continuously certifies applicants to be providers of Level One waiver services. Information regarding regarding the certification process and requirements are posted on DODD's website. Prospective providers may call or email DODD for information about the requirements or assistance with the application process. Once certified by DODD, the Medicaid Provider application is forwarded to ODM for review and assignment of a Medicaid provider number.

The County Board can assist a Level One participant who wishes to have someone known to them to be certified as an informal provider of respite in the certification and Medicaid provider enrollment process.

Providers who contact ODM seeking to become a waiver provider are directed to DODD to obtain certification.

Appendix C: Participant Services

Quality Improvement: Qualified Providers

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. **Methods for Discovery: Qualified Providers**

The state demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.

i. **Sub-Assurances:**

a. ***Sub-Assurance: The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM C3: Number and percent of independent providers that continue to meet certification requirements at recertification or review. Numerator: Number of independent providers that continue to meet certification requirements at recertification or review. Denominator: Total number of independent providers due for a re-certification or review.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample**

		Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM C4: Number and percent of agency providers that continue to meet certification requirements at recertification or review. Numerator: Number of agency providers that continue to meet certification requirements at recertification or review. Denominator: Total number of agency providers due for a re-certification or review.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*

☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM C2: Number and percent of new agency providers that meet initial certification requirements prior to providing waiver services Numerator: Number of new agency providers that meet initial certification requirements prior to providing waiver services. Denominator: Total number of new agency providers enrolled.

Data Source (Select one):

Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM C5: Number and percent of enrolled providers for which an appropriate background and registry checks were conducted timely. Numerator: Number of enrolled providers for which an appropriate background and registry checks were conducted timely. Denominator: Total number of enrolled providers due for a background and registry checks.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM C1: Number and percent of new independent providers that meet initial certification requirements prior to providing waiver services. Numerator: Number of new independent providers enrolled. Denominator: Total number of new independent providers enrolled.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

b. ***Sub-Assurance: The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.***

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM C6: Number and percent of non-licensed/non-certified providers that meet requirements. Numerator: Number of non-licensed/non-certified providers that meet requirements. Denominator: Total number of non-licensed/non-certified providers.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☐ **Quarterly**	☐ **Representative Sample** Confidence Interval =

☐ **Other** Specify:	☑ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

c. ***Sub-Assurance: The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.***

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM C7: Number and percent of independent providers who were not certified for failure to meet State requirements. Numerator: Number of independent providers who were not certified for failure to meet State requirements. Denominator: Total number of independent providers due for a review.

Data Source (Select one):

Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM C8: Number and percent of agency providers who were not certified for failure to meet State requirements. Numerator: Number of agency providers who were not certified for failure to meet State requirements. Denominator: Total number of agency providers due for a review.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Provider Certification Wizard

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
DODD becomes aware of problems through a variety of mechanisms including, but not limited to, formal & informal complaints, technical assistance requests, and routine & special regulatory review processes (accreditation, licensure, provider compliance, quality assurance, etc.). As problems are discovered, the individual County Boards is notified and technical assistance is provided using email, phone contact and/or letters to the County Boards Superintendent. During the DODD regulatory review process citations may be issued and plans of correction required as needed and appropriate. When issues are noted that are systemic, DODD will provide statewide training and additional technical assistance and monitor for improvement during subsequent monitoring cycles.

Provider applicants cannot provide waiver services prior to meeting initial certification requirements. Providers are not given their DODD contract number or Medicaid Provider number until the standards of certification have been met as established in OAC 5123:2-2-01. Requirements are specific to independent providers verse agency providers; all approved providers are identified in the provider database as either being an agency or independent provider. Effective dates of certification are not granted until DODD has received all documentation supporting the initial certification requirements. Requirements, including documents, for certification are currently listed by provider type on the DODD website. Provider applicants must use the online certification tool, the Provider Certification Wizard (PCW) to apply for certification. The application process consists of the applicant being asked a series of questions that will determine a list of required documentation based on their answers. Once the application is submitted by the applicant, it is forwarded to an electronic workflow program that is used to ensure requirements of initial and renewal certification are met.

All providers are notified within 90 days of their expiration date that they must renew their certification. They are sent a list of requirements via letter sent through the US Postal Service; this letter includes information pertaining to their expiration date and instructions as to how to proceed with certification renewal. If the provider does not meet the standards of certification to renew, the provider can no longer provide services and will not be able to bill for services provided after their expiration date. If the provider submits their application after their expiration date, a new effective date will be assigned that will align with the date that all completed documentation was received. This can result in a lapse in the certification record for the provider. If the application is submitted prior to expiration, but is incomplete, per OAC 5123:2-2-01, the provider has 90 days to submit a completed application.

Providers are able to apply for certification for services under all of the DODD waivers using PCW. The services are listed within the application and the request for documentation is dependent upon the services selected. Providers are only certified once the requirements of certification have been verified. Providers who do not submit documentation within the required timeframe are not denied; they are simply not certified. This includes providers who have not met the requirement for training documentation for initial and renewal certification. The Office of Provider Standards and Review will conduct compliance reviews to ensure anyone working for an agency in a direct service position has met any certification requirements. If they have not,

citations will be issued by the Department. Reports can be accessed by Department staff outlining the number of providers who have been certified for initial or renewal certification, the type of provider, and the services for which they have been certified.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party*(check each that applies):*	**Frequency of data aggregation and analysis** *(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

◉ **No**

○ **Yes**

Please provide a detailed strategy for assuring Qualified Providers, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix C: Participant Services

C-3: Waiver Services Specifications

Section C-3 'Service Specifications' is incorporated into Section C-1 'Waiver Services.'

Appendix C: Participant Services

C-4: Additional Limits on Amount of Waiver Services

a. Additional Limits on Amount of Waiver Services. Indicate whether the waiver employs any of the following additional limits on the amount of waiver services (*select one*).

○ **Not applicable**- The State does not impose a limit on the amount of waiver services except as provided in Appendix C-3.

◉ **Applicable** - The State imposes additional limits on the amount of waiver services.

When a limit is employed, specify: (a) the waiver services to which the limit applies; (b) the basis of the limit, including its basis in historical expenditure/utilization patterns and, as applicable, the processes and methodologies that are used to determine the amount of the limit to which a participant's services are subject; (c) how the limit will be adjusted over the course of the waiver period; (d) provisions for adjusting or making exceptions to the limit based on participant health and welfare needs or other factors specified by the state; (e) the safeguards that are in effect when the amount of the limit is insufficient to meet a participant's needs; (f) how participants are notified of the amount of the limit. (*check each that applies*)

☑ **Limit(s) on Set(s) of Services.** There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.
Furnish the information specified above.

The maximum combined service limitation is $5,325 per year for Homemaker/Personal Care, Informal Respite, Residential Respite, Community Respite, and Transportation. These services are grouped together in order to provide the waiver participant the flexibility of choosing the particular service necessary to maintain the individual in his/her current environment. To avoid or minimize impact to individual budgets and to assure access to necessary services identified in person-centered plans, the maximum dollar amount of waiver services may be exceeded only when the costs of overtime required under the FLSA are beyond an individual's control.

The maximum combined service limitation is $7,500 over a three-year period for Environmental Accessibility Adaptations, Personal Emergency Response Systems, Remote Monitoring, Remote Monitoring Equipment, Home Delivered Meals, and Specialized Medical Equipment and Supplies. These services are grouped together in order to provide the waiver participant flexibility in selecting the option relevant to maintaining the individual in his/her current environment by addressing specific needs pertaining to the individual's health and safety.

An individual can utilize additional amounts in excess of the limitations specified above for additional Homemaker/Personal Care, Institutional Respite,Residential Respite, Transportation, Personal Emergency Response Systems, Remote Monitoring, Remote Monitoring Equipment, Informal Respite, Environmental Accessibility Adaptations, or Specialized Medical Equipment and Supplies. These services were grouped to allow the greatest flexibility for waiver participants facing transient situations that have the potential of impacting the individual's health and safety. The maximum limitation for emergency assistance is $8,520 over a three-year period.

Emergency assistance may be provided in one of the following emergency situations:

Involuntary loss of present residence for any reason, including legal action;

Loss of present caregiver for any reason, including death of a caregiver or changes in the caregiver's mental or physical status resulting in the caregiver's inability to perform effectively for the individual;
Abuse, neglect, or exploitation of the individual;
Health and welfare conditions that pose a serious risk to the individual of immediate harm or death; or
Significant changes in the emotional or physical condition of the individual that necessitate substantial, expanded accommodations that cannot be reasonably provided by the individual's existing caregiver.

Provision of Emergency Assistance will be used for interim services until the emergency situation has been resolved or the individual is transferred to alternative residential supports applicable to the individual's assessed needs including an ICF-IID or applicable supports under an alternative home and community-based services waiver for which the person is eligible and a slot is available.

The above limitations were developed as the result of discussions with ODM, the County Boards, provider and advocacy organizations and CMS. These limitations have proven to be adequate in meeting individuals' needs. While there is to-date no evidence to justify increasing or modifying the dollar limits, DODD will continue to monitor this issue with ODM,County Boards, and advocacy groups.

A prescreening tool is used to identify those individuals whose needs cannot be met within the cost cap. Applicants or enrollees whose health and safety needs cannot be reasonably assured by the formal supports, informal supports and home and community-based services within the cost limitations associated with this waiver, will not be enrolled or shall be disenrolled from the Level One waiver. Applicants not enrolled or enrollees disenrolled for this reason shall be afforded the opportunity to apply for a DD waiver more appropriate for the individual's level of need or shall be offered ICF-IID services and will be afforded the opportunity for a fair hearing.

☐ **Prospective Individual Budget Amount.** There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.
Furnish the information specified above.

☐ **Budget Limits by Level of Support.** Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.
Furnish the information specified above.

☑ **Other Type of Limit.** The State employs another type of limit.
Describe the limit and furnish the information specified above.

Sets of Services to Which Annual Budget Limits Are Applied:

Following are the annual budget limitations that apply to Adult Day Support, Vocational Habilitation, Supported Employment-Community, Supported Employment-Enclave, Individual Employment Support, Group Employment Support, and Career Planning waiver services when these services are provided separately or in combination. It is Ohio's intent to amend the waiver to end Supported Employment-Community and Supported Employment-Enclave, as services effective 10/31/2016.

CODB Category	Group A	Group A- 1	Group B	Group
1	$10,270	$10,270	$18,460	$30,745
2	$10,335	$10,335	$18,655	$31,070
3	$10,465	$10,465	$18,850	$31,395
4	$10,595	$10,595	$19,045	$31,720
5	$10,660	$10,660	$19,240	$32,045
6	$10,790	$10,790	$19,435	$32,370
7	$10,920	$10,920	$19,630	$32,630
8	$10,985	$10,985	$19,760	$32,955

The annual service limit that is applicable to the adult day service set of Adult Day Support, Vocational Habilitation, Supported Employment-Community, Supported Employment-Enclave, Individual Employment Support, Group Employment Support and Career Planning Waiver services is determined by use of a projected service utilization of 260 days per year multiplied by 6.25 hours of attendance each day multiplied by four 15-minute units per hour to obtain the maximum base of 6,500 15-minute units of service that may be received per person per twelve month waiver year. The 6,500 units are then multiplied by the rate for Vocational Habilitation/Adult Day Support that corresponds to the group to which each individual would be assigned based on completion of the Acuity Assessment Instrument. The rate selected when calculating an individual's service limit will be further determined by the cost of doing business adjustment (category) that applies to the county in which the individual is anticipated to receive the preponderance of Vocational Habilitation, Adult Day Support, Supported Employment-Community, Supported Employment-Enclave, Individual Employment Support, Group Employment Support or Career Planning waiver services during the individuals twelve month waiver span. It is Ohio's intent to amend the waiver to end Supported Employment-Community and Supported Employment-Enclave, as a service effective 10/31/2016. The methodology used to establish service limits will be periodically re-evaluated by the Department.
Service and Support Administrators (SSA) employed by County Boards will be assigned the responsibility to submit to DODD information contained on the DODD Acuity Assessment Instrument for each waiver recipient for whom Adult Day Supports, Vocational Habilitation, Supported Employment-Community, Supported Employment-Enclave, Individual Employment Support, Group Employment Support and Career Planning waiver services have been authorized through the individual planning process. The SSA will be responsible to inform the waiver enrollee/guardian of the assessment score and resulting group assignment initially and at each time the assessment instrument is re-administered. It is Ohio's intent to amend the waiver to end Supported Employment-Community and Supported Employment-Enclave, as a service effective 10/31/2016.
Each provider shall document the ratios of staff members to individuals served in a grouping during the times or span of times in each calendar day when Adult Day Support, Vocational Habilitation, Supported Employment-Community, Supported Employment-Enclave, Individual Employment Support, Group

Employment Support or Career Planning services were provided. It is Ohio's intent to amend the waiver to end Supported Employment-Community and Supported Employment-Enclave, as a service effective 09/30/2016. When determining that an individual received services at the staff intensity ratio indicated by the Acuity Assessment Instrument score, a certified provider may use the average of the staff to individual ratios at which he/she provided each waiver service to the individual during one calendar day.
An administrative review processes internal to DODD and subject to ODM oversight will be available to individuals who believe that their DODD's Acuity Assessment Instrument scores and subsequent placement in Group A, A-1 and B prohibit their access to or continuation in the Vocational Habilitation or Adult Day Support, Supported Employment-Community, Supported Employment-Enclave, Individual Employment Support, Group Employment Support and/or Career Planning services they have selected. It is Ohio's intent to amend the waiver to end Supported Employment-Community and Supported Employment-Enclave, as a service effective 10/31/2016. In no instance will the total annual budget limit approved through the administrative review exceed the published amount for Group C in the cost of doing business region in which the individual receives the preponderance of his/her adult service set.

Appendix C: Participant Services

C-5: Home and Community-Based Settings

Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Include:

1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.
2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.

Note instructions at Module 1, Attachment #2, HCB Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.

