

5123-9-12

Home and community-based services waivers - assistive technology under the individual options, level one, and self-empowered life funding waivers.**(A) Purpose**

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

(B) Definitions

For the purposes of this rule, the following definitions shall apply:

- (1) "Accredited college or university" means a college or university accredited by a national or regional association recognized by the secretary of the United States department of education or a foreign college or university of comparable standing.
- (2) "Acquisition costs" means the cost of any attachments, accessories, or auxiliary apparatus necessary to make assistive technology equipment usable; taxes; duty; protective in-transit insurance; and freight charges.
- (3) "Actual price" means the actual price that a provider of assistive technology equipment is charged to purchase an item of equipment by the seller and that fully and accurately reflects any discount or rebate the provider receives. The provider shall maintain documentation of the actual price in the form of an invoice from the seller that gives details of date, price, quantity, and type of the assistive technology equipment or other documentation approved by the department.
- (4) "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~~ has the same meaning as in rule 5123-2-08 of the Administrative Code.
- (5) "Assistive technology" means an interactive electronic item, device, product system, or engineered solution, whether acquired commercially, modified, or customized, that addresses an individual's needs and outcomes identified in the individual service plan and that is for the direct benefit of the individual in maintaining or improving independence, functional capabilities, vocational skills, community involvement, or physical skills. Assistive technology has three distinct components:

- (a) "Assistive technology consultation" means an evaluation of the assistive technology needs of an individual, including a functional evaluation of technologies available to address the individual's assessed needs and support the individual to achieve outcomes identified in his or her individual service plan.
- (b) "Assistive technology equipment" means the cost of equipment comprising the assistive technology and may include engineering, designing, fitting, customizing, or otherwise adapting the equipment to meet an individual's specific needs ~~and internet service necessary for operation of the equipment comprising the assistive technology~~. Assistive technology equipment may include equipment used for remote support such as motion sensing system, radio frequency identification, live video feed, live audio feed, web-based monitoring, or other device that meets the requirements set forth in this rule and rule 5123-9-35 of the Administrative Code. Assistive technology equipment does not include non-technical, non-electronic equipment (e.g., grab bars or wheelchair ramps) or items otherwise available as environmental accessibility adaptations or specialized medical equipment and supplies.
- (c) "Assistive technology support" means education and training that aids an individual in the use of assistive technology equipment as well as training for the individual's family members, guardian, staff, or other persons who provide natural supports or paid services, employ the individual, or who are otherwise substantially involved in activities being supported by the assistive technology equipment. Assistive technology support may include, when necessary, coordination with complementary therapies or interventions and adjustments to existing assistive technology to ensure its ongoing effectiveness.
- (6) "County board" means a county board of developmental disabilities.
- (7) "Department" means the Ohio department of developmental disabilities.
- (8) "Environmental accessibility adaptations" has the same meaning as in rule 5123-9-23 of the Administrative Code.
- (9) "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. Minutes of service delivery time accrued throughout a day ~~may~~ shall be added together for the purpose of calculating the number of fifteen-minute billing units for the day.

- (10) "Homemaker/personal care" has the same meaning as in rule 5123-9-30 of the Administrative Code.
- (11) "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~~ has the same meaning as in rule 5123-2-09 of the Administrative Code.
- (12) "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.
- (13) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- ~~(14) "Internet service" means internet access supplied by a commercial internet service provider that is required for assistive technology equipment to function and supplied at a speed that meets the technical requirements of the assistive technology equipment. Internet service includes the monthly fee the commercial internet service provider charges for internet access and fees for initial installation and necessary repairs to internet service equipment.~~
- ~~(15) "Internet service equipment" means hardware and software components required for operation of internet service, including but not limited to, routers, modems, wireless access points, wireless network adapters, signal amplifiers, and range extenders. Internet service equipment does not include structural additions or modifications to real property or components or devices used to access entertainment.~~
- ~~(16)~~(14) "Manufacturer's suggested retail price" means the current retail price of an item of assistive technology equipment that is recommended by the item's manufacturer. If a provider of assistive technology equipment is also the manufacturer, the provider may establish a suggested retail price if the price is equal to or less than the suggested retail price for the same or a comparable item of equipment recommended by one or more other manufacturers.
- ~~(17)~~(15) "Remote support" has the same meaning as in rule 5123-9-35 of the Administrative Code.
- ~~(18)~~(16) "Remote support vendor" has the same meaning as in rule 5123-9-35 of the Administrative Code.

~~(19)~~(17) "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.

~~(20)~~(18) "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.

