

## **\*\*\*Proposed New Rule - June 2, 2016\*\*\***

### **5123:2-9-20 Home and community-based services - money management under the individual options and level one waivers.**

#### (A) Purpose

This rule defines money management and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

#### (B) Definitions

- (1) "Adult family living" has the same meaning as in rule 5123:2-9-32 of the Administrative Code.
- (2) "Adult foster care" has the same meaning as in rule 5123:2-9-33 of the Administrative Code.
- (3) "Agency provider" means an entity that directly employs at least one person in addition to the chief executive officer for the purpose of providing services for which the entity must be certified in accordance with rule 5123:2-2-01 of the Administrative Code.
- (4) "Authorized representative" means a person or an organization appointed by an individual to discuss and negotiate benefits (e.g., medicaid, social security, or veterans' administration) on behalf of an individual who needs assistance to manage or direct the management of benefits for which he or she is eligible or may be eligible.
- (5) "County board" means a county board of developmental disabilities.
- (6) "Department" means the Ohio department of developmental disabilities.
- (7) "Fifteen-minute billing unit" means a billing unit that equals fifteen minutes of service delivery time or is greater or equal to eight minutes and less than or equal to twenty-two minutes of service delivery time.
- (8) "Homemaker/personal care" has the same meaning as in rule 5123:2-9-30 of the Administration Code.
- (9) "Independent provider" means a self-employed person who provides services for which he or she must be certified in accordance with rule 5123:2-2-01 of the Administrative Code and does not employ, either directly or through contract, anyone else to provide the services.
- (10) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, his or her guardian in accordance with section 5126.043 of the Revised Code or other person authorized to give consent.

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- (11) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (12) "Money management" means services that provide assistance to individuals who need support managing personal and financial affairs, including training to assist an individual to acquire, retain, or improve related 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 preparing 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) Assisting an individual with maintaining eligibility for 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., a qualified income trust or an account established in accordance with the Achieving a Better Life Experience Act of 2014);
  - (h) Organizing tax documents and other paperwork;
  - (i) Negotiating with creditors;
  - (j) Deciphering medical insurance papers and verifying proper processing of claims;
  - (k) Providing general organization assistance;
  - (l) Providing referrals to legal, tax, and investment professionals;
  - (m) Notarizing documents;

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(n) Providing assistance associated with financial tasks when an individual relocates (e.g., transferring bank accounts and or updating address with creditors); and

(o) Acting as power of attorney or authorized representative, when so designated by the individual.

(13) "Payee" means a person, agency, organization, or institution appointed by the social security administration to receive and manage benefits (e.g., medicaid, social security, or supplemental security income) on behalf of an individual who needs assistance to manage or direct the management of his or her benefits. A payee has legal authority to manage the benefits, uses the benefits to pay for the current and future needs of the individual, and properly saves any benefits not needed to meet current needs. A payee is required to keep records of expenses and provide an accounting of how he or she used or saved the benefits. A payee shall adhere to the standards and regulations as set forth by the social security administration.

(14) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(15) "Service and support administrator" means a person, regardless of title, employed by or under contract with a county board to perform the functions of service and support administration and who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.

(16) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic software programs, created and maintained contemporaneously with the delivery of services, and kept in a manner as to fully disclose the nature and extent of services delivered that shall include the items delineated in paragraph (E) of this rule to validate payment for medicaid services.

(17) "Team" has the same meaning as in rule 5123:2-1-11 of the Administrative Code.

### (C) Provider qualifications

(1) Money management shall be provided by an agency provider or an independent provider that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio department of medicaid.

(2) Money management shall not be provided by a county board or a regional council of governments formed under section 5126.13 of the Revised Code by two or more county boards.

(3) An applicant seeking approval to provide money management shall complete and submit an application through the department's website (<http://dodd.ohio.gov>) and adhere to the requirements of either rule 5123:2-2-01 or Chapter 5123:2-3 of the Administrative Code, as applicable, except that persons providing money management shall not be required to:

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- (a) Hold valid "American Red Cross" or equivalent certification in first aid;
  - (b) Hold valid "American Red Cross" or equivalent certification in cardiopulmonary resuscitation; or
  - (c) Complete eight hours of training described in paragraph (C)(2)(b) or (D)(17)(g) of rule 5123:2-2-01 of the Administrative Code or paragraph (F)(1)(c) of rule 5123:2-3-01 of the Administrative Code.
- (4) A person who has filed bankruptcy within the past seven years shall not provide money management unless authorized to do so by the department. The department's decision to authorize or deny authorization shall be based on the department's review of the person's credit report and any other information or documentation deemed necessary by the department and is not subject to appeal.
- (5) Each person providing money management shall:
- (a) Achieve a score of at least eighty per cent on the department-administered money management competency test; or
  - (b) Hold a master of business administration or master of public administration degree from an accredited college or university; or
  - (c) Be authorized by Chapter 4701. of the Revised Code to use the designation of certified public accountant.
- (6) Each person, prior to providing money management, shall successfully complete training in accordance with standards established by the department in:
- (a) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code; and
  - (b) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department.
- (7) Each person providing money management shall annually complete at least eight hours of training in accordance with standards established by the department in:
- (a) The rights of individuals set forth in sections 5123.62 to 5123.64 of the Revised Code;
  - (b) The requirements of rule 5123:2-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department since the previous year's training; and