Refer to the waiver specific transition plan in Attachment #2: Home and Community-Based Settings Waiver Transition Plan that specifies Ohio's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (1 of 8)

State Participant-Centered Service Plan Title:
Individual Service Plan

a. **Responsibility for Service Plan Development.** Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals *(select each that applies):*
   - ☐ **Registered nurse, licensed to practice in the State**
   - ☐ **Licensed practical or vocational nurse, acting within the scope of practice under State law**
   - ☐ **Licensed physician (M.D. or D.O)**
   - ☐ **Case Manager** (qualifications specified in Appendix C-1/C-3)
   - ☐ **Case Manager** (qualifications not specified in Appendix C-1/C-3).
     Specify qualifications:
   - ☐ **Social Worker**
     Specify qualifications:
   - ☑ **Other**

Specify the individuals and their qualifications:

Service and support administrators (SSA) are responsible for service plan development and revision (ORC 5126.15 and rule 5123:2-1-11 of the Administrative Code). A service and support administrator must be, regardless of title, employed by or under subcontract with a County Board to perform the functions of service and support administration, and must hold the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code. The minimum qualifications for certification are an associate's degree from a college or university and the successful completion of following:

(1) The Ohio Alliance of Direct Support Professionals Professional Advancement Through Training and Education in Human Services (PATHS) Certificate of Initial Proficiency program; OR
(2) An orientation program of at least eight hours that addresses: Organizational background of the county board or contracting entity. Components of quality care for individuals served including Person-centered philosophy. Health and safety. Positive behavior support. Services that comprise service and support administration.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (2 of 8)

b. Service Plan Development Safeguards. *Select one:*

○ **Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.**

◉ **Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.**

The State has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. *Specify:*

County Boards currently serve as the single provider of case management through Ohio's Targeted Case Management(TCM)services. County boards may also provide direct services to some individuals receiving 1915 (c) waiver services. In many cases, people have been receiving their direct services from the county board for a long period of time. The state reports that there are not enough providers and the state needs time to develop a broader provider pool.

In the past 7 years, the state has reduced the percentage of adult day services provided by the boards from 92% to 52%. This was accomplished through a combination of expanding the private provider pool, expecting boards to actively recruit providers in counties where options are minimal, and carefully planned transitions of individuals from county boards to other providers.

Ohio is in the process of redesigning the adult day services. It is anticipated that these new services will be available in 2016, they will not be available in segregated facilities. County boards providing TCM will not be eligible to provide any of the new adult day services, unless no other qualified provider is available in the geographic area. It is anticipated that all individuals will be safely transitioned from their existing adult day services, many of which are operated by county boards, to the newly designed services according to Ohio's Transition Plan.

Under the newly designed adult day services model, the county boards' role will be to assist individuals with navigating the various employment services available through the waiver, as well as through other community organizations, such as Ohio's vocational rehabilitation vendors and the county departments of job and family services. This employment navigation will be provided as a function of TCM.

Case management shall not be assigned responsibilities for implementing other services for individuals and shall not be employed by or serve in other administrative functions for any other entity that provides programs or services to individuals with developmental disabilities in accordance with section 5126.15 of the Ohio Revised Code.

So long as a county board is a provider of home and community-based services, the county board shall: (1) Ensure administrative separation between county board staff doing assessments and service planning and county board staff delivering direct services; and (2) implement a process and establish annual benchmarks for recruitment of sufficient providers of adult day support and employment services. The state monitors for this administrative

separation during the county board accreditation reviews as outlined under OAC 5123:2-1-02 (P) Administration and Operation of County Boards of Developmental Disabilities. Through the accreditation process county boards are reviewed as a provider of service, if applicable, and as the administrative entity overseeing service delivery and waiver programs. Based on the results of an accreditation review, a County Board is awarded an accreditation term of from one to three years.

Personnel providing TCM shall inform individuals, at least annually, of the right to choose from among all qualified providers and shall provide assistance, as needed, with the provider selection process in accordance with section OAC 5123:2-9-11. Individuals who wish to appeal a decision related to their HCBS services may request a state hearing in accordance with section 5101.35 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

By March 1, 2020 no more than 30% of the individuals receiving case management through the county boards will also receive direct services through the county boards. To achieve this goal, the County Boards will continue to phase out their provision of direct services.

Annual benchmarks will be established for recruitment of sufficient providers in each county to safely meet the needs of all individuals requiring day services and for reducing the census of county board day programs. Annual benchmarks will be established in accordance with paragraph (D) of OAC 5123:2-9-11 for the recruitment of sufficient adult day, employment, and non-medical transportation providers. The county board shall establish and implement annual benchmarks for reducing the number of individuals for whom the county board provides adult day support, employment services, and non-medical transportation. Benchmarks are subject to approval by DODD. The county board shall report progress on achieving benchmarks to the department twice per year in accordance with the schedule and format established by the department.

The Ohio Department of Developmental Disabilities shall require county boards to establish annual benchmarks as outlined in OAC 5123:2-9-11 (D) no later than September 1, 2015. County boards shall submit progress reports on achieving benchmarks to the department twice per year, starting June 30, 2016 reflecting the number of individuals who have selected another qualified provider and are no longer receiving day services from the county board. The Ohio Department of Developmental Disabilities will work closely with county boards to ensure compliance with established benchmarks. County boards that fail to comply will no longer be permitted to provide Targeted Case Management or to develop individuals' person-centered plans.

County Boards are prohibited from providing direct services to new individuals, unless no other qualified and willing provider is available. County boards shall submit progress reports on achieving benchmarks to the department twice per year, starting June 30, 2016 reflecting the number of individuals who have selected another qualified provider and are no longer receiving day services from the county board.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (3 of 8)

c. **Supporting the Participant in Service Plan Development.** Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.

Services and supports are planned and implemented in accordance with each individual's needs, expressed preferences, and decisions concerning his/her life in the community. To that end,individuals participate in the development of their service plans and plans of care and choose the providers from whom they would like to receive services. Those providers may be traditional agency providers or non-agency providers approved by ODM, including non-legally responsible family members.

Each individual receives information and support from the service and support administrator to direct and be actively engaged in the service plan development process (OAC 5123:2-1-11). The DODD website publishes a variety of handbooks and brochures to assist individuals and family members to understand HCBS waivers and the service planning process. Services and supports are planned and implemented in accordance with each individual's needs, expressed preferences, and decisions concerning his/her life in the community. To that end,individuals participate in the development of their service plans and plans of care and choose the providers from whom they would like to receive services.

The participant's authority to determine who is included in the service planning process is also specified in OAC 5123:2-1-11, Service and Support Administration.

Additionally, OAC 5123:2-1-11 states that an individual shall be responsible for making all decisions regarding the provision of services, and that even individuals with guardians have the right to participate in the decisions that affect their lives. The rule also requires that the service planning process occurs with the active participation of the individual to be served and other persons selected by him/her; that the ISP shall be reviewed and/or revised at the request of the individual; and that the individual will receive a complete copy of the ISP.

Individuals have the right to request a state hearing anytime they disagree with an action that has been taken by the county board, DODD, or ODM.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (4 of 8)

d. Service Plan Development Process. In four pages or less, describe the process that is used to develop the participant-centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

The service and support administrator (SSA) is responsible to develop and revise the ISP and to ensure that this process occurs with the active participation of the individual to be served, the guardian of the individual, as applicable, other persons selected by the individual, and the provider(s) selected by the individual. The SSA is also responsible to ensure the ISP addresses the results of the assessment process and results from service monitoring, that the plan focuses on the individual's strengths, interests and talents; and that the plan integrates all services and supports, regardless of funding, available to meet the needs and desired outcomes of the individual. The service and support administrator is responsible to inform the individual of all the services available under the waiver and what the rates are for those services. Staff who are responsible for writing an individual's plan do not provide any direct services to the individual. The Service and Support ORC 5126.15 prohibits direct service to individuals by SSAs, and DODD compliance reviews verify that entities responsible for plan development do not provide services to individuals.

Input from the individual, the individual's guardian, other advocates, and team members determines the types of assessments that are included in the assessment process. Assessments and evaluations by certified and/or licensed professionals shall be completed as dictated by the needs of the individual. Assessments shall also include evaluation of the individual's likes, dislikes, priorities, and desired outcomes, as well as what is important to and for the individual, including skill development, health, safety, and welfare needs, as applicable.

The ISP shall include services and supports that assist the individual to engage in meaningful, productive activities and develop community connections. All services and activities indicated shall include the provider type, the frequency, payment rates, and the funding source; and specify how services will be coordinated among providers and across all settings for the individual. The ISP is to be reviewed and, as appropriate, revised at the request of the of the individual or a member of the individual's team; whenever the individual's assessed needs, circumstances or status changes; or as a result of ongoing monitoring of ISP implementation, quality assurance reviews, and/or identified trends and patterns of unusual incidents or major unusual incidents. The SSA shall convene an ISP meeting within ten working days of a request from an individual for a review of the ISP; however, if there is an urgent need or an emergency that needs to be addressed, an ISP team meeting would be held immediately. At a minimum, all service plans are updated annually.

Back-up providers are identified by the individual and their ISP team and are named in the individual's ISP as such. On those occasions when the primary provider is not able to provide services, the primary provider must notify the back-up provider per the process identified in the individual's ISP. If the back-up provider cannot be reached, the primary provider will notify the SSA, who will make arrangements for coverage so that the individual is not left without needed services.

The service and support administrator is responsible to ensure that services are effectively coordinated by facilitating communication with the individual and among providers across all settings and systems. Such communication includes ISP revisions; relocation plans of the individual; changes in individual status that result in suspension or disenrollment from services; and coordination activities to ensure that services are provided to individuals in accordance with their ISPs and desired outcomes.

The service and support administrator is responsible to monitor the implementation of the ISP in order to verify the health, safety and welfare of the individual; consistent implementation of services; achievement of the desired outcomes for the individual as stated in the ISP; and that services received are those reflected in the ISP. This monitoring includes, but is not limited to, behavior support plan implementation; emergency intervention; identified trends and patterns of unusual incidents and major unusual incidents and the development and implementation of prevention and/or risk management plans; results of quality assurance reviews; and other individual needs determined by the assessment process. (OAC 5123:2-1-11)

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (5 of 8)

e. **Risk Assessment and Mitigation.** Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

The service and support administrator (SSA) is required to coordinate assessments to determine the health, safety and welfare needs of the participant as part of the service planning process. Assessments shall be completed by licensed and/or certified professionals as dictated by the needs of the individual. The SSA is also required to monitor incident trends and the development and implementation of prevention and/or risk management plans as needed for the participant. Certification requirements for providers of homemaker/personal care services specify that the provider must notify the individual or legally responsible person in the event that substitute coverage of services is necessary; that substitute coverage be in place to assure the individual's health and welfare; and that a provider may only arrange for substitute coverage for an individual from the list of certified providers identified in the ISP.

The Level One waiver has a pre-screening mechanism to ensure that the individual's health and welfare can be assured within the waiver's service limits. In developing the proposed ISP, County Boards generally assess all areas of the individual's life, such as housing, community membership, health, safety and personal satisfaction.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (6 of 8)

f. **Informed Choice of Providers.** Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.

DODD ensures individuals have Free Choice of Provider through interviews and documentation reviews conducted during the accreditation review process. In accordance with OAC 5123:2-9-11 DODD assures the free choice of provider processes are adhered to and is intended to emphasize the right of individuals to choose any qualified provider of home and community-based services.

DODD maintains a current list of all qualified providers on its website. Annually the county board is required to provide to all individuals enrolled on the waiver a description of the individual's right to choose any qualified provider from all those available statewide; the procedures that service and support administrators will follow to assist individuals in the selection of providers of home and community-based services; and a description of the information available on the website and instructions for accessing this information.

When an individual chooses a qualified provider who is willing to provide services to him/her, the service and support administrator assists the individual in making arrangements to initiate services with the chosen provider.

If an individual requires assistance to choose qualified providers the county board informs the individual of the list of qualified providers available on the DODD website; assists the individual to access the website information, if needed; assists the individual to obtain outcomes of past monitoring reviews of services provided by the qualified provider(s) whom the individuals wishes to consider, if requested, and contacts the preliminary provider(s) selected by the

individual to determine the provider's interest in providing services to the individual, unless the individuals wishes to contact the provider(s) directly.

To the extent that the individual requests assistance in the provider choice selection process, the service and support administrator follows the Provider Choice Process approved by DODD and ODM to facilitate communication, meetings, and information sharing between the individuals and qualified providers until the individual has selected a qualified provider. (OAC 5123:2-9-11)

The Free Choice of Provider rule requires that county boards annually provide consumers with information regarding the availability of alternate providers and how to access the list of all providers on the DODD website. This may be done at the service plan review for each person and/or can be a mass mailing to all individuals on an annual basis. Throughout the year communication between the SSA and individual would address this information as appropriate following the process specified in the Free Choice of Provider rule (OAC 5123:2-9-11). ODM ensures this during reviews and hearing requests and DODD ensures this as part of the accreditation review process. In addition if either department receives a complaint that this is not occurring, it can be reviewed on a case-by-case basis.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (7 of 8)

g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency. Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):

Service and Support Administrators (SSA) develop services plans in accordance with OAC 5123:2-1-11. Changes to plans that result in a decrease in services or changes that result in an increase in the cost of services within the individual's funding range are approved by the service and support administrator. Changes to plans that result in an increase in the cost of an individual's services in excess of their funding range are approved by DODD. In addition, ODM monitors service planning activity through the quality performance measures. ODM also retains the right to review and modify service plans at any time.

The single State Medicaid Agency (ODM) assures the compliant performance of this waiver by: delegating specific responsibilities to the Operating Agency (DODD) through an interagency agreement; managing Medicaid provider agreements; establishing general Medicaid rules; approving the Operating Agency's program-specific rules related to Medicaid requirements; processing claims for federal reimbursement, conducting audits; conducting post-payment review of Medicaid claims; monitoring the compliance and effectiveness of the Operating Agency's operations; leading the development of quality improvement plans; and facilitating interagency data-sharing and collaboration.

Responsibilities delegated to the Operating Agency include: assuring compliant and effective case management for applicants and waiver participants by county boards; managing a system for participant protection from harm; certifying particular types of waiver service providers; assuring compliance of non-licensed providers; assuring that paid claims are for services authorized in individual service plans; setting program standards/expectations; monitoring and evaluating local administration of the waiver; providing technical assistance; facilitating continuous quality improvement in the waiver's local administration; and more generally, ensuring that all waiver assurances are addressed and met for all waiver participants. These requirements are articulated in an interagency agreement which is reviewed and re-negotiated at least every two years.

Requirements to comply with federal assurances are also codified in state statute and administrative rules, and clarified in procedure manuals. While some rules and guidelines apply narrowly to specific programs administered by the operating agency, other rules promulgated by ODM authorize those rules or guidelines, establish overarching standards for Medicaid programs, and further establish the authority and responsibility of ODM to assure the federal compliance of all Medicaid programs.

Participants can request a State Hearing regarding plans of care and ODM has general authority to provide oversight of the Operating Agency actions regarding the waiver, which includes plans of care.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (8 of 8)

h. **Service Plan Review and Update.** The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:

- ○ **Every three months or more frequently when necessary**
- ○ **Every six months or more frequently when necessary**
- ◉ **Every twelve months or more frequently when necessary**
- ○ **Other schedule**

Specify the other schedule:

i. **Maintenance of Service Plan Forms.** Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following *(check each that applies):*

- ☐ **Medicaid agency**
- ☐ **Operating agency**
- ☐ **Case manager**
- ☑ **Other**

Specify:

All local County Board of Developmental Disabilities

Appendix D: Participant-Centered Planning and Service Delivery

D-2: Service Plan Implementation and Monitoring

a. **Service Plan Implementation and Monitoring.** Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

The SSA is responsible for monitoring the implementation of the service plan in accordance with OAC 5123:2-1-11 in order to verify the health, safety and welfare of the individual; consistent implementation of services; achievement of the desired outcomes for the individual as stated in the service plan; and individual's service plan is reviewed at least annually and more often should the needs of the individual change. This on-going monitoring is tailored to the individual and occurs through regular interaction with the individual and his or her provider(s). The scope, type, and frequency of reviews are specified in the individual serivce plan.