~~(21)~~(19) "Specialized medical equipment and supplies" has the same meaning as in rule 5123-9-25 of the Administrative Code.

~~(22)~~(20) "Team" has the same meaning as in rule ~~5123:2-1-11~~ 5123-4-02 of the Administrative Code.

~~(23)~~(21) "Useful life" means two years.

~~(24)~~(22) "Waiver eligibility span" means the twelve-month period following either an individual's initial waiver enrollment date or a subsequent eligibility re-determination date.

(C) Provider qualifications

- (1) Assistive technology shall be provided by an agency provider that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio department of medicaid.
- (2) Assistive technology shall not be provided by an independent provider, 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 assistive technology shall complete and submit an application through the department's website (<http://dodd.ohio.gov>).
- (4) An applicant seeking approval to provide assistive technology consultation shall submit documentation to the department demonstrating that persons who deliver the service:
 - (a) Hold a license in occupational therapy or physical therapy issued in accordance with Chapter 4755. of the Revised Code; or

- (b) Hold a license in speech-language pathology issued in accordance with Chapter 4753. of the Revised Code; or
- (c) Hold assistive technology professional certification issued by the "Rehabilitation Engineering and Assistive Technology Society of North America;" or
- (d) Have at least two years of full-time (or part-time equivalent), paid work experience in the developmental disabilities services delivery system and hold a bachelor's degree from an accredited college or university in:
 - (i) Biomedical, computer, electrical, or mechanical engineering;
 - (ii) Health and rehabilitation sciences including, but not limited to, occupational therapy, physical therapy, speech-language pathology, or rehabilitation counseling; or
 - (iii) Engineering technology, special education, or a related program.
- (5) An applicant seeking approval to provide assistive technology equipment shall provide written assurance that the applicant has experience related to interactive electronic items, devices, product systems, or engineered solutions that directly benefit individuals in maintaining or improving independence, functional capabilities, vocational skills, community involvement, or physical skills.
- (6) An applicant seeking approval to provide assistive technology support shall either:
 - (a) Meet the requirements set forth in paragraph (C)(4) or this rule; or
 - (b) Meet the requirements set forth in paragraph (C)(5) of this rule.
- (7) Failure to comply with this rule and rule ~~5123:2-2-01~~ 5123-2-08 of the Administrative Code may result in denial, suspension, or revocation of the provider's certification.

(D) Requirements for service delivery

- (1) Assistive technology is intended to address an individual's assessed needs in a manner that promotes autonomy and minimizes dependence on paid support staff and should be explored prior to authorizing services that may be more intrusive, including homemaker/personal care.

- (2) Assistive technology shall be provided pursuant to an individual service plan that conforms to the requirements of rule ~~5123:2-1-11~~ 5123-4-02 of the Administrative Code.
- (3) Prior to selecting assistive technology equipment, the team may access assistive technology consultation by a qualified provider to assess the fit between an individual and a device or system being considered for purchase or ~~rental~~ lease.
- (4) In accordance with rule 5123:2-9-02 of the Administrative Code, waiver funds may be used for assistive technology only when no other funds or resources are available.
- (5) Purchase or ~~rental~~ lease of assistive technology equipment shall be the least costly alternative that reasonably meets an individual's assessed needs.
- (6) Assistive technology equipment shall not include:
 - (a) Internet service;
 - ~~(a)~~(b) Items or equipment that are illegal or otherwise prohibited by federal or state statutes or regulations;
 - ~~(b)~~(c) Items or equipment used solely for entertainment or recreational purposes;
 - ~~(c)~~(d) Items or equipment used solely for the purpose of general utility;
 - ~~(d)~~(e) New equipment or repair of previously approved equipment that has been damaged as a result of confirmed misuse, abuse, or negligence; or
 - ~~(e)~~(f) Purchase or ~~rental~~ lease of a personal computing device such as a desktop, laptop, or tablet that duplicates any similar equipment in the possession of, or service currently used by, the individual.
- (7) A provider of assistive technology equipment shall be responsible for:
 - (a) Delivery of the assistive technology equipment to the individual;
 - (b) Assembly and set-up of the assistive technology equipment;
 - (c) Coordinating as necessary with a provider of assistive technology support to ensure the individual and others identified by the individual receive instruction in effective use of the assistive technology equipment; and