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- (c) Topics that enhance his or her skills and competencies relevant to provision of money management.
  - (8) Failure of a certified provider to comply with this rule and rule 5123:2-2-01 of the Administrative Code may result in denial, suspension, or revocation of the provider's certification.
  - (9) Failure of a licensed residential facility to comply with this rule and Chapter 5123:2-3 of the Administrative Code may result in denial, suspension, or revocation of the residential facility's license.
- (D) 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 no more than ten hours per month.
  - (3) Money management shall not duplicate or include activities such as 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.
  - (4) Money management shall be provided at a ratio of one staff to one individual.
  - (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.
  - (6) A provider of money management shall:
    - (a) Comply with rule 5123:2-2-07 of the Administrative Code [*new Personal Funds of the Individual rule*];
    - (b) Act in the best interest of and take all reasonable precautions to safeguard the interests and property of each individual he or she serves;
    - (c) Disclose in writing to the individual he or she serves and the individual's service and support administrator, any affiliations, associations, or interests that may pose a potential conflict of interest or create the appearance of impropriety;

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- (d) Keep current of issues related to the money management services he or she provides (e.g., health insurance, consumer fraud, or banking fees) and public and private services available to individuals for use in resource referrals;
- (e) Refer individuals to other service providers or consult with other service providers when additional knowledge and expertise are required; and
- (f) Maintain detailed and accurate records, documentation, and information (e.g., bank statements, checking account transaction register, savings account balance, spending trends, or income statements) for each individual served which shall be submitted to the individual in accordance with the individual service plan and upon request by the individual or the individual's team.

(7) A provider of money management who is also an individual's payee shall:

- (a) Obtain and maintain the individual's benefits;
- (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 social security administration.

(8) 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 necessary through the person-centered planning process and authorized in the individual service plan.

(9) A provider of money management shall not also provide adult family living, adult foster care, or homemaker/personal care to the same individual.

(10) A provider of money management shall not act or represent himself or herself as an accountant, financial advisor, attorney, or any other licensed professional unless he or she is licensed as such by the state of Ohio.

(E) Documentation of services

Service documentation for money management shall include each of the following to validate payment for medicaid services:

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- (1) Type of service.
- (2) Date of service.
- (3) Place of service.
- (4) Name of individual receiving service.
- (5) Medicaid identification number of individual receiving service.
- (6) Name of provider.
- (7) Provider identifier/contract number.
- (8) Written or electronic signature of the person delivering the service or initials of the person delivering the service if a signature and corresponding initials are on file with the provider.
- (9) Description and details of the services delivered that directly relate to the services specified in the approved individual service plan as the services to be provided.
- (10) Number of units of the delivered service or continuous amount of uninterrupted time during which the service was provided.
- (11) Begin and end times of the delivered service.

### **(F) Payment standards**

- (1) The billing units, service codes, and payment rates for money management are contained in appendix A to this rule. Payment rates are based on the county cost-of-doing-business category. The cost-of-doing-business category for an individual is the category assigned to the county in which the service is actually provided for the preponderance of time. The cost-of-doing-business categories are contained in appendix B to this rule.
- (2) When money management services are the only supports provided to an individual by the provider, the service shall be authorized and billed as money management.
- (3) Under the level one waiver, payment for community respite, homemaker/personal care, informal respite, money management, residential respite, and transportation, alone or in combination, shall not exceed five thousand three hundred twenty-five dollars per waiver eligibility span.

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APPENDIX A

BILLING UNIT, SERVICE CODES, AND PAYMENT RATES  
FOR MONEY MANAGEMENT

Billing Unit: Fifteen minutes

Service Codes: Individual Options Waiver AMM  
Level One Waiver FMM

Payment Rates: Listed below. Based on cost-of-doing-business (CODB) category.

Agency Provider

CODB Category 1	\$4.84
CODB Category 2	\$4.89
CODB Category 3	\$4.94
CODB Category 4	\$4.99
CODB Category 5	\$5.04
CODB Category 6	\$5.10
CODB Category 7	\$5.15
CODB Category 8	\$5.20

Independent Provider

CODB Category 1	\$4.19
CODB Category 2	\$4.23
CODB Category 3	\$4.27
CODB Category 4	\$4.32
CODB Category 5	\$4.36
CODB Category 6	\$4.40
CODB Category 7	\$4.45
CODB Category 8	\$4.49

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APPENDIX B

COST-OF-DOING-BUSINESS CATEGORIES

Category 1: Adams  
Athens  
Belmont  
Gallia  
Guernsey  
Harrison  
Jefferson  
Meigs  
Monroe  
Pike  
Ross  
Scioto  
Tuscarawas  
Vinton  
Washington

Category 2: Carroll  
Crawford  
Defiance  
Highland  
Hocking  
Jackson  
Lawrence  
Mercer  
Morgan  
Muskingum  
Noble  
Paulding  
Perry  
Van Wert  
Wyandot

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Category 3: Allen  
Auglaize  
Brown  
Clinton  
Columbiana  
Coshocton  
Fayette  
Hancock  
Holmes  
Knox  
Marion  
Morrow  
Putnam  
Richland  
Seneca  
Shelby  
Williams

Category 4: Ashland  
Darke  
Erie  
Fairfield  
Fulton  
Hardin  
Henry  
Huron  
Licking  
Logan  
Mahoning  
Pickaway  
Sandusky  
Stark  
Trumbull  
Wood

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Category 5: Ashtabula  
Champaign  
Clark  
Delaware  
Greene  
Lucas  
Madison  
Miami  
Montgomery  
Ottawa  
Preble  
Union  
Wayne

Category 6: Clermont  
Franklin  
Geauga  
Lake  
Lorain  
Medina  
Portage  
Summit

Category 7: Butler  
Cuyahoga  
Warren

Category 8: Hamilton