DODD monitors service plan implementation through the provider compliance and accreditation review processes. Reviewing service plan documentation and the corresponding service plans is one component of the accreditation and provider compliance review processes conducted by DODD field review staff.

Reviewing service plans and the monitoring activities of SSAs is one component of the accreditation review process. Accreditation reviews are scheduled at least once every three years based on the term of the county board's accreditation award. A county board may be accredited for one to three years based on the outcome of their review.

Provider compliance reviews are scheduled at least once every three years for each provider who has actively billed during the last calendar year and is providing services in an unlicensed setting. Special reviews for each review process are conducted based on requests and/or complaints received from individuals and family members, advocates, other stakeholders, and concerned citizens. County Boards cannot complete compliance reviews of day services while providing day services. This function can only be performed by DODD. DODD and ODM shall regularly communicate with one another regarding all Level One provider reviews that are conducted.

b. **Monitoring Safeguards.** *Select one:*

- ◉ **Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.**
- ○ **Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.**

The State has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. *Specify:*

Appendix D: Participant-Centered Planning and Service Delivery

Quality Improvement: Service Plan

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. **Methods for Discovery: Service Plan Assurance/Sub-assurances**

The state demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.

i. **Sub-Assurances:**

a. ***Sub-assurance: Service plans address all participants' assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM D1: Number and percent of participants whose service plans address their assessed needs, including health and safety risk factors, and personal goals. Numerator: Number of participants whose service plans address their assessed needs, including health and safety risk factors, and personal goals. Denominator: Total number of participants reviewed.

Data Source (Select one):
Record reviews, on-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =

☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☑ **Other** Specify: Records review- Sample selected based in regulatory review schedule & number of members receiving services through that provider - minimum of 10% of members per year
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

b. ***Sub-assurance: The State monitors service plan development in accordance with its policies and procedures.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM D2: Number and percent of service plans that were developed according to policies and procedures as described in the approved waiver. Numerator: Number of service plans that were developed according to policies and procedures as described in the approved waiver. Denominator: Total number of participants reviewed.

Data Source (Select one):
Record reviews, on-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☑ **Other** Specify: Less than 100% Review, records review sample based on regulatory review schedule and number of participants receiving services through that provider.
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

c. ***Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participant's needs.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM D3: Number and percent of service plans reviewed that were updated at least annually. Numerator: Number of service plans reviewed that were updated at least annually. Denominator: Denominator: Total number of service plans reviewed that an annual update were due.

Data Source (Select one):
Record reviews, off-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =

☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☑ **Other** Specify: Records review - Sample selected based in regulatory review schedule & number of members receiving services through that provider - minimum of 10% of members per year
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM D4: Number and percent of service plans reviewed that were updated when the participant's needs changed. Numerator: Number of service plans reviewed that were updated when the participant's needs changed. Denominator: Total number of service plan reviewed for whom participants experienced a change in need.

Data Source (Select one):
Record reviews, on-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☑ **Other** Specify: Less than 100% Review, records review sample based on regulatory review schedule and number of participants receiving services through that provider.
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

d. ***Sub-assurance: Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PMD5: Number and percent of participants reviewed who received services in the type, scope, amount, duration and frequency specified in the service plan. Numerator: Number of participants reviewed who received services in the type, scope, amount, duration and frequency specified in the service plan. Denominator: Total number of participants reviewed.

Data Source (Select one):
Record reviews, on-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:

	☐ **Continuously and Ongoing**	☑ **Other** Specify: Records review - Sample selected based in regulatory review schedule & number of members receiving services through that provider - minimum of 10% of members per year
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

e. ***Sub-assurance: Participants are afforded choice: Between waiver services and institutional care; and between/among waiver services and providers.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM D6: Number and percent of participants notified of their rights to choose among waiver services and/or providers. Numerator: Number of participants notified of their rights to choose among waiver services and/or providers. Denominator: Total number of participants reviewed.

Data Source (Select one):
Record reviews, on-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☑ **Other** Specify: Records review - Sample selected based in regulatory review schedule & number of members receiving services through that provider - minimum of 10% of members per year
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
DODD becomes aware of problems through a variety of mechanisms including, but not limited to, formal & informal complaints, technical assistance requests, and routine & special regulatory review processes (accreditation, licensure, provider compliance, quality assurance, etc). As problems are discovered, the individual County Board is notified and technical assistance is provided using email, phone contact and/or letters to
the County Board Superintendent. During the DODD regulatory review process citations may be issued and plans of correction required as needed and appropriate. When issues are noted that are systemic, DODD will provide statewide training and additional technical assistance and monitor for improvement during subsequent monitoring cycles.

DODD becomes aware of problems through a variety of mechanisms including, but not limited to, formal & informal complaints, technical assistance requests, and routine & special regulatory review processes (accreditation, licensure, provider compliance, quality assurance, etc).

During the DODD regulatory review process in the areas of Service Plan Development and Service Plan Implementation are reviewed to ensure that the service plan meets the assessed needs and the wants of the waiver recipient. When non-compliance in this area is identified, a citation is issued to the provider. The provider will be required to submit a plan of correction by the specified due date. Verification of the plan of correction will be done to ensure that the plan of correction has been implemented to correct the area of non-compliance. When issues are noted that are systemic, DODD will provide statewide training and additional technical assistance and monitor for improvement during subsequent monitoring cycles.

It is the responsibility of the County Board SSA to ensure that the individual service plan is compiled correctly and timely. During the DODD regulatory review process in the areas of Service Plan Development and Service Plan Implementation the following are reviewed 1) the service plan meets the assessed needs and the wants of the waiver recipient, 2) it was developed within 10 days of the waiver recipient's enrollment date, 3) it is developed according to the required processes, 4) it is developed utilizing the correct forms, 5) it is updated at

least annually, 6) it updated when the needs of the waiver recipient change, and 7) the recipient receives services in the type, scope, amount, duration, and frequency identified in the service plan. When non-compliance in an area is identified, a citation is issued to the County Board and the County Board will be required to submit a plan of correction by the specified due date. Verification of the plan of correction will be done to ensure that the plan of correction has been implemented to correct the area of non-compliance. When issues are noted that are systemic, DODD will provide statewide training and additional technical assistance and monitor for improvement during subsequent monitoring cycles.

During the DODD regulatory review process the waiver recipient's SSA is asked to complete a questionnaire which asks for copies of the Freedom of Choice and the Freedom Choice of Provider forms. When non-compliance in this area is identified, a citation is issued to the County Board. The County Board will be required to submit a plan of correction by the specified due date. Verification of the plan of correction will be done to ensure that the plan of correction has been implemented to correct the area of non-compliance. When issues are noted that are systemic, DODD will provide statewide training and additional technical assistance and monitor for improvement during subsequent monitoring cycles.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party*(check each that applies):*	**Frequency of data aggregation and analysis** *(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☐ **Annually**
	☐ **Continuously and Ongoing**
	☑ **Other** Specify: Semi-annually

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

◉ **No**

○ **Yes**

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix E: Participant Direction of Services

Applicability *(from Application Section 3, Components of the Waiver Request)*:

○ **Yes. This waiver provides participant direction opportunities.** Complete the remainder of the Appendix.

◉ **No. This waiver does not provide participant direction opportunities.** Do not complete the remainder of the Appendix.

CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed

budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.

Indicate whether Independence Plus designation is requested *(select one):*

- ○ **Yes. The State requests that this waiver be considered for Independence Plus designation.**
- ○ **No. Independence Plus designation is not requested.**

Appendix E: Participant Direction of Services

E-1: Overview (1 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (2 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (3 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (4 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (5 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (6 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (7 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (8 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (9 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (10 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (11 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (12 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (13 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant Direction (1 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (2 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (3 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (4 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (5 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (6 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix F: Participant Rights

Appendix F-1: Opportunity to Request a Fair Hearing

The State provides an opportunity to request a Fair Hearing under 42 CFR Part 431, Subpart E to individuals: (a) who are not given the choice of home and community-based services as an alternative to the institutional care specified in Item 1-F of the request; (b) are denied the service(s) of their choice or the provider(s) of their choice; or, (c) whose services are denied, suspended, reduced or terminated. The State provides notice of action as required in 42 CFR §431.210.

Procedures for Offering Opportunity to Request a Fair Hearing. Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

At the time of application for benefits, the individual or authorized representative is informed, in writing of the right to a state hearing, of the method by which a state hearing may be requested and that the case may be presented by an authorized representative, such as legal counsel, relative, friend, or other spokesperson. Individuals receive an "Explanation of State Hearing Procedures," JFS 04059(rev 4/2005), or its computer-generated equivalent, to provide this notice in accordance with rule 5101:6-2-01 of the Ohio Administrative Code.

Applicants for Level One waiver enrollment, and waiver enrollees, who are affected by any agency decision made to approve, reduce, suspend deny or terminate enrollment or to deny the choice of a qualified and willing provider or any agency decision to change the level and/or type of waiver service delivered, including any changes made to the individual service plan, shall be afforded Medicaid due process. As part of the waiver enrollment process, all applicants for the Level One waiver receive written information about the procedures for requesting a Medicaid Fair Hearing. If enrollment on the waiver is denied, the applicant will be given written notice of the denial and information about how to request a Fair Hearing to appeal the denial of enrollment. All waiver enrollees receive prior notice for any adverse action proposed by the agency. This notice includes the right to a state hearing and an explanation of the hearing procedures and is either generated manually by county boards or electronically by county Department of Job and Family Services. Each agency retains copies of any notices it issues.

The individual must call or write their local county agency or write the Ohio Department of Job and Family Services (ODJFS), Office of Legal Services, Bureau of State Hearings (BSH). A hearing request must be received within 90 days of the mailing date of the notice of action.

DODD assures participation through an agency representative (DODD and/or County Board) pursuant to OAC 5101:6-6-01 and OAC 5101:6-6-02 at hearings requested by applicants, enrollees and disenrolled individuals of the Level One waiver.

Individuals who request hearings are notified about the action to be taken regarding the hearing request and are informed of the date, time, and location of the hearing at least ten days in advance. Services proposed to be reduced or terminated must be continued at the same level when the hearing is requested within fifteen days of the mailing date on the notice. Hearing decisions are rendered no later than 90 days after the hearing request. When agency compliance with a hearing decision is required, it must be acted upon within 15 calendar days of the decision or within 90 days of request for hearing, whichever is first.

Individuals are informed in writing of the hearing decision and are notified of the right to request an administrative appeal if they disagree with the hearing decision. If an administrative appeal is requested, a decision must be issued within 15 days of the appeal request. The individual is informed in writing of the decision and compliance, if ordered, must be acted upon within 15 calendar days of the decision.

Appendix F: Participant-Rights

Appendix F-2: Additional Dispute Resolution Process

a. **Availability of Additional Dispute Resolution Process.** Indicate whether the State operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. *Select one:*

◉ **No. This Appendix does not apply**

○ **Yes. The State operates an additional dispute resolution process**

b. **Description of Additional Dispute Resolution Process.** Describe the additional dispute resolution process, including: (a) the State agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Appendix F: Participant-Rights

Appendix F-3: State Grievance/Complaint System

a. **Operation of Grievance/Complaint System.** *Select one:*

○ **No. This Appendix does not apply**
◉ **Yes. The State operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver**

b. **Operational Responsibility.** Specify the State agency that is responsible for the operation of the grievance/complaint system:

Department of Developmental Disabilities (DODD)

c. **Description of System.** Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

DODD receives and acts upon complaints in a variety of ways. DODD's Major Unusual Incident/Registry Unit receives complaints through a toll-free number for reporting abuse/neglect and other MUIs. Complaints are also received via email and U.S. mail. Each complaint received is logged and acted upon the same or next day and followed up until the issue is resolved. Some calls result in MUIs while other calls are assorted complaints which are referred to other department staff, county boards, or outside entities such as the Department of Health. These include medical, behavior, environmental and other miscellaneous subjects. Managers in the MUI/Registry Unit recommend closure when the issue has been resolved. The case is then closed by unit supervisors.

DODD employs a Family Advocate who works with families to provide technical assistance, including addressing complaints.

DODD Provider Standards and Review will follow up on any complaints regarding County Boards or certified waiver providers. This could result in citations being issued. Citations require a plan of correction that must be approved by DODD. Individuals may also contact their SSA to voice any concerns or complaints. Each County Board is required to have a complaint resolution process.

None of the above complaint resolution processes may be used in place of or to delay a Medicaid state hearing. As an alternative dispute resolution process that does not involve a decision by the SSA or County Board, Individuals who wish to appeal a decision related to their Home and Community-based services may request a state hearing in accordance with section 5101.35 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events or Incidents

a. **Critical Event or Incident Reporting and Management Process.** Indicate whether the State operates Critical Event or Incident Reporting and Management Process that enables the State to collect information on sentinel events occurring in the waiver program.*Select one:*

- (●) **Yes. The State operates a Critical Event or Incident Reporting and Management Process** *(complete Items b through e)*
- ( ) **No. This Appendix does not apply** *(do not complete Items b through e)*
  If the State does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the State uses to elicit information on the health and welfare of individuals served through the program.

b. State Critical Event or Incident Reporting Requirements. Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the State requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Reportable Incidents
"Major Unusual Incident" means the alleged, suspected, or actual occurrence of an incident when there is reason to believe the health or safety of an individual may be adversely affected or an individual may be placed at a likely risk of harm as listed in this paragraph, if such individual is receiving services through the DD service delivery system or will be receiving such services as a result of the incident. Major unusual incidents (MUIs) include the following:

1. Accidental or Suspicious death
2. Attempted Suicide
3. Death other than accidental or suspicious death
4. Exploitation
5. Failure to report
6. Law enforcement
7. Medical emergency
8. Misappropriation
9. Missing individual
10. Neglect
11. Peer-to-peer acts
12. Physical abuse
13. Prohibited sexual relations
14. Rights code violation
15. Significant injury
16. Sexual abuse
17. Unapproved behavior support
18. Unscheduled Hospitalization
19. Verbal abuse

Required Reporters:
County Boards of Developmental Disabilities (County Boards)
Ohio Department of Developmental Disabilities (DODD)
DODD operated Developmental Centers
All Developmental Disabilities Waiver providers
All Developmental DisabilitiesDD licensed or certified providers
Developmental Disabilities employees providing specialized services

Reporting Methods and Timeframes
The timeframe for reporting abuse, neglect, misappropriation, exploitation, and suspicious or accidental death is immediate to four (4) hours. The remaining MUIs must be reported no later than three p.m. the next working day. DODD is notified by the county board through the Incident Tracking System by three p.m. on the working day following notification by the provider or becoming aware of the MUI.

