

## **\*\*\*Proposed Amendments - February 12, 2025\*\*\***

### **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 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 will 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 a director of operations for the purpose of providing services for which the entity is certified in accordance with rule 5123-2-08 of the Administrative Code.
- (5) "Assistive technology" means an interactive electronic item, device, product system, or engineered solution, or training of a service animal, 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~~ four 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 the 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

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specific needs. 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:

- (i) ~~non-technical~~ 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;

**[Note: Items (ii) through (vii) were relocated here from paragraph (D)(6).]**

(ii) Internet service;

(iii) Items or equipment that are illegal or otherwise prohibited by federal or state statutes or regulations;

(iv) Items or equipment used solely for entertainment or recreational purposes;

(v) Items or equipment used solely for the purpose of general utility;

(vi) New equipment or repair of previously approved equipment that has been damaged as a result of confirmed misuse, abuse, or negligence; or

(vii) Purchase or 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.

(c) "Assistive technology - service animal training" means training of an animal to perform a specific job or task for an individual. The job or task performed by the animal must be directly related to the individual's disability. An animal that provides emotional support, therapy, comfort, or companionship but does not perform a specific job or task for the individual is not a service animal for the purposes of this rule. Assistive technology - service animal training may include acute and primary veterinary care of a fully trained service animal. Assistive technology - service animal training does not include:

(i) Costs of purchasing or otherwise acquiring an animal;

(ii) Grooming of an animal;

(iii) Food, equipment, or supplies consumed or utilized by an animal;

(iv) Modifications to an individual's home or vehicle necessary to accommodate an animal;

(v) Licensing or registering an animal; or

(vi) Costs associated with delivery, transport, or boarding of an animal.

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- (d) "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 - equipment 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 will 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) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, the person's guardian in accordance with section 5126.043 of the Revised Code or other person authorized to give consent.
- (12) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (13) "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.
- (14) "Participant-directed homemaker/personal care" has the same meaning as in rule 5123-9-32 of the Administrative Code.
- (15) "Remote support" has the same meaning as in rule 5123-9-35 of the Administrative Code.
- (16) "Remote support vendor" has the same meaning as in rule 5123-9-35 of the Administrative Code.

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- (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 5123-5-02 of the Administrative Code.
- (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 includes the items delineated in paragraph (E) of this rule to validate payment for medicaid services.~~ that:
- (a) Are created and maintained as services are delivered;
  - (b) Are kept in a manner that fully discloses the extent of services delivered;
  - (c) Includes the items delineated in paragraph (E) of this rule; and
  - (d) May be created or maintained in electronic software programs.
- (19) "Specialized medical equipment and supplies" has the same meaning as in rule 5123-9-25 of the Administrative Code.
- (20) "Team" has the same meaning as in rule 5123-4-02 of the Administrative Code.
- (21) "Useful life" means two years.
- (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 will be provided only 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) An applicant seeking approval to provide assistive technology will complete and submit an application and adhere to the requirements of rule 5123-2-08 of the Administrative Code.
  - (3) An applicant seeking approval to provide assistive technology - consultation will 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

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- (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.
  - (4) An applicant seeking approval to provide assistive technology - equipment will 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.
  - (5) An applicant seeking approval to provide assistive technology - support will either:
    - (a) Meet the requirements set forth in paragraph (C)(3) of this rule; or
    - (b) Meet the requirements set forth in paragraph (C)(4) of this rule.
  - (6) An applicant seeking approval to provide assistive technology - service animal training will submit documentation to the department demonstrating that:
    - (a) Persons or entities that train service animals are reputable and experienced in providing structured training for animals to perform specific jobs or tasks for an individual that are directly related to the individual's disability; and
    - (b) Persons who provide acute or primary veterinary care are licensed to practice veterinary medicine in accordance with Chapter 4741. of the Revised Code.
  - (7) Failure to comply with this rule and rule 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, ~~and~~ participant-directed homemaker/personal care, and remote support.
  - (2) Assistive technology will be provided pursuant to an individual service plan that

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conforms to the requirements of rule 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 lease.
- (4) In accordance with rule 5123-9-02 of the Administrative Code, waiver funds may be used for assistive technology only when no other funds or resources are available.
- (5) Purchase or lease of assistive technology - equipment must be the least costly alternative that reasonably meets an individual's assessed needs.

**[Note: Paragraph (D)(6) was incorporated into paragraph (B)(5)(b).]**

~~(6) Assistive technology—equipment does not include:~~

- ~~(a) Internet service;~~
- ~~(b) Items or equipment that are illegal or otherwise prohibited by federal or state statutes or regulations;~~
- ~~(c) Items or equipment used solely for entertainment or recreational purposes;~~
- ~~(d) Items or equipment used solely for the purpose of general utility;~~
- ~~(e) New equipment or repair of previously approved equipment that has been damaged as a result of confirmed misuse, abuse, or negligence; or~~
- ~~(f) Purchase or 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.~~

- (6) A provider of assistive technology - equipment is responsible for:
  - (a) Delivery of the assistive technology - equipment to the individual;
  - (b) Assembly and set-up of the assistive technology - equipment, if required;
  - (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.
- (7) Assistive technology - equipment to be used for remote support will 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.

