

5123:2-9-46

Home and community-based services waivers - participant/family stability assistance under the self-empowered life funding waiver.

(A) Purpose

The purpose of this rule is to define participant/family stability assistance and set forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for these services.

(B) Definitions

- (1) "Agency provider" means an entity that employs persons for the purpose of providing services.
- (2) "County board" means a county board of developmental disabilities.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Family member" means a person who is related to the individual by blood, marriage, or adoption.
- (5) "Independent provider" means a person who provides services and does not employ, either directly or through contract, anyone else to provide the services.
- (6) "Individual" means a person with a developmental disability or for the 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. An individual who is his or her own guardian may designate another person to assist the individual with development of the individual service plan and budget, selection of residence and providers, and negotiation of payment rates for services; the individual's designee shall not be employed by a county board or a provider, or a contractor or either.
- (7) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (8) "Participant/family stability assistance" means training (including education and instruction) and counseling (including consultation) that enhance an individual's ability to direct his or her own services and/or enable an individual and/or family members who reside with the individual to understand how best to support the individual in order that the individual and his or her family members may live as much like other families as possible and to prevent or delay unwanted out-of-home placement.
 - (a) Participant/family stability assistance may be utilized only by the

individual and family members who reside with the individual and shall be outcome-based, meaning that there shall be a specific goal for the service which is recorded in the individual service plan.

(b) Participant/family stability assistance includes training and counseling related to accommodating the individual's disability in the home, accessing supports offered in the community, effectively supporting the individual so that he or she may be fully engaged in the life of the family, and supporting the unique needs of the individual.

(c) Participant/family stability assistance includes the cost of enrollment fees and materials, but does not cover travel expenses or experimental and prohibited treatments.

(9) "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.

(10) "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 (F) of this rule to validate payment for medicaid services.

(11) "Support broker" means a person who is responsible, on a continuing basis, for providing an individual with representation, advocacy, advice, and assistance related to the day-to-day coordination of services (particularly those associated with participant direction) in accordance with the individual service plan. The support broker assists the individual with the individual's responsibilities regarding participant direction, including understanding employer authority and budget authority, locating and selecting providers, negotiating payment rates, and keeping the focus of the services and support delivery on the individual and his or her desired outcomes. The support broker, working in conjunction with the service and support administrator, assists the individual with creating the individual service plan, developing the waiver budget, and doing day-to-day monitoring of the provision of services as specified in the individual service plan.

(12) "Usual and customary charge" means the amount charged to other persons for the same service.

(C) Provider qualifications for participant/family stability assistance-training

(1) Participant/family stability assistance-training shall be provided by an independent provider or an agency provider that:

- (a) Meets the requirements of this rule;
 - (b) Has a medicaid provider agreement with the Ohio department of job and family services; and
 - (c) Has completed and submitted an application and adheres to the requirements of rule 5123:2-2-01 of the Administrative Code, except that paragraphs (C)(3)(a), (C)(3)(b), (C)(3)(c), and (K) of that rule do not apply to providers of participant/family assistance-training.
- (2) The individual may determine additional qualifications for a provider of participant/family stability assistance-training; additional qualifications determined by the individual shall be recorded in the individual service plan.
- (3) A county board or a regional council of governments formed under section 5126.13 of the Revised Code by two or more county boards may provide participant/family stability assistance-training only when no other provider is willing and able.
- (4) Participant/family stability assistance-training shall not be provided to an individual by his or her family member.
- (5) Failure to comply with this rule and rule 5123:2-2-01 of the Administrative Code, as applicable, may result in denial, suspension, or revocation of the provider's certification.

(D) Provider qualifications for participant/family stability assistance-counseling

- (1) Participant/family stability assistance-counseling shall be provided by an independent provider or an agency provider that:
 - (a) Meets the requirements of this rule;
 - (b) Has a medicaid provider agreement with the Ohio department of job and family services; and
 - (c) Has completed and submitted an application and adheres to the requirements of paragraph (C)(2) of rule 5123:2-2-01 of the Administrative Code. The remainder of rule 5123:2-2-01 of the Administrative Code does not apply to providers of participant/family assistance-counseling.
- (2) Participant/family stability assistance-counseling shall be provided by persons who are one of the following:
 - (a) Psychologist licensed by the state pursuant to Chapter 4732. of the

Revised Code:

- (b) Professional clinical counselor licensed by the state pursuant to section 4757.22 of the Revised Code;
 - (c) Professional counselor licensed by the state pursuant to section 4757.23 of the Revised Code;
 - (d) Independent social worker licensed by the state pursuant to section 4757.27 of the Revised Code;
 - (e) Social worker licensed by the state pursuant to section 4757.28 of the Revised Code working under the supervision of a licensed independent social worker; or
 - (f) Marriage and family therapist licensed by the state pursuant to section 4757.30 of the Revised Code.
- (3) A county board or a regional council of governments formed under section 5126.13 of the Revised Code by two or more county boards may provide participant/family stability assistance-counseling only when no other provider is willing and able.
- (4) Participant/family stability assistance-counseling shall not be provided to an individual by his or her family member.
- (5) Failure to comply with this rule and rule 5123:2-2-01 of the Administrative Code, as applicable, may result in denial, suspension, or revocation of the provider's certification.

(E) Requirements for service delivery

Participant/family stability assistance shall be provided pursuant to an individual service plan that conforms to the requirements of paragraph (K) of rule 5123:2-9-40 of the Administrative Code.

(F) Documentation of services

Service documentation for participant/family stability assistance shall include each of the following to validate payment for medicaid services:

- (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) Times the delivered service started and stopped.

(G) Payment standards

(1) The billing units, service codes, and payment rates for participant/family stability assistance are contained in the appendix to this rule.

(2) Providers of participant/family stability assistance shall be paid no more than their usual and customary charge for the service.

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Certification

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