Immediate action to protect the individual(s) is taken by the provider and ensured by the county board. Notifications are made immediately to law enforcement for alleged criminal acts and to Children's Services if the individual is under 22.

Reference Rule: OAC 5123 :2-17-02

c. **Participant Training and Education.** Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

DODD's home page lists the Hotline complaint telephone number for reporting of Abuse, Neglect, and MUIs.

DODD and county boards conduct annual trainings on reporting and investigation of Major Unusual Incidents for county boards, DODD employees, providers, and families.

DODD sends out Field Alerts on health and safety issues through an on-line newsletter that goes to families, providers, and county boards. The Alerts also go to all county boards and certified and licensed providers through a listserve.

DODD and county boards have Hotlines/Help Lines for receiving reports that have been communicated to providers and families.

DODD letterhead includes the Hotline telephone number for reporting Abuse, Neglect, and MUIs.

DODD developed a Family Handbook on MUIs which was distributed through the county boards of dd and placed on the Department's website.

DODD, in addition to the hotline for reporting abuse and neglect, lists each County Board after-hours number for reporting MUIs on its website.

d. **Responsibility for Review of and Response to Critical Events or Incidents.** Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.

The County Boards Major Unusual Incident Unit receives reports of critical incidents from providers, families, and County Board operated programs. This Unit is responsible for determining if it meets the criteria of a Major Unusual Incident, ensuring immediate actions have been taken to protect the individual(s), making notifications, and initiating the investigation for all Major Unusual Incidents.

Investigations into allegations of abuse, neglect, misappropriation, exploitation, and suspicious or accidental deaths are initiated within 24 hours. For all other MUIs the investigation is initiated within a reasonable amount of time based on the initial information received and consistent with the health and safety of the individual(s) but no later than three (3) working days. All investigations are to be completed within 30 working days unless extensions are granted by DODD based upon established criteria.

Reference Rule: OAC 5123: 2-17-02.

ODM Protection From Harm Unit

Alert Process Summary
One way ODM assures that the health and safety needs of individuals enrolled on DODD HCBS waivers are adequately addressed is by ODM Protection from Harm Unit monitoring the progress and contributing to the investigatory process by mandated state agencies for certain incidents that impacted those individuals. Those incidents include but are not limited to incidents of alleged neglect or abuse resulting in hospitalization or removal by law enforcement; suspicious, unusual, accidental deaths, and misappropriations valued at over $500.

ODM is made aware of these incidents through various means, including: notification by DODD, discovered during other ODM oversight activities, contacted by other agencies, media sources, stakeholders and citizens.

The monitoring is completed by viewing the report and all investigation updates recorded in DODD's Incident Tracking System (ITS) and other DODD and ODM electronic sources. Inquires and concerns by ODM regarding any aspect of the investigation process/progress are added to the report by DODD with timelines for responses included.

Prior to ODM considering a case closed, members ensure if the steps taken to assure the immediate health and safety of the individual(s) involved in the incident are and adeqiate; that appropriate notification was made to law enforcement, children's services, guardians, other appropriate agencies and parties; that all of the causes and contributing factors are identified, and are adequately remedied and/or addressed in the prevention plans; that all questions by all parties have been answered, and that the recommendations and prevention plans have been implemented/completed.

After the initial review, the progress of the incident investigations are evaluated through a monthly review. If during the process of getting a Director's Alert MUI case to closure it becomes apparent the efforts to provide for the waiver recipient(s)'s health or welfare are not being assured for any reason, ODM will address those issues through the Adverse Outcome process described in Appendix A.

e. **Responsibility for Oversight of Critical Incidents and Events.** Identify the State agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

Reference Rule: OAC 5123:2-17-02

DODD reviews all initial MUI/Registry Unit incident reports to ensure the health and safety of individuals. All substantiated reports of abuse, neglect, and misappropriation involving staff are reviewed. Other incidents are reviewed as deemed necessary to ensure the health and safety of individuals.

DODD MUI/Registry Unit conducts assessments of county boards of dd to ensure the following:

• Appropriate reporting
• Immediate actions
• Appropriate notifications
• Thorough investigations
• Preventative measures to address the cause and contributing facts
• Trend and Pattern analysis and remediation
• Appropriate reporting of unusual incidents (local reporting)
• Training requirements

MUI Assessments are conducted based on the performance of the County Board but at least on a three (3) year cycle. Triggers are identified which could result in the assessment being done sooner.

There is an MUI assessment that is part of the Accreditation review; however, the MUI division also conducts their own 3-year performance-based cycle of reviews (which are separate from the Accreditation reviews) based on the MUI division's assessment of a county board's performance. For example: If, in 2014, the MUI assesses the county board and the county board is eligible for a 3-year MUI review based on their performance, but there is an Accreditation review scheduled in 2015,the MUI team would still return in 2015 for another assessment along with the Accreditation team.

MUI Trend and Pattern analyses and remediation is done twice a year by providers and county boards. DODD reviews all analyses completed by county boards and samples those completed by providers. County Boards are responsible for reviewing the analyses for providers in their county.

DODD MUI/Registry Unit flags serious or egregious incidents as Director's Alerts. These cases are closely monitored for a thorough investigation and good prevention planning. Examples include accidental or suspicious deaths, neglect or physical abuse resulting in serious injuries or death, missing persons with high risk, serious unknown injuries and others as deemed appropriate.

DODD holds a quarterly Mortality Review Committee compiled of stakeholders, including ODM, to review deaths for the purpose of or licensing boards. In addition, the committee looks at causes of deaths and what steps might be taken to educate the field on the causes.

A statewide Trend and Pattern Committee, made up of stakeholders, including ODM, meets twice a year to review statewide trends and patterns along with activities and initiatives being taken by DODD in regards to health and safety.

DODD's MUI/Registry Unit conducts annual, in-depth analysis on Abuse, Neglect, and Misappropriation to determine who, what types, root causes, and provides interventions to reduce reoccurrences. This is communicated through Alerts

and during annual trainings.

DODD's MUI/Registry Unit notifies the county board of individual trends and requires the county board to identify what action will be implemented to address the trends.

DODD works in conjunction with Office of Provider Standards and Review (OPSR) when trends and patterns are noted with a particular provider.

ODM Protection from Harm Unit Additional Oversight Responsibilities:

1. Participate in DODD's semi-annual Trends and Patterns Committee
2. Participate in DODD's quarterly Mortality Review Committee

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (1 of 3)

a. Use of Restraints. *(Select one)*: *(For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

○ **The State does not permit or prohibits the use of restraints**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

◉ **The use of restraints is permitted during the course of the delivery of waiver services**. Complete Items G-2-a-i and G-2-a-ii.

i. Safeguards Concerning the Use of Restraints. Specify the safeguards that the State has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

The State of Ohio has in place a "Behavioral Support Strategies that Include Restrictive Measures" (OAC 5123:2-2-06) (Behavior Support Rule) that regulates the use of all restraints (including manual, mechanical, and chemical).
Safeguards and protocols in the rule include:
• Behavior support strategies that include restrictive measures (including restraint) may only be used as a last resort when necessary to keep people safe and with informed consent of the person and prior approval by a human rights committee;
• A list of prohibited measures, including: prone restraint; use of manual or mechanical restraint that causes pain or harm; using any restrictive measure for punishment, retaliation, instruction or teaching, convenience of providers, or substitute for services;
• A comprehensive assessment process that takes into consideration a person's: interpersonal, environmental, medical, mental health, and emotional needs and other motivational factors;
• Requirements for people who are conducting and developing behavior support strategies that include restrictive measures;
• Behavior support strategies that include restrictive measures shall be designed in a manner that promotes healing, recovery, and emotional well-being; be data-driven; recognize the role of environment; capitalize on strengths; delineate measures to be implemented and those responsible for implementation; specify steps to be taken to ensure the safety of the individual and others;
• Behavior support strategies that include restrictive measures shall be implemented with sufficient safeguards and supervision to ensure the health, welfare and rights of individuals receiving specialized services and anyone serving the individual must be trained on the strategy prior to serving;
• Shall be reviewed at least every 90 days;
• All County Boards must have a human rights committee to safeguard individual's rights and protect

individuals from physical, emotional, and psychological harm – their role and responsibility is clearly defined in the Behavior Support Rule;
• Use of restrictive measures without prior approval by the human rights committee must be reported as an "unapproved behavior support";
• DODD must be notified after approval of the human rights committee and prior to implementation of all behavior support strategies that include restrictive measures;
• All County Boards must collect and analyze data regarding behavior support strategies that include restrictive measures and furnish data to their human rights committee.

ii. **State Oversight Responsibility.** Specify the State agency (or agencies) responsible for overseeing the use of restraints and ensuring that State safeguards concerning their use are followed and how such oversight is conducted and its frequency:

DODD is responsible for overseeing the use of restraints. The following specifies how the oversight is conducted:
• After approval by the human rights committee and prior to implementation, a County Board must complete and submit the "Restrictive Measure Notification" form electronically to DODD (Note: DODD does not use the notification system as a means to approve plans, the approval of plans that include restrictive measures occurs at the local level. The notification system is used to collect and monitor data for trends and patterns, provide oversight, and to identify cases where technical assistance may be needed.) The notification must be submitted initially, when revised or renewed, and (optionally) when discontinued.

• DODD may select a sample of behavior support strategies for additional review to ensure that the strategies are developed and implemented, and monitored in accordance with this rule.
• DODD shall take immediate action, as necessary, to protect the health and safety of individuals served.
• DODD shall compile and analyze data regarding the use of behavior support strategies throughout the state for the purposes of determining methods for enhancing risk reduction efforts and outcomes, reducing the frequency of restrictive measures, and identifying technical assistance and training needs.

• DODD conducts both MUI, and regular regulatory reviews (Accreditation, Licensure, & Provider Compliance Reviews) to ensure consistent and routine reviews of behavior support policies and procedures that are in place for individuals.

The rule Addressing Major Unusual Incidents and Unusual Incidents to Ensure Health, Welfare and Continuous Quality Improvement, and the Behavior Support Rule requires an MUI to be filed when there is an unapproved behavior support. The system has required fields that must be completed plus the intake staff at DODD follow-up on any reports that are incomplete. If an unreported incident is identified during the course of the review or as a part of a complaint received, an MUI is filed, a citation is issued, and a plan of correction is required.

When ODM discovers a case of the improper or unauthorized use of restraint(s) and restrictive intervention (s) that have not yet been reported through DODD ITS system the case is reported to the proper DODD parties. Additionally, that case will be processed through the Adverse Outcome process described in Appendix A in order to ensure that the waiver recipient's health or welfare are being assured.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (2 of 3)

b. Use of Restrictive Interventions. *(Select one)*:

○ **The State does not permit or prohibits the use of restrictive interventions**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:

◉ **The use of restrictive interventions is permitted during the course of the delivery of waiver services** Complete Items G-2-b-i and G-2-b-ii.

i. **Safeguards Concerning the Use of Restrictive Interventions.** Specify the safeguards that the State has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.

The State of Ohio has in place a "Behavioral Support Strategies that Include Restrictive Measures" (OAC 5123:2-2-06) (Behavior Support Rule) that regulates the use of all restrictive measures.
Safeguards and protocols in the rule include:
• Behavior support strategies that include restrictive measures may only be used as a last resort when necessary to keep people safe, and in the case of rights restrictions, when an individual's actions may result in legal sanction. The strategies require informed consent of the person and prior approval by a human rights committee;
• A list of prohibited measures, including: prone restraint; use of manual or mechanical restraint that causes pain or harm; using any restrictive measure for punishment, retaliation, instruction or teaching, convenience of providers, or substitute for services;
• A comprehensive assessment process that takes into consideration a person's: interpersonal, environmental, medical, mental health, and emotional needs and other motivational factors;
• Requirements for people who are conducting and developing behavior support strategies that include restrictive measures;
• Behavior support strategies that include restrictive measures shall be designed in a manner that promotes healing, recovery, and emotional well-being; be data-driven; recognize the role of environment; capitalize on strengths; delineate measures to be implemented and those responsible for implementation; specify steps to be taken to ensure the safety of the individual and others;
• Behavior support strategies that include restrictive measures shall be implemented with sufficient safeguards and supervision to ensure the health, welfare and rights of individuals receiving specialized services and anyone serving the individual must be trained on the strategy prior to serving;
• Shall be reviewed at least every 90 days;
• All County Boards must have a human rights committee to safeguard individual's rights and protect individuals from physical, emotional, and psychological harm – their role and responsibility is clearly defined in the Behavior Support Rule;
• Use of restrictive measures without prior approval by the human rights committee must be reported as an "unapproved behavior support";
• DODD must be notified after approval of the human rights committee and prior to implementation of all behavior support strategies that include restrictive measures;
• All County Boards must collect and analyze data regarding behavior support strategies that include restrictive measures and furnish data to their human rights committee.

ii. **State Oversight Responsibility.** Specify the State agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:

DODD is responsible for overseeing the use of restrictive interventions. The following specifies how the oversight is conducted:
• After approval by the human rights committee and prior to implementation, a County Board must complete and submit the "Restrictive Measure Notification" form electronically to DODD (Note: DODD does not use the notification system as a means to approve plans, the approval of plans that include restrictive measures occurs at the local level. The notification system is used to collect and monitor data for trends and patterns, provide oversight, and to identify cases where technical assistance may be needed.) The notification must be submitted initially, when revised or renewed, and (optionally) when discontinued.
• DODD may select a sample of behavior support strategies for additional review to ensure that the strategies are developed and implemented, and monitored in accordance with this rule.
• DODD shall take immediate action, as necessary, to protect the health and safety of individuals served.
• DODD shall compile and analyze data regarding the use of behavior support strategies throughout the state for the purposes of determining methods for enhancing risk reduction efforts and outcomes, reducing the frequency of restrictive measures, and identifying technical assistance and training needs.
• DODD conducts both MUI, and regular regulatory reviews (Accreditation, Licensure, & Provider Compliance Reviews) to ensure consistent and routine reviews of behavior support policies and procedures

that are in place for individuals.

The rule on Addressing Major Unusual Incidents and Unusual Incidents to Ensure Health, Welfare and Continuous Quality Improvement and the Behavior Support Rule requires an MUI to be filed when there is an unapproved behavior support. The system has required fields that must be completed plus the intake staff at DODD follow-up on any reports that are incomplete. If an unreported incident is identified during the course of the review or as a part of a complaint received, an MUI is filed, a citation is issued, and a plan of correction is required.