(8) Assistive technology - service animal training may be used to pay for acute and

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primary veterinary care of a service animal only after the service animal has completed initial training which was funded by the individual's home and community-based services waiver.

- (9) Assistive technology - support will not exceed forty hours per waiver eligibility span.
  - (10) A provider of assistive technology - support will 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 will be completed prior to billing for services and include each of the following to validate payment for medicaid services.
    - (a) Type of service (i.e., assistive technology - consultation, assistive technology - equipment, assistive technology - service animal training, or assistive technology - support).
    - (b) Name of individual receiving service.
    - (c) Medicaid identification number of individual receiving service.
    - (d) Name of provider.
    - (e) Provider identifier/contract number.
  - (2) In addition to the requirements set forth in paragraph (E)(1) of this rule, service documentation for assistive technology - consultation will 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 will 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.

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- (4) In addition to the requirements set forth in paragraph (E)(1) of this rule, service documentation for assistive technology - support will 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.

(5) In addition to the requirements set forth in paragraph (E)(1) of this rule, service documentation for assistive technology - service animal training will include:

- (a) A description of the service animal being trained, or the fully trained service animal receiving acute or primary veterinary care, including type of animal, date of birth, and name.
- (b) The date, time, duration, location, and description of the training provided or the date, time, and description of the acute or primary veterinary care provided.
- (c) A description of the achieved training outcome (i.e., the specific job or task the service animal will perform for the individual which is directly related to the individual's disability) or an itemized statement of the acute or primary veterinary care provided.

### **(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 will 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 will not exceed five thousand dollars per waiver eligibility span.
- (4) Purchase or lease of assistive technology - equipment will include, as appropriate, monthly fees and the manufacturer's and seller's warranties.
- (5) When a provider of assistive technology - equipment leases or manufactures assistive technology - equipment, the cost billed to the department will be the lesser of the provider's usual and customary charge or the manufacturer's suggested retail price (which will 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)~~ (D)(6) of this rule.
- (6) When a provider of assistive technology - equipment purchases assistive technology - equipment, the cost billed to the department will be the lesser of the provider's usual and customary charge or the actual price plus acquisition costs of the item plus a



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reasonable percentage adequate to cover the cost of the provider's responsibilities as set forth in paragraph ~~(D)(7)~~ (D)(6) of this rule.

- (7) Claims for payment for assistive technology will 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.
- (8) When two or more individuals share assistive technology - equipment, the payment rate will be divided equally among those individuals, without regard to funding source for the service.

(9) Payment for assistive technology - service animal training is subject to the following limitations:

- (a) Payment for initial training of a service animal will not exceed ten thousand dollars.
- (b) Beyond initial training of a service animal, payment for additional training of the same service animal may occur in subsequent waiver eligibility spans. Payment for additional training will not exceed two thousand dollars per waiver eligibility span.
- (c) Payment for acute and primary veterinary care will not exceed five hundred dollars per waiver eligibility span.

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## APPENDIX

### BILLING UNITS, SERVICE CODES, AND PAYMENT RATES FOR ASSISTIVE TECHNOLOGY

#### Assistive Technology - Consultation

Billing Unit:	Outcome based (written recommendation required for payment)	
Service Codes:	Individual Options Waiver	ATC
	Level One Waiver	FTC
	Self-Empowered Life Funding Waiver	STC
Payment Rate:	\$137.44	

#### Assistive Technology - Equipment

Billing Unit:	Per item	
Service Codes:	Individual Options Waiver	ATQ
	Level One Waiver	FTQ
	Self-Empowered Life Funding Waiver	STQ
Payment Rate:	The lesser of the provider's usual and customary charge or the manufacturer's suggested retail price plus a reasonable percentage adequate to cover the cost of the provider's responsibilities. Recurring monthly fees will not exceed \$75.00.	

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### Assistive Technology - Service Animal Training (Training)

<u>Billing Unit:</u>	<u>Outcome-based (documentation of achievement of training outcome is required)</u>	
<u>Service Codes:</u>	<u>Individual Options Waiver</u>	<u>AAD</u>
	<u>Level One Waiver</u>	<u>FAD</u>
	<u>Self-Empowered Life Funding Waiver</u>	<u>SAD</u>
<u>Payment Rate:</u>	<u>Usual and customary charge</u>	

### Assistive Technology - Service Animal Training (Veterinary Care)

<u>Billing Unit:</u>	<u>Per visit or service</u>	
<u>Service Codes:</u>	<u>Individual Options Waiver</u>	<u>AAF</u>
	<u>Level One Waiver</u>	<u>FAF</u>
	<u>Self-Empowered Life Funding Waiver</u>	<u>SAF</u>
<u>Payment Rate:</u>	<u>Usual and customary charge</u>	

### Assistive Technology - Support

Billing Unit:	Fifteen-minute billing unit	
Service Codes:	Individual Options Waiver	ATS
	Level One Waiver	FTS
	Self-Empowered Life Funding Waiver	STS
Payment Rate:	\$5.45	