- (d) Maintenance, necessary repairs, and replacement of the assistive technology equipment prior to expiration of its useful life for any reason other than misuse or damage by the individual.
- (8) Assistive technology equipment to be used for remote support shall be designed so that it may be turned off by the remote support vendor when requested by a person designated in the individual service plan.
- ~~(9) Authorization of assistive technology equipment to be used for remote support may include internet service only when:~~
 - ~~(a) The remote support vendor indicates internet service is required for other components of the equipment used for remote support to function. The remote support vendor shall specify the requirements necessary to ensure a reliable connection that minimizes disruption to the remote support service.~~
 - ~~(b) To ensure compliance with rule 5123:2-9-02 of the Administrative Code, the team verifies that the internet service is not available through other resources.~~
 - ~~(c) The internet service shall be secured by the remote support vendor to ensure appropriate use of the internet service solely for the function of equipment used for remote support.~~
 - ~~(d) Use of the internet service for general utility by members of the household, guests, or provider staff is strictly prohibited.~~
- ~~(10)~~(9) Assistive technology support shall not exceed forty hours per waiver eligibility span.
- ~~(11)~~(10) A provider of assistive technology support shall coordinate as necessary with the provider of assistive technology equipment to ensure that the individual and others identified by the individual receive instruction in effective use of the assistive technology equipment.

(E) Documentation of services

- (1) Service documentation for assistive technology shall include each of the following to validate payment for medicaid services.
 - (a) Type of service (i.e., assistive technology consultation, assistive technology equipment, or assistive technology support).

- (b) Name of individual receiving service.
 - (c) Medicaid identification number of individual receiving service.
 - (d) Name of provider.
 - (e) Provider ~~identified~~ identifier/contract number.
- (2) In addition to the requirements set forth in paragraph (E)(1) of this rule, service documentation for assistive technology consultation shall include:
- (a) A description of the functional evaluation process and technologies considered to address the individual's needs and support desired outcomes.
 - (b) A written recommendation that identifies the specific items and estimated cost of assistive technology equipment necessary to advance achievement of outcomes defined in the individual service plan.
 - (c) The date the written recommendation was completed and submitted to the individual's service and support administrator.
- (3) In addition to the requirements set forth in paragraph (E)(1) of this rule, service documentation for assistive technology equipment shall include:
- (a) The address where assistive technology equipment is installed.
 - (b) A list of installed assistive technology equipment including the date each item of assistive technology equipment is installed, modified, repaired, or removed and the reasons therefore, and associated adjustments in cost.
 - ~~(c) Name of commercial internet service provider, if applicable.~~
 - ~~(d) Invoices demonstrating the monthly cost of commercial internet service and installation and/or repair of internet service equipment.~~
- (4) In addition to the requirements set forth in paragraph (E)(1) of this rule, service documentation for assistive technology support shall include, as applicable:
- (a) The date, time, duration, location, and description of education and training provided and the names of persons receiving the education and training.
 - (b) The date, time, duration, location, and description of activities necessary to coordinate assistive technology with complementary therapies or interventions.

(F) Payment standards

- (1) The billing units, service codes, and payment rates for assistive technology are contained in the appendix to this rule.
- (2) A county board shall authorize payment for assistive technology consultation within ten calendar days of receiving the written recommendation described in paragraph (E)(2)(b) of this rule.
- (3) The cost of all components of assistive technology equipment shall not exceed five thousand dollars per waiver eligibility span.
- ~~(4) Under the level one waiver, assistive technology is subject to the payment limitation set forth in paragraph (D)(2) of rule 5123-9-06 of the Administrative Code.~~
- ~~(5)~~(4) Purchase or rental lease of assistive technology equipment shall include, as appropriate, ~~internet service fees~~, monthly fees, and the manufacturer's and seller's warranties.
- ~~(6)~~(5) When a provider of assistive technology equipment leases or manufactures assistive technology equipment, the cost billed to the department shall be the lesser of the provider's usual and customary charge or the manufacturer's suggested retail price (which shall be prorated over the useful life of the assistive technology equipment) plus a reasonable percentage adequate to cover the cost of the provider's responsibilities as set forth in paragraph (D)(7) of this rule.
- ~~(7)~~(6) When a provider of assistive technology equipment purchases assistive technology equipment, the cost billed to the department shall be the lesser of the provider's usual and customary charge or the actual price plus acquisition costs of the item plus a reasonable percentage adequate to cover the cost of the provider's responsibilities as set forth in paragraph (D)(7) of this rule.
- ~~(8)~~(7) Claims for payment for assistive technology shall be submitted to the department upon the provider's receipt of verification from the county board that the delivered services meet the requirements specified in the individual service plan.
- ~~(9)~~(8) When two or more individuals share assistive technology equipment, the payment rate shall be divided equally among those individuals, without regard to funding source for the service.

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