When ODM discovers a case of the improper or unauthorized use of restraint(s) and restrictive intervention (s) that have not yet been reported through DODD ITS system the case is reported to the proper DODD parties. Additionally, that case will be processed through the Adverse Outcome process described in Appendix A in order to ensure that the waiver recipient's health or welfare are being assured.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (3 of 3)

c. Use of Seclusion. *(Select one)*: *(This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

○ **The State does not permit or prohibits the use of seclusion**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

◉ **The use of seclusion is permitted during the course of the delivery of waiver services**. Complete Items G-2-c-i and G-2-c-ii.

i. Safeguards Concerning the Use of Seclusion. Specify the safeguards that the State has established concerning the use of each type of seclusion. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

The State of Ohio has in place a “Behavioral Support Strategies that Include Restrictive Measures” (OAC 5123:2-2-06) (Behavior Support Rule) that regulates the use of all restrictive measures, including “Time Out.”
Safeguards and protocols in the rule include:
• Behavior support strategies that include restrictive measures (including Time Out) may only be used as a last resort when necessary to keep people safe and with informed consent of the person and prior approval by a human rights committee;
• A list of prohibited measures, including: prone restraint; use of manual or mechanical restraint that causes pain or harm; using any restrictive measure for punishment, retaliation, instruction or teaching, convenience of providers, or substitute for services;
• Time Out may not exceed 30 minutes for any incident or 1 hour in a 24 hour period; may not be key-locked; shall be adequately lighted and ventilated and provide a safe environment for the person;
• An individual in a time-out room or area must be protected from hazardous conditions, shall be under constant visual supervision, and time out shall cease immediately once risk of harm has passed or the individual engages in self-abuse, becomes incontinent, or shows other signs of illness;
• A comprehensive assessment process that takes into consideration a person’s: interpersonal, environmental, medical, mental health, and emotional needs and other motivational factors;
• Requirements for people who are conducting and developing behavior support strategies that include restrictive measures;
• Behavior support strategies that include restrictive measures shall be designed in a manner that promotes healing, recovery, and emotional well-being; be data-driven; recognize the role of environment; capitalize on strengths; delineate measures to be implemented and those responsible for implementation; specify steps to be taken to ensure the safety of the individual and others;

• Behavior support strategies that include restrictive measures shall be implemented with Use of restrictive measures without prior approval by the human rights committee must be reported as an "unapproved behavior support";
• DODD must be notified after approval of the human rights committee and prior to implementation of all behavior support strategies that include restrictive measures;
• All County Boards must collect and analyze data regarding behavior support strategies that include restrictive measures and furnish data to their human rights committee.
• Sufficient safeguards and supervision to ensure the health, welfare and rights of individuals receiving specialized services and anyone serving the individual must be trained on the strategy prior to serving;
• Shall be reviewed at least every 90 days;
• All County Boards must have a human rights committee to safeguard individual's rights and protect individuals from physical, emotional, and psychological harm – their role and responsibility is clearly defined in the Behavior Support Rule.

ii. **State Oversight Responsibility.** Specify the State agency (or agencies) responsible for overseeing the use of seclusion and ensuring that State safeguards concerning their use are followed and how such oversight is conducted and its frequency:

DODD is responsible for overseeing the use of restrictive interventions, including seclusion ("time out"). The following specifies how the oversight is conducted:
• After approval by the human rights committee and prior to implementation, a County Board must complete and submit the "Restrictive Measure Notification" form electronically to DODD (Note: DODD does not use the notification system as a means to approve plans, the approval of plans that include restrictive measures occurs at the local level. The notification system is used to collect and monitor data for trends and patterns, provide oversight, and to identify cases where technical assistance may be needed.) The notification must be submitted initially, when revised or renewed, and (optionally) when discontinued.
• DODD may select a sample of behavior support strategies for additional review to ensure that the strategies are developed and implemented, and monitored in accordance with this rule.
• DODD shall take immediate action, as necessary, to protect the health and safety of individuals served.
• DODD shall compile and analyze data regarding the use of behavior support strategies throughout the state for the purposes of determining methods for enhancing risk reduction efforts and outcomes, reducing the frequency of restrictive measures, and identifying technical assistance and training needs.
• DODD conducts both MUI, and regular regulatory reviews (Accreditation, Licensure, & Provider Compliance Reviews) to ensure consistent and routine reviews of behavior support policies and procedures that are in place for individuals.

The rule on Addressing Major Unusual Incidents and Unusual Incidents to Ensure Health, Welfare and Continuous Quality Improvement and the Behavior Support Rule requires an MUI to be filed when there is an unapproved behavior support. The system has required fields that must be completed plus the intake staff at DODD follow-up on any reports that are incomplete. If an unreported incident is identified during the course of the review or as a part of a complaint received, an MUI is filed, a citation is issued, and a plan of correction is required.

When ODM discovers a case of the improper or unauthorized use of restraint(s) and restrictive intervention (s) that have not yet been reported through DODD ITS system the case is reported to the proper DODD parties. Additionally, that case will be processed through the Adverse Outcome process described in Appendix A in order to ensure that the waiver recipient's health or welfare are being assured.

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (1 of 2)

This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.

a. **Applicability.** Select one:

○ **No. This Appendix is not applicable** *(do not complete the remaining items)*

◉ **Yes. This Appendix applies** *(complete the remaining items)*

b. Medication Management and Follow-Up

i. **Responsibility.** Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.

Individual medication management and follow up is the responsibility of the physician, clinical nurse specialist, psychiatrist or other prescribing authority. These entities work directly with the pharmacy and the care provider to assure medication regimens are followed for individuals who are not self-medicating. If the individual requires feedings or medication administration via gastrostomy orjejunostomy tube and/or administration of insulin, a nurse would be required to delegate these to the care provider and therefore the nurse would be the physician's or pharmacy's first point of contact (see OAC 5123:2-6-03). Various health care professionals determine the need to monitor and follow up based on the individual's diagnoses, individual's medication regimen and stability of the individual being served. In addition, a quality assessment is completed by a registered nurse for each individual receiving administration of prescribed medications, performance of health-related activities, and/or tube feedings at least once every three years or more frequently if needed (see OAC 5123:2-6-07). The quality assessment includes:
• Observation of administering prescribed medication or performing health-related activities;
• Review of documentation of prescribed medication administration and health-related activities for completeness of documentation and for documentation of appropriate actions taken based on parameters provided in prescribed medication administration and health-related activities training;
• Review of all prescribed medication errors from the past twelve months;
• Review of the system used by the employer or provider to monitor and document completeness and correct techniques used during oral and topical prescribed medication administration and performance of health-related activities.
Plans that incorporate medication for behavior control is prohibited unless it is prescribed by and the under the supervision of a licensed physician who is involved in the interdisciplinary planning process. The following protocols must be followed if medication for behavior control is used:
Methods are employed with sufficient safeguards and supervision to ensure that the safety, welfare, due process, and civil and human rights of individuals receiving county board of dd services are adequately protected. A human rights committee reviews and prior approves or rejects all behavior support plans using aversive methods, including chemical and physical restraint and time-out, and those which involve potential risks to the individual’s rights and protections.

Prior documented informed consent is obtained from the individual receiving services from the County Board program, or guardian if the individual is eighteen years old or older, or from the parent or guardian if the individual is under eighteen years of age.

ii. **Methods of State Oversight and Follow-Up.** Describe: (a) the method(s) that the State uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the State agency (or agencies) that is responsible for follow-up and oversight.

The Ohio Department of Developmental Disabilities (DODD) monitors medication administration through review staff and potentially through the Major Unusual Incident Investigators if the error rises to the level of neglect. When an unusual incident is reported, that incident is initially investigated by local County Board personnel and the results of the investigation forwarded to the state for review. The investigation is completed by the review of records and face-to-face interviews with staff working with the individual. DODD may do random quality assurance reviews but also may follow-up on situations secondary to findings from a review completed by each County Board. DODD reviews may be completed as a result of the Nursing Quality Assurance reviews completed by each County Board. The Nursing Quality Assurance reviews are done at least one time every three years for each person living in a 5 bed or smaller residential setting who has medication administered by trained certified personnel. The County Board's Investigative Agent or DODD's Investigators complete investigations in situations where there is a reasonable risk of harm to an individual due to medication management or administration issues. When a report of suspected harmful practice is reported to the DODD, the review of records and interview of staff would also be completed. A special review (one not scheduled) could be conducted by the DODD if the individual, parent or guardian requested such or if there was suspicion of abuse, neglect, non¬compliance with laws or rules especially those related to medication administration. The rule on Incidents Affecting Health and Safety require medication errors to be filed when there is a reasonable

risk of harm or harm to the individual. At times this may result in allegations of neglect under certain circumstances.

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (2 of 2)

c. Medication Administration by Waiver Providers

i. Provider Administration of Medications. *Select one:*

○ **Not applicable.** *(do not complete the remaining items)*

◉ **Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications.** *(complete the remaining items)*

ii. State Policy. Summarize the State policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

In accordance with Section 5123.47 of the Revised Code, a family member of a person with a developmental disability may authorize an independent provider to administer oral and topical prescribed medications or perform other health care task as part of the in-home care the worker provides to the individual, if all of the following apply:

• The family member is the primary supervisor of the care.
• The independent provider has been selected by the family member or the individual receiving care and is under the direct supervision of the family member.
• The independent provider is providing the care through an employment or other arrangement entered into directly with the family member and is not otherwise employed by or under contract with a person or government entity to provide services to individuals with developmental disabilities
• A family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the independent provider to provide the care by preparing a written document granting the authority. The family member shall provide the independent provider with appropriate training and written instructions in accordance with the instructions obtained from the health care professional.
• A family member who authorizes an independent provider to administer oral and topical prescribed medications or perform other health care tasks retains full responsibility for the health and safety of the individual receiving the care and for ensuring that the worker provides the care appropriately and safely. No entity that funds or monitors the provision of in-home care may be held liable for the results of the care provided under this section by an independent provider, including such entities as the county board and DODD.
• An independent provider who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes wanton or reckless misconduct.

A self-medication assessment is done to determine if an individual is not capable of self-medicating. This must be reviewed annually and completely re-done at least every 3 years if an individual does not meet the criteria for self medication. This can be done more frequently than every 3 years if there is change in the individual's medication condition or if a problem with self medication is observed. (OAC 5123:2-6-02)

Per Ohio Administrative Code (OAC) 5123:2-6-03 (A), staff that will be administering medication to individuals that do not self-medicate are required to become certified to administer medications. For general medication administration, staff are required to meet specific standard and then must attend a class that is a minimum of 14 hours per OAC 5123:2-6-06 (C) (1), do at least one successful return demonstration, and take a written test that must be passed with at least a score of 80% as described in OAC 5123:2-6-06 (C) (6). This certification must be renewed annually. To do this the staff must complete at least 2 hours of continuing education and complete a successful return demonstration per 5123: 2-6-06 (C) (7) (a).

To administer medication per gastrostomy orjejunostomy, the staff must take the general medication administration class and become certified. After completing the initial certification they must take an additional four-hour class per 5123:2-6-06 (D) (1), complete a return demonstration, take a written test and pass with at least 80% as described in OAC 5123:2-6-06 (D) (5). This certification is available to them for one year and must be renewed annually. The renewal process is described in OAC 5123 :2-6-06 (D) (6) and includes annual completion of at least one hour of continuing education and a successful return demonstration. In addition, initially individual specific training must be completed and a nurse (an RN or an LPN under the direction of an RN) must delegate this to the staff prior to the medication administration beginning as required per OAC 5123:2-6-06(D) (1)(i).

Certified staff in residential settings of 5 beds or less are permitted to do insulin administration after being certified as in 5123 :2-6-06 (E). The staff must take the general medication administration class and then per 5123:2-6-06 (E) (1) they must take an additional minimum four-hour class. OAC 5123:2-6-06 (E) (4) states that during the class the staff must complete a successful return demonstration, take a written test and pass with at least 80%. In addition, prior to doing medication administration each certified staff must be provided individual specific training related to the individuals they will be serving per OAC 5123 :2-6-06 (E) (1) (k) and a nurse (an RN or an LPN under the direction of an RN) must delegate that specific medication administration to the staff per OAC 5123:2-6-06 (E) (1) (i)

ORC 5123.41 through 5123.46 and 5123.65 of the Ohio Revised Code, along with OAC 5123:2-6-01 through 5123:2-6-07 govern administration of medication to be completed by waiver providers. These laws and rules require staff who will be administering medications to individuals that cannot self-medicate to meet certain standards and to become and maintain certification as described above. Specific curriculum has been developed and must be used unless an individual has developed his/her own and had it approved by the DODD. All tests are developed by the DODD must be administered as the 'written test'; no exceptions are granted. Medication administration must be documented on a medication administration record although a specific form is not required.

iii. Medication Error Reporting. *Select one of the following:*

◉ **Providers that are responsible for medication administration are required to both record and report medication errors to a State agency (or agencies).**
Complete the following three items:

(a) Specify State agency (or agencies) to which errors are reported:

Medication errors are required to be reported to the local County Board or DODD dependent upon it being an 'unusual incident' or 'major unusual incident.'

(b) Specify the types of medication errors that providers are required to *record:*

"Prescribed medication error" means the administration of the wrong prescribed medication (which includes outdated prescribed medication and prescribed medication not stored in accordance with the instructions of the manufacturer or the pharmacist), administration of the wrong dose of prescribed medication, administration of prescribed medication at the wrong time, administration of prescribed medication by the wrong route, or administration of prescribed medication to the wrong person. All of these are reported.

(c) Specify the types of medication errors that providers must *report* to the State:

Per 5123:2-17-02 (C) (8) "...administration of incorrect medication or failure to administer medication as prescribed" is an unusual incident unless additional circumstances warrant it to be classified as a Major Unusual Incident in accordance with OAC 5123:2-17-02(C) (6)(iii)(c) &(d) (Neglect or death, by any cause, of an individual.)

○ **Providers responsible for medication administration are required to record medication errors but make information about medication errors available only when requested by the State.**

Specify the types of medication errors that providers are required to record:

iv. **State Oversight Responsibility.** Specify the State agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.

DODD monitors performance of waiver providers through review of various County Board reports and County Board reviews. Incidents or issues that may be questioned can be reported to the County Board or the DODD at times other than when a report is filed or a QA review is completed. When reported directly to DODD, DODD will complete an investigation to determine necessary action.

When ODM discovers non-compliance with laws or rules governing medication administration without an occurrence or potential of harm which not been discovered or not adequately being addressed by DODD that case will be processed through the Adverse Outcome process described in Appendix A. When ODM discovers an instance of harm occurring or where there is a reasonable risk of harm to an individual due to medication management or administration issues case it is reported to the proper DODD parties and processed through the Adverse Outcome process described in Appendix A.

Appendix G: Participant Safeguards

Quality Improvement: Health and Welfare

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. **Methods for Discovery: Health and Welfare**
The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare. *(For waiver actions submitted before June 1, 2014, this assurance read "The State, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.")*

i. **Sub-Assurances:**

a. ***Sub-assurance: The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instancesof abuse, neglect, exploitation and unexplained death.*** *(Performance measures in this sub-assurance include all Appendix G performance measures for waiver actions submitted before June 1, 2014.)*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM G1: Number and percent of substantiated cases of abuse, neglect, exploitation and misappropriation of funds where recommended actions to protect health and welfare were implemented. N: Number of substantiated cases where recommended actions to protect health and welfare were implemented. D: Total number of substantiated cases where there were recommended actions to protect health and welfare.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Incident Tracking System (ITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM G2: Number and percent of deaths with a determined need for investigation that were investigated. Numerator: Number of deaths with a determined need for

investigation that were investigated. Denominator: Total number of deaths with a determined need for investigation.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Incident Tracking System (ITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
	☐ **Other** Specify:

b. ***Sub-assurance: The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM G5: Number and percent of participants with a critical incident who had a plan of prevention/documentation of a plan, developed as a result of the incident. Critical incidents related to Abuse; Neglect; Exploitation; and Misappropriation of Funds. N: Number of participants w/critical who had prevent/doc plan D: Total number of participants with a critical incident in the specified areas.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Incident Tracking System (ITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:

	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM G3: Number and percent of critical incidents that were reported within the required time frames as specified in the waiver application. For all incidents of Abuse; Neglect; Exploitation; and Misappropriation of Funds. N: Number of critical incidents reported in the required time frames as specified in the waiver app. D: Total number of reported critical incidents in the specified areas.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Incident Tracking System (ITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =

☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM G4: Number and percent of critical incident reviews/investigations that were completed as specified in the approved waiver. Critical incidents related to Abuse; Neglect; Exploitation; and Misappropriation of Funds. Num: Number of critical incident reviews/investigations that were completed as specified in the approved waiver. Denom: Total number of critical incident reviews/investigations.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Incident Tracking System (ITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
	☐ **Weekly**	☑ **100% Review**

☐ **State Medicaid Agency**		
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

c. ***Sub-assurance: The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM G6: Number and percent of instances of unapproved restraint, seclusion or other restrictive interventions with a prevention plan developed as a result of the incident. Numerator: Number of instances with a prevention plan developed as a result of the incident. Denominator: Total number of instancesthat required development of a prevention plan developed as a result of the incident.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Incident Tracking System (ITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

d. ***Sub-assurance: The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM G7: Number and percent of participants reviewed with an identified need for medication administration whose service plan includes a plan for medication administration. N: Total number of participant records reviewed with an identified need for medication administration whose service plan includes a plan for medication administration. D: Total number of participant service plans reviewed

Data Source (Select one):
Record reviews, on-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =

☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☑ **Other** Specify: Less than 100% Review, records review sample based on regulatory review schedule and number of participants receiving services through that provider.
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM G8: Number and percent of providers reviewed who administer medications hold a current medication administration certification. Numerator: Number of providers reviewed who administer medications hold a current medication administration certification. Denominator: Total number of provider records reviewed.

Data Source (Select one):

Record reviews, on-site
If 'Other' is selected, specify:

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**	☐ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☑ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☑ **Other** Specify: Less than 100% Review, records review sample based on regulatory review schedule and number of participants receiving services through that provider.
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☐ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
For critical incidents, ODM monitors both prevention and outcome activities performed by DODD and the County Boards to assure that all prevention, investigation and resolution protocols are followed through and to completion. ODM meets regularly with DODD and works collaboratively to identify and observe trends, propose changes to rules and protocols, and support ongoing improvement to systems intended to assure prevention and adequate response to incidents of abuse.

DODD becomes aware of problems through a variety of mechanisms including, but not limited to, formal & informal complaints, technical assistance requests, and routine and special regulatory review processes (accreditation, licensure, provider compliance, quality assurance, etc.). As problems are discovered, the individual County Board is notified and technical assistance is provided using email, phone contact and/or letters to the County Board Superintendent. During the DODD regulatory review process citations may be issued and plans of correction required as needed and appropriate. When issues are noted that are systemic, DODD will provide statewide training and additional technical assistance and monitor for improvement during subsequent monitoring cycles.

This aggregate data tracks each MUI category for increases or decreases over time through the Incident Tracking System (ITS). The data is tracked by the DODD MUI / Registry Unit. The outcomes of the data are reviewed by the MUI Registry Unit and referred to the Statewide Pattern / Trend Committee. Prevention planning occurs based on the issue/s identified. Prevention may involve the county board or the MUI Registry Unit based on the data review.

This aggregate data tracks mortality rates by cause of death over time through the Incident tracking System (ITS). The data is tracked by the DODD MUI Registry Unit and referred to the Mortality Review Committee (MRC) quarterly, semi-annually and annually. Prevention planning occurs via Regional Manager incident review / follow up and MRC recommendations.

This percentage rate is reviewed semi annually and annually and compared over time. The data is tracked by the MUI Registry Unit and referred to the Statewide Pattern / Trend Committee The information is reviewed to assure that reporting and investigation timelines are continually met. Regional Managers follow up with counties that are not meeting statewide averages as required.

This aggregate data tracks Unapproved Behavior Support (UBS) MUI's to note increases and decreases over time. The information is reviewed by the MUI / Registry Unit and the outcomes referred to the Statewide Pattern / Trend Committee semi-annually and annually. Issues that are identified through MUI Registry Unit review are often referred to the office of Provider Standards and Review (OPSR) for additional follow up.

ii. Remediation Data Aggregation
Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party*(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☑ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☑ **Continuously and Ongoing**
	☑ **Other** Specify: Semi-annually

c. Timelines
When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Health and Welfare that are currently non-operational.

◉ **No**
○ **Yes**
Please provide a detailed strategy for assuring Health and Welfare, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix H: Quality Improvement Strategy (1 of 2)

Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the State has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the State specifies how it has designed the waiver's critical processes, structures and operational features in order to meet these assurances.

- Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.

CMS recognizes that a state's waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver's relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the State is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.

Quality Improvement Strategy: Minimum Components

The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I) , a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances;
- The *remediation* activities followed to correct individual problems identified in the implementation of each of the assurances;

In Appendix H of the application, a State describes (1) the *system improvement* activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent *roles/responsibilities* of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously *assess the effectiveness of the OIS* and revise it as necessary and appropriate.

If the State's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the State plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid State plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the State must be able to stratify information that is related to each approved waiver program. Unless the State has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the State must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

Appendix H: Quality Improvement Strategy (2 of 2)

H-1: Systems Improvement

a. System Improvements

i. Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.

The State's quality oversight strategy for this waiver relies on the collaborative efforts of staff at ODM and DODD to generate and analyze both data and other performance related information to measure compliance with federal waiver assurances and to assure participant health and welfare.

Role of the State Medicaid Agency (ODM)
ODM oversees the operation and performance of DODD to ensure the waiver program is operated in accordance with the approved waiver, and to assess the effectiveness of DODD's oversight of the County Boards operating the waiver locally. Operation of the waiver is delegated by ODM to DODD through an interagency agreement between ODM and DODD. This agreement includes language authorizing ODM to perform oversight activities to establish the program's compliance with federal and state laws and regulations as well as auditing and fiscal compliance. ODM will employ a multifaceted monitoring and oversight process that includes the following activities:

Continuous Review of DODD Performance Data- Under the Continuous Review process, ODM will regularly review, monitor, and dialogue with DODD about data generated quarterly through the approved waiver's performance measures to gauge performance and compliance with federal waiver assurances including service planning, care management, free choice of provider, level of care, health and welfare, and validation of service delivery. Through its review of this data, ODM may request additional information as well as remediation and/or quality improvement strategy as appropriate.

Quality Briefings - Twice per year, ODM and DODD will meet to dialogue about data generated through the departments' quality processes. In these meetings, the departments' will review performance data generated and discuss remediation and/or quality improvement strategy. These Quality Briefings will also be informed by data presented by DODD on the oversight activities conducted by that department including but not limited to problems detected, corrective measures taken, and how the operating agency verified, or intends to verify, that the actions were effective.

Quality Improvement Plan- Whenever a performance measure is not fully met, and falls below a threshold of

86%, a systemic remediation (Quality Improvement Plan (QIP) would be conducted to determine the cause. A QIP must be implemented once the cause is found unless the state provides justification accepted by CMS that a QIP is not necessary. A QIP may take any of several forms. It may be training, revised policies/procedures, additional waiver services, etc. Each QIP must measure the impact to determine whether it was effective.

Case Specific Resolution – ODM will continue to assure case-specific resolution through "Alert Monitoring" and its "Adverse Outcomes" process.

Quality Steering Committee - ODM convenes the multi-agency HCBS waiver Quality Steering Committee (QSC). The committee collects, compiles, and reports aggregate waiver-specific performance data. The committee uses this data as a means to assess and compare performance across Ohio's Medicaid waiver systems to identify cross-waiver structural weaknesses, support collaborative efforts to improve waiver systems, and to help move Ohio toward a more unified quality management system.

Fiscal Reviews – ODM staff perform regular desk reviews of administrative costs, with A-133 Audits being performed every one to three years based on risk. On a biennial basis, ODM staff conduct audits of CBDD prepared cost reports. Additional detail about Ohio's practice for maintaining fiscal oversight of the waiver can be found in Appendix I.

Open Lines of Communication - ODM and DODD schedule mid-level managers meetings in which the departments discuss issues related to program operations including but not limited to: participant health and safety, program administration, budgeting, enrollment, providers and provider enrollment, provider reimbursement, issues pertaining to Medicaid state plan services, pending legislation, statute and rule changes etc.

Role of the Operating Agency (DODD)
Through an interagency agreement, ODM delegates to DODD responsibility for the administration of the wavier program. These responsibilities include managing and monitoring the waiver program to assure compliance and quality improvement.
Monitoring by DODD is primarily focused on: 1) assuring compliant and effective case management for applicants and waiver participants by County Boards; 2) managing a system to assure prevention and effective response to incidents of participant abuse and neglect; 3) assuring the qualifications and compliance of particular waiver service providers; 4) assuring that paid claims are for services authorized in individual service plans; 5) setting program standards/expectations; 6) compliance and performance of County Boards which administer the program locally; 7) providing technical assistance; 8) facilitating continuous quality improvement in the waiver's local administration; and more generally, 9) ensuring that all waiver assurances are addressed and met for all waiver participants.

DODD's Office of Provider Standards and Review (OPSR), conducts compliance reviews in licensed waiver funded settings, unlicensed waiver funded settings, and County Board settings. In order to ensure consistency, the review process and tools used are the same in all settings to determine compliance with administrative rules and waiver assurances. A standardized review tool is used to determine if health, safety and individual satisfaction criteria are met.

DODD uses the Participant Experience Survey (PES) when interviewing individuals/families as part of the department's regulatory review processes.

Compliance Review – regularly scheduled reviews of a provider are conducted prior to the end of the provider's term license, accreditation term or at least once every 3 years for non-licensed waiver settings. The review is conducted utilizing a single review tool. A report is issued to the county board and/or provider identifying areas of deficiencies and requiring a plan of compliance (POC). The POC is reviewed and approved by the OPSR and follow-up visits are conducted to verify that the appropriate corrections have been made. In cases where an immediate risk to health or safety is identified, the OPSR reviewer remains onsite until corrective action is taken.

Special Compliance Review – an unscheduled review, which occurs due to identified concerns such as complaints, Major Unusual Incidents, reports of fraud, or adverse outcomes identified by other entities such as the Ohio Department of Health or the ODM. A report is issued to the county board and/or provider identifying areas of deficiencies and requiring a plan of compliance (POC). The findings are reported to appropriate State agency.

ii. System Improvement Activities

Responsible Party*(check each that applies):*	**Frequency of Monitoring and Analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☑ **Quarterly**
☑ **Quality Improvement Committee**	☐ **Annually**
☑ **Other** Specify: County Boards and Level One Waiver Providers	☑ **Other** Specify: semi-annually

b. System Design Changes

i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the State's targeted standards for systems improvement.

ODM monitoring and oversight responsibilities include ensuring that DODD is exercising its authority for the day-to-day operation of the waiver in accordance with federal Medicaid requirements. ODM supports and facilitates qualitative improvements in the systems, procedures, and protocols DODD employs to ensure conformity of providers, recipients, and other entities with federal Medicaid requirements. ODM will work with DODD to assess the root cause and develop and implement an appropriate course of action to remedy the program.

DODD monitoring and oversight responsibilities include ensuring that the local County Boards are establishing and implementing systems, procedures and protocols to ensure conformity of providers, recipients, staff, or other entities with federal Medicaid requirements. The DODD supports and facilitates qualitative improvements in the systems, procedures, and protocols at the County Board level. When a program component is determined to be out of compliance with federal Medicaid requirements, ODM will work with DODD to assess the root cause and develop and implement an appropriate course of action to remedy the program.

ODM is responsible for ensuring DODD and County Boards are in compliance with federal regulations, including the amount, duration and scope of services, free choice of providers, timeliness of delivery of services to waiver eligible participant and the availability of services statewide and conducts A-133 audits at least once every three years based on risk.

ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.

ODM in conjunction with DODD will review the effectiveness of the State's Quality Oversight Strategy including DODD performance data, fiscal reviews results, case-specific resolutions data, quality improvement plans, and technical assistance provided. These discussions will occur through quality briefings outlined in this appendix.

Appendix I: Financial Accountability

I-1: Financial Integrity and Accountability

Financial Integrity. Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

The Ohio Department of Developmental Disabilities (DODD), Division of Fiscal Administration – Audit Office performs waiver reviews utilizing a risk-based approach. The risk-based approach covers a wide range of providers, individuals, and transactions. A risk analysis is performed annually to identify riskier providers. Risk factors used in the analysis include, but are not limited to: dollar amount paid; number of individuals served; complexity of services provided; prior noncompliance issues; prior findings; referrals from Office of Provider Standard and Reviews (OPSR); and changes in compliance requirements to services provided. Once the selection of higher risk providers is determined, a sample of claims paid to each provider is selected for testing, depending on the number of clients served and services provided, to a achieve a representative sample for testing. Additionally, some of the required Ohio Administrative Code compliance testing is performed on a statewide basis to achieve increased coverage across the State and increase the number of County Boards reviewed.

Additionally, the DODD Audit Office performs audits of the County Board Cost Reports. The audits consist of program monitoring for allowable costs, activities allowed, and cash management. The cost report audits also include a review of program revenues and expenditures and other reporting requirements.

The Auditor of the State of Ohio conducts an annual Single State Audit of the Ohio Department of Medicaid in accordance with the requirements of the Single Audit Act (31 U.S.C. 7501-7507) as amended by the Single Audit Act Amendments of 1996 (P.L. 104- 146). The audit and review activities conducted by the Office of Fiscal and Monitoring Services are included within the scope of the audit.
In accordance with Ohio Administrative Code rule 5160-1-29, ODM is required to have in effect a program to prevent and detect fraud, waste, and abuse in the Medicaid program. The definition of fraud, waste, and abuse incorporates the concept of payment integrity. ODM, the Ohio State Auditor, and/or the Ohio Office of Attorney General may recoup any amount in excess of that legitimately due to the provider based on review or audit.

ODM has an organized autonomous audit function which is independent of the ODM Medicaid program area. The Bureau of Program Integrity includes a Surveillance Utilization Review Section (SURS) whose primary function is to conduct audit and review activities to assure the legitimacy of claims paid to Medicaid providers. The scope of providers subjected to audit and review activities has been expanded to include claims paid through sister state agencies which administer Medicaid programs on behalf of ODM. SURS staff have developed is an approach to be used to identify services and/or providers to be subject to SURS review functions.

DODD recovers any overpayments pursuant to Section 5164.58 of the Ohio Revised Code. DODD notifies the provider of the overpayment and requests voluntary repayment. If DODD is unable to obtain voluntary repayment, it shall give the provider notice of an opportunity for a hearing in accordance with Chapter 119 of the Ohio Revised Code. DODD shall conduct the hearing to determine the legal and factual validity of the overpayment. DODD shall submit the hearing officer's report and recommendation and a complete record of the proceedings, including all transcripts to the Director of Ohio Department of Medicaid. The Director of Medicaid may issue a final adjudication order in accordance with Chapter 119 of the Ohio Revised Code.

Appendix I: Financial Accountability

Quality Improvement: Financial Accountability

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. **Methods for Discovery: Financial Accountability**
State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver. *(For waiver actions submitted before June 1, 2014, this assurance read "State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.")*
    i. **Sub-Assurances:**

        a. ***Sub-assurance: The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.***
        (Performance measures in this sub-assurance include all Appendix I performance measures for waiver actions submitted before June 1, 2014.)

        Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
PM I1: Number and percent of paid waiver claims submitted that were authorized.
Numerator: Total number of paid waiver claims submitted that were authorized.
Denominator: Total number of submitted waiver claims.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Waiver Payment System/ODM's Medicaid Information Technology System (MITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

Performance Measure:
PM I2: Number and percent of waiver claims paid for individuals who were enrolled on the waiver on the date of services. Numerator: Total number of waiver claims paid for individuals who were enrolled on the waiver on the date of services. Denominator: Total number of submitted waiver claims.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Waiver Payment System/ODM's Medicaid Information Technology System (MITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**
☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

b. ***Sub-assurance: The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.***

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:
Performance Measure I3: Number and percent of waiver claims that were paid using the correct rate as specified in Chapters 5123:2-9 of the Ohio Administrative Code. Numerator: Total number of paid claims that were paid using the correct rate. Denominator: Total number of approved waiver claims.

Data Source (Select one):
Other
If 'Other' is selected, specify:
DODD's Waiver Payment System/ODM's Medicaid Information Technology System (MITS)

Responsible Party for data collection/generation *(check each that applies):*	**Frequency of data collection/generation** *(check each that applies):*	**Sampling Approach** *(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**	☑ **100% Review**

☑ **Operating Agency**	☐ **Monthly**	☐ **Less than 100% Review**
☐ **Sub-State Entity**	☑ **Quarterly**	☐ **Representative Sample** Confidence Interval =
☐ **Other** Specify:	☐ **Annually**	☐ **Stratified** Describe Group:
	☐ **Continuously and Ongoing**	☐ **Other** Specify:
	☐ **Other** Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis *(check each that applies):*	**Frequency of data aggregation and analysis***(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
Findings included in the State of Ohio Single State Audit are reviewed by ORAA and the Bureau of Longterm Care Service and Supports within ODM. Findings related to DD and Medicaid are communicated to DODD through the single audit. ODM review DD-related findings and determines whether a plan of correction proposed by DODD will correct the finding(s). ODM then issues a Management Decision Letter (MDL) to DODD as a means to approve the plan. Compliance with the MDL is reviewed as part of monitoring conducted by ODM.

DODD monitors claim rejections and denials on a quarterly basis by county and by rejection/denial reason code. If there is a large negative change for a county or if a county continuously has a large number of claims rejected or denied, DODD staff will contact the county and offer technical assistance to the county board and their providers. Similarly, if a rejection or denial reason code spikes up in a certain quarter, claims staff will research the reason."

ii. Remediation Data Aggregation
Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party*(check each that applies):*	**Frequency of data aggregation and analysis** *(check each that applies):*
☑ **State Medicaid Agency**	☐ **Weekly**
☑ **Operating Agency**	☐ **Monthly**
☐ **Sub-State Entity**	☐ **Quarterly**
☐ **Other** Specify:	☑ **Annually**
	☐ **Continuously and Ongoing**
	☐ **Other** Specify:

c. Timelines
When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

◉ **No**
○ **Yes**
Please provide a detailed strategy for assuring Financial Accountability, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (1 of 3)

a. Rate Determination Methods. In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

DODD is responsible for the development of statewide rates for waiver services through an Interagency Agreement with ODM, Ohio's single state Medicaid agency. The rate development process includes input from stakeholders. Once developed by DODD, ODM is responsible for the final review and approval of all rates. Once approved by ODM, all reimbursement rates are incorporated into Ohio's Administrative Code, which includes a period for public comment as well as a public hearing process that allows for public testimony before Ohio's Joint Commission on Agency Rule Review (JCARR), a body compromised of representatives from the Ohio Senate and the Ohio House of Representatives. Public Comments are solicited during the Public Hearing phase for any new/amended/to be rescinded Administrative rules in Ohio. Information about payment rates are made available to the individual during the Individual Service Planning process.

Reimbursement rates for homemaker/personal care, and money management and other direct services are created by utilizing an independent rate setting model, with the exception of Transportation. The model begins with Bureau of Labor Statistics (BLS) information specific to Ohio's job market and incorporates reimbursement for employee related expenses, administrative overhead, and non-billable work time. This results in a statewide rate for each service. This statewide rate is then adjusted for the variations in the cost of doing business throughout the state. Ohio has established eight cost of doing business regions for this purpose. The model results in base rates for agency providers as well as rates for non-agency providers, which vary slightly due to differences in reimbursement for administrative overhead and non-billable work time. The base rates are adjusted upward based the number of individuals sharing services up to four individuals per setting. In addition to these base rate adjustments, the model includes rate add-ons for services rendered to individuals who meet certain medical and/or behavioral criteria. Also, a community integration add-on is available for routine homemaker personal care services for a period of one year for individuals that are former residents of intermediate care facilities. It was calculated by increasing the administrative overhead percentage of the current agency homemaker/personal care base rate and making adjustments to the non-billable time in an amount equal to the current non-billable assumptions in the independent homemaker/personal care rate. The add-on covers time-limited cost increases experienced as individuals move from institutional settings to community-based settings. Those areas include: additional training, health care navigation, benefits coordination, and crisis intervention. The add-on promotes stability in staffing and greater continuity of care as individuals adjust to working with new teams, county board service and support administrators and community-based medical and mental health professionals. Claims are reimbursed at the lower of the rate established by the rate setting model or the provider's usual and customary charge for the service. The rate add-ons are not applicable for individuals authorized to receive Money Management.

Rates will be paid in fifteen minute units for services to individuals who do not share services with others (e.g., live alone or live with others who do not receive homemaker personal care services from the same provider.) After an individual's service needs are identified in the Individual Service Plan, the Cost Projection Tool (CPT), developed and maintained by DODD, is used to determine the total expected amount of payment for each individual's waiver span as well as the total service hours that are expected to be rendered. The projection of service costs and payment standards are in accordance with Chapters 5160-41 and 5123:2-9 of the Ohio Administrative Code (OAC).

Reimbursement rates for transportation are based on federal mileage reimbursement guidelines as specified in the OAC. Claims are reimbursed at the lower of the rate established or the provider’s usual and customary charge for the service.

An independent rate model was developed for adult day support, vocational habilitation, and supported employment-enclave services. The base hourly wage is calculated using salary survey data as submitted by counties as well as a select set of hourly wages from the U.S. Bureau of Labor Statistics for occupations closely paralleling those for providers of Adult Day Support and Vocational Habilitation services. These wages are averaged to arrive at a base hourly wage that is applied statewide. Data from cost reports as submitted by each county for the period January 1 through June 30, 2005 are used to calculate a series of additional cost components that impact the wages. These rates are adjusted for cost of doing business and for the acuity requirements noted in C-4. The medical and behavior add-ons are applicable to the Adult Day Services for dates of service on/after November 1, 2016.

Non-Medical Transportation (NMT) may be billed either per trip or per mile. Per trip NMT rates are calculated using data from cost reports as submitted by each county for the period January 1 through June 30, 2005. From the cost report data, the total reported transportation costs for adults are divided by the total number of reported trips to derive a cost per trip by county. The calculated transportation rates are then adjusted for inflation and regional cost of doing business factors to derive the final rates. The per mile non-medical transportation rate combines the hourly rate of the provider/vehicle driver with the mileage rate to derive a single payment rate based upon, for each 1-mile driven, the driver provides 2 minutes of service at the Homemaker /Personal Care (HP/C) costs. The payment specifications for non-medical transportation are included in the OAC.

Statewide maximum rates are in place for Environmental Accessibility and for Specialized Medical Equipment and Supplies. Reimbursement for these two services is the lower of the provider's charge for the specific modification or piece of equipment or the established statewide maximum. The payment specifications for Environmental Accessibility and for Specialized Medical Equipment and Supplies are included in OAC.

The Community and Residential Respite service rates were developed by using the Homemaker Personal Care rate model as the basis for the rate structure. Historical costs of the HPC service were reviewed to determine the base

rates. Both services may be adjusted by a medical and/or behavior add-on.
An independent rate model was developed for Remote Monitoring waiver service. The model includes Bureau of Labor Statistics (BLS) information specific to Ohio's job market and incorporated reimbursement for employee related expenses, administrative overhead, productivity assumptions and a responder/on call component.
Remote Monitoring equipment is purchased on a per item/per month basis as indicated in the ISP. Remote Monitoring Equipment has a $5,000 maximum per waiver eligibility span for all equipment, regardless of the number of items.
The Supported Employment Community service rates were developed by using a blend of two components of the approved integrated employment service under the SELF waiver (initial and retention supports) as a basis for the hourly rate. Ohio assumed that 70% of all employment services are for retention and 30% for placement. The agency and independent rates are adjusted by the cost of doing business (CODB) factors. This service will be replaced with Individual Employment Supports and Career Planning services and will use a similar rate structure.
The services that use an independent model (or are based on other services that used an independent model) are as follows: Adult Day Support, Vocational Habilitation, and Adult Day Support with providers certified by ODA, SE-Enclave, Group Employment, SE-Community, Non-Medical Transportation, Homemaker/Personal Care, Daily Billing Unit, Adult Foster Care, Adult Family Living, Money Management, Remote Monitoring, & Community Respite.
The rate methodology used to determine Home Delivered Meals is unknown at this time. However, the United States Department of Agriculture (USDA) estimated that costs for home prepared meals cost approximately $49 per week in 1994. Ohio's reimbursement rate of $7 per meal is consistent with the USDA estimate.
ODM engaged an actuary to study factors such as labor market data, education, licensure status and length of service visit in the development of the waiver nursing rate. The model begins with Bureau of Labor Statistics (BLS) information specific to Ohio's job market and incorporates reimbursement for employee related expenses, administrative overhead, and non-billable work time. This results in a statewide rate for each service.
When necessary to comply with FLSA, the reimbursement to independent providers will be adjusted for overtime compensation. Overtime payments are calculated based on the wage component of the service rate.

b. Flow of Billings. Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the State's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:

Claims are submitted electronically from all types and classes of Level One service providers to DODD, who have voluntarily reassigned DODD to submit claims to ODM on their behalf. On a weekly basis, DODD compiles all claims received from providers during that week into one billing file which is submitted to ODM for processing and adjudication through the state's Medicaid claims payment system.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (2 of 3)

c. Certifying Public Expenditures *(select one)*:

○ **No. State or local government agencies do not certify expenditures for waiver services.**

◉ **Yes. State or local government agencies directly expend funds for part or all of the cost of waiver services and certify their State government expenditures (CPE) in lieu of billing that amount to Medicaid.**

***Select at least one*:**

☐ **Certified Public Expenditures (CPE) of State Public Agencies.**

Specify: (a) the State government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b).*(Indicate source of revenue for CPEs in Item I-4-a.)*

☑ **Certified Public Expenditures (CPE) of Local Government Agencies.**

Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). *(Indicate source of revenue for CPEs in Item I-4-b.)*

Certified public expenditures are incurred by county boards when the waiver services are delivered by the county boards. The claims for these services are accompanied by an attestation that the services delivered were fully paid for with public funds and are eligible expenditures for FFP. Claims delivered by county boards are reimbursed at the lower of the county board's usual and customary charge for the service or the statewide rates established for those services as described in Section I-2-a of this Appendix.

Under the cost based reimbursement system, it is the State of Ohio's responsibility to monitor and audit its subrecipients as Federally required. Ohio Department of Developmental Disabilities (DODD) will monitor and audit the cost reports that are prepared as a result of the cost based activity. It is the responsibility of DODD to ensure timely reviews and audits of its subrecipients in order to settle the associated costs for the period under review.

Adult Day Services Reconciliation:
The total annual cost of providing services to the Medicaid consumers will be derived from the cost report. The annual revenue will be derived by taking reimbursement received for the units of services delivered multiplied by unit rates approved by CMS. The total annual cost of providing services will be reconciled to reimbursement received. reconciliation details are outlined in the Guide to Preparing Income and Expenditure Report.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (3 of 3)

d. **Billing Validation Process.** Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:

Provider billings are primarily validated through the Medicaid Services System/Payment Authorization for Waiver Services (MSS/PAWS), which delineates those waiver services that are identified on each waiver enrollee's Individual Service Plan (ISP), the provider(s) authorized to deliver each service, and the frequency and duration of each service. There is a post review process that compares MSS/PAWS to actual ISPs to assure that the services identified through the ISP process are accurately reflected in the MSS/PAWS system. Additionally, the MSS/PAWS is linked to DODD Waiver Management System (WMS), which indicates that the individual has a current level of care determination. In addition to the validation through DODD systems, ODMs' MMIS/MITS system, which actually adjudicates all claims for reimbursement, makes the determination that both the individual receiving the service and the provider delivering the service were eligible for Medicaid waiver payment on the date the service was delivered. The actual validation of delivery is accomplished through various post reviews that track backward from paid claims documents to actual service delivery documentation.

e. **Billing and Claims Record Maintenance Requirement.** Records documenting the audit trail of adjudicated claims (including supporting documentation) are maintained by the Medicaid agency, the operating agency (if applicable), and providers of waiver services for a minimum period of 3 years as required in 45 CFR §92.42.

Appendix I: Financial Accountability

I-3: Payment (1 of 7)

a. **Method of payments -- MMIS** (*select one*):

- (●) **Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).**
- ( ) **Payments for some, but not all, waiver services are made through an approved MMIS.**

Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal

funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

○ **Payments for waiver services are not made through an approved MMIS.**

Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

○ **Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.**

Describe how payments are made to the managed care entity or entities:

Appendix I: Financial Accountability

I-3: Payment (2 of 7)

b. Direct payment. In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (*select at least one*):

☐ **The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.**

☐ **The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.**

☑ **The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.**

Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:

DODD is the limited fiscal agent for the Level One waiver program. DODD is responsible for paying the provider claims as authorized in an Interagency Agreement with ODM. The ODM will adjudicate the claims and maintain ongoing fiscal meetings with the Fiscal and Information Systems sections of DODD to assure that claims are paid efficiently and systems concerns are addressed timely.

While this waiver does not currently allow for the direct billing of waiver services to ODM, ODM expects to implement a process for direct billing and reimbursement from ODM after MITS implementation. At this point, DODD providers voluntarily reassign their claims to be paid through DODD. ODM is planning to have meetings with DODD in the near future to discuss how providers can bill ODM directly and receive direct reimbursement from ODM after MITS implementation, which is expected to go live by fall 2011. ODM will keep CMS regularly informed of the status.

☐ **Providers are paid by a managed care entity or entities for services that are included in the State's contract with the entity.**

Specify how providers are paid for the services (if any) not included in the State's contract with managed care entities.

Appendix I: Financial Accountability

I-3: Payment (3 of 7)

c. **Supplemental or Enhanced Payments.** Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to States for expenditures for services under an approved State plan/waiver. Specify whether supplemental or enhanced payments are made. *Select one:*

- (●) **No. The State does not make supplemental or enhanced payments for waiver services.**
- ( ) **Yes. The State makes supplemental or enhanced payments for waiver services.**

Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the State to CMS. Upon request, the State will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.

Appendix I: Financial Accountability

I-3: Payment (4 of 7)

d. **Payments to State or Local Government Providers.** *Specify whether State or local government providers receive payment for the provision of waiver services.*

- ( ) **No. State or local government providers do not receive payment for waiver services.** Do not complete Item I-3-e.
- (●) **Yes. State or local government providers receive payment for waiver services.** Complete Item I-3-e.

Specify the types of State or local government providers that receive payment for waiver services and the services that the State or local government providers furnish:

County Boards receive payments for waiver services provided.

Appendix I: Financial Accountability

I-3: Payment (5 of 7)

e. **Amount of Payment to State or Local Government Providers.**

Specify whether any State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the State recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. *Select one:*

- (●) **The amount paid to State or local government providers is the same as the amount paid to private providers of the same service.**
- ( ) **The amount paid to State or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.**
- ( ) **The amount paid to State or local government providers differs from the amount paid to private providers of the same service. When a State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the**

State recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.

Describe the recoupment process:

Appendix I: Financial Accountability

I-3: Payment (6 of 7)

f. **Provider Retention of Payments.** Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. *Select one:*

- (●) **Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.**
- ( ) **Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.**

Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the State.

Appendix I: Financial Accountability

I-3: Payment (7 of 7)

g. **Additional Payment Arrangements**

i. **Voluntary Reassignment of Payments to a Governmental Agency.** *Select one:*

- ( ) **No. The State does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.**
- (●) **Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e).**

Specify the governmental agency (or agencies) to which reassignment may be made.

The Ohio Department of Developmental Disabilities (DODD).

ii. **Organized Health Care Delivery System.** *Select one:*

- (●) **No. The State does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.**
- ( ) **Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.**

Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDS contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDS arrangement is used:

iii. Contracts with MCOs, PIHPs or PAHPs. *Select one:*

- (●) **The State does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.**
- ( ) **The State contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the State Medicaid agency.**

  Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

- ( ) **This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.**
- ( ) **This waiver is a part of a concurrent □1115/□1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The □1115 waiver specifies the types of health plans that are used and how payments to these plans are made.**

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (1 of 3)

a. State Level Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the State source or sources of the non-federal share of computable waiver costs. *Select at least one*:

- [ ] **Appropriation of State Tax Revenues to the State Medicaid agency**
- [x] **Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.**

  If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the State entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

  DODD provides a portion of the non-federal share of computable waiver costs through funds appropriated in its budget. These funds are not transferred to the State Medicaid Agency (ODM), as DODD makes the requests for provider payment to the Auditor and Treasurer of State.

- [ ] **Other State Level Source(s) of Funds.**

  Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (2 of 3)

b. Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. *Select One*:

○ **Not Applicable**. There are no local government level sources of funds utilized as the non-federal share.

◉ **Applicable**

Check each that applies:

☐ **Appropriation of Local Government Revenues.**

Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

☑ **Other Local Government Level Source(s) of Funds.**

Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the State Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

County Boards provide a portion of the non-federal share of computable waiver costs. DODD operates as the Fiscal Agent and will maintain the administrative control of the non-federal share. The non-federal share will be comprised of various funds appropriated through the state legislation and funds generated through local levies. Ohio utilizes a CPE arrangement for the non-federal share when county boards are the providers.

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (3 of 3)

c. **Information Concerning Certain Sources of Funds.** Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. *Select one*:

◉ **None of the specified sources of funds contribute to the non-federal share of computable waiver costs**

○ **The following source(s) are used**

Check each that applies:

☐ **Health care-related taxes or fees**

☐ **Provider-related donations**

☐ **Federal funds**

For each source of funds indicated above, describe the source of the funds in detail:

Appendix I: Financial Accountability

I-5: Exclusion of Medicaid Payment for Room and Board

a. **Services Furnished in Residential Settings.** *Select one:*

○ **No services under this waiver are furnished in residential settings other than the private residence of the individual.**

◉ **As specified in Appendix C, the State furnishes waiver services in residential settings other than the personal home of the individual.**

b. **Method for Excluding the Cost of Room and Board Furnished in Residential Settings.** The following describes the methodology that the State uses to exclude Medicaid payment for room and board in residential settings:

The cost of room and board is not included in services provided in residential settings under this waiver.

Appendix I: Financial Accountability

I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver

Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver. *Select one:*

- (●) **No. The State does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.**
- ( ) **Yes. Per 42 CFR §441.310(a)(2)(ii), the State will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The State describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.**

The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)

a. **Co-Payment Requirements.** Specify whether the State imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. *Select one:*

- (●) **No. The State does not impose a co-payment or similar charge upon participants for waiver services.**
- ( ) **Yes. The State imposes a co-payment or similar charge upon participants for one or more waiver services.**

i. **Co-Pay Arrangement.**

Specify the types of co-pay arrangements that are imposed on waiver participants (*check each that applies*):

Charges Associated with the Provision of Waiver Services *(if any are checked, complete Items I-7-a-ii through I-7-a-iv):*

- [ ] **Nominal deductible**
- [ ] **Coinsurance**
- [ ] **Co-Payment**
- [ ] **Other charge**

Specify:

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)

a. **Co-Payment Requirements.**

ii. Participants Subject to Co-pay Charges for Waiver Services.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)

a. Co-Payment Requirements.

iii. Amount of Co-Pay Charges for Waiver Services.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)

a. Co-Payment Requirements.

iv. Cumulative Maximum Charges.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)

b. Other State Requirement for Cost Sharing. Specify whether the State imposes a premium, enrollment fee or similar cost sharing on waiver participants. *Select one*:

- (●) **No. The State does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.**
- ( ) **Yes. The State imposes a premium, enrollment fee or similar cost-sharing arrangement.**

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

Appendix J: Cost Neutrality Demonstration

J-1: Composite Overview and Demonstration of Cost-Neutrality Formula

Composite Overview. Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.

Level(s) of Care: ICF/IID

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
1	10119.87	7626.23	17746.10	109388.54	12011.14	121399.68	103653.58
2	9799.83	7855.02	17654.85	111576.31	12371.47	123947.78	106292.93
3	9819.63	8090.39	17910.02	113807.84	12742.90	126550.74	108640.72

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
4	9699.31	8333.39	18032.70	116083.99	13124.90	129208.89	111176.19
5	9591.62	8583.39	18175.01	118405.67	13518.64	131924.31	113749.30

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (1 of 9)

a. **Number Of Unduplicated Participants Served.** Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

Table: J-2-a: Unduplicated Participants

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	
		ICF/IID	
Year 1	**16600**		16600
Year 2	**17250**		17250
Year 3	**17900**		17900
Year 4	**18560**		18560
Year 5	**19200**		19200

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (2 of 9)

b. **Average Length of Stay.** Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

Ohio will be assuming a 3% reserve capacity on this waiver, and also assuming a 7.2% disenrollment rate per year.

Ohio will accrue total person-days of service:
Waiver Year 1: 5,574,325
Waiver Year 2: 5,852,775
Waiver Year 3: 6,090,025
Waiver Year 4: 6,323,768
Waiver Year 5: 6,551,923

The average number of days each person is served:

Waiver Year 1: 336
Waiver Year 2: 339
Waiver Year 3: 340
Waiver Year 4 341
Waiver Year 5: 341

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (3 of 9)

c. **Derivation of Estimates for Each Factor.** Provide a narrative description for the derivation of the estimates of the following factors.

i. **Factor D Derivation.** The estimates of Factor D for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:

The Factor D estimates are based on actual service utilization data. An annual inflation factor of 0% was used to project future waiver year costs. Service rates will not increase unless noted by submission of a waiver amendment. Estimates are based on the Department of Developmental Disabilities-Medicaid Billing System (MBS).

ii. **Factor D' Derivation.** The estimates of Factor D' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

Factor D' Derivation: The Factor D' estimates are based on enrollment figures, and actual service utilization and costs, extracted from the Quality Decision Support System (QDSS) for State Fiscal Year 2014. Dual eligibles were identified and their costs were removed, along with associated drug costs. An annual inflation factor of 3% was used to project future waiver year costs, as follows the other DODD approved waiver applications.

iii. **Factor G Derivation.** The estimates of Factor G for each waiver year are included in Item J-1. The basis of these estimates is as follows:

Factor G Derivation: The State used actual costs for the control group, which includes individuals of any age who were institutionalized in an ICF-IID facility, during State Fiscal Year 2014. Dual eligibles were identified in the control group and their costs were removed, along with their associated drug costs. An annual inflation factor of 2% was used to project future waiver year costs; 2% follows historical trends for the Level One waiver, as well as the approved state budget for State Fiscal Years 2016 and 2017.

iv. **Factor G' Derivation.** The estimates of Factor G' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

Factor G' Derivation: The Factor G' estimates derive from the actual costs for the control group, which includes individuals of any age, who were institutionalized in an ICF-IID facility during State Fiscal Year 2014. Dual eligibles were identified in the control group and their costs were removed along with their associated drug costs. An annual inflation factor of 3% was used to project future waiver year costs, as follows the other DODD approved waiver applications.

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (4 of 9)

Component management for waiver services. If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select "*manage components*" to add these components.

Waiver Services	
Community Respite	
Habilitation – Adult Day Support	
Habilitation – Vocational Habilitation	
Homemaker/Personal Care	
Specialized Medical Equipment and Supplies	
Career Planning	
Environmental Accessibility Adaptations	
Group Employment Support	
Home Delivered Meals	
Individual Employment Support	
Informal Respite	
Money Management	
Non-Medical Transportation	
Personal Emergency Response Systems	
Remote Monitoring Equipment	
Remote Monitoring	
Residential Respite	
Supported Employment - Community	
Supported Employment - Enclave	

Waiver Services	
Transportation	

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (5 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 1

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Community Respite Total:						**808485.30**
Community Respite	Hour	1029	30.00	26.19	**808485.30**	
Habilitation – Adult Day Support Total:						**45526200.60**
Habilitation Adult Day Support	Day	6113	158.00	31.40	**30327815.60**	
Habilitation – Adult Day Support	Hour	2038	950.00	7.85	**15198385.00**	
Habilitation – Vocational Habilitation Total:						**14459652.90**
Habilitation- Vocational Habilitation	Day	1942	158.00	31.40	**9634650.40**	
Habilitation – Vocational Habilitation	Hour	647	950.00	7.85	**4825002.50**	
Homemaker/Personal Care Total:						**25071475.63**
Homemaker/Personal Care	Hour	8803	164.00	17.24	**24889250.08**	
On Site/ On Call	Hour	299	85.00	7.17	**182225.55**	
Specialized Medical Equipment and Supplies Total:						**724776.00**
Specialized Medical Equipment and Supplies	Item	598	3.00	404.00	**724776.00**	
Career Planning Total:						**1333101.68**
Situational Observation and Assessment	Item	284	1.00	813.15	**230934.60**	
Career Exploration	Hour	284	6.00	54.20	**92356.80**	
Benefits Education and Analysis	Item	284	1.00	285.00	**80940.00**	
Career Discovery	Item	284	1.00	1129.62	**320812.08**	
Employment/Self-Employment Plan	Item	284	1.00	813.15	**230934.60**	

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Job Development	Hour	284	6.00	54.20	92356.80	
Self-Employment Launch	Hour	284	6.00	54.20	92356.80	
Worksite Accessibility	Hour	284	6.00	54.20	92356.80	
Assistive Technology Assessment	Item	284	1.00	352.30	100053.20	
Environmental Accessibility Adaptations Total:						1491225.00
Environmental Accessibility Adaptations	Item	337	1.25	3540.00	1491225.00	
Group Employment Support Total:						6065649.40
Group Employment Support	Hour	2092	563.00	5.15	6065649.40	
Home Delivered Meals Total:						182525.00
Home Delivered Meals	Per Meal	149	175.00	7.00	182525.00	
Individual Employment Support Total:						1578117.20
Individual Employment Support	Hour	1892	19.00	43.90	1578117.20	
Informal Respite Total:						601265.60
Informal Respite	Hour	211	260.00	10.96	601265.60	
Money Management Total:						0.00
Money Management	Hour	0	0.00	19.00	0.00	
Non-Medical Transportation Total:						64805793.50
Non-Medical Transportation	One Way Trip	11354	395.00	14.45	64805793.50	
Personal Emergency Response Systems Total:						32000.00
Personal Emergency Response Systems	Month	100	8.00	40.00	32000.00	
Remote Monitoring Equipment Total:						37125.00
Remote Monitoring Equipment	Month	33	5.00	225.00	37125.00	
Remote Monitoring Total:						71706.00
Remote Monitoring	Hour	50	228.00	6.29	71706.00	
Residential Respite Total:						1427580.00
Residential Respite	Day	515	18.00	154.00	1427580.00	
Supported Employment - Community Total:						346236.00
Supported Employment - Community	Hour				346236.00	

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
		1892	5.00	36.60		
Supported Employment - Enclave Total:						**2025474.40**
Supported Employment - Enclave						