

Proposed Amendments - August 13, 2024

5123-9-23 Home and community-based services waivers - environmental accessibility adaptations under the individual options and level one waivers.

(A) Purpose

This rule defines environmental accessibility adaptations 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) "Agency provider" ~~has the same meaning as in~~ 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.
- (2) "County board" means a county board of developmental disabilities.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Environmental accessibility adaptations" means physical adaptations to an individual's home (e.g., installation of ramps or grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electrical systems to operate an individual's medical equipment) that comply with the following requirements:
 - (a) The physical adaptation to the individual's home must be:
 - (i) Determined by the individual's team necessary to:
 - (a) Support the individual to reside in a community-based setting; and
 - (b) Either:
 - (i) Ensure the health, welfare, and safety of the individual; or
 - (ii) Enable the individual to function with greater independence while at home.
 - (ii) Identified in the individual service plan.
 - (iii) Completed in accordance with applicable state and local building codes.
 - (b) "Environmental accessibility adaptations" does not include physical adaptations to the home that:
 - (i) Add to the total square footage of the home;

Proposed Amendments - August 13, 2024

- (ii) Are of general utility; or
 - (iii) Are not of direct medical or remedial benefit to the individual (e.g., carpeting, roof repair, or central air conditioning).
- (5) "Independent provider" ~~has the same meaning as in~~ means a self-employed person who provides services for which the person is certified in accordance with rule 5123-2-09 of the Administrative Code 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 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.
- (7) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (8) "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~~ includes the items delineated in paragraph (E) of this rule to validate payment for medicaid services.
- ~~(9) "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) Environmental accessibility adaptations ~~shall~~ will be provided by an independent provider or an agency provider that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio department of medicaid.
- ~~(2) 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 environmental accessibility adaptations only when no other certified provider is willing and able.~~
- ~~(3)~~ (2) An applicant seeking approval to provide environmental accessibility adaptations ~~shall~~ will complete and submit an application ~~through the department's website (<http://dodd.ohio.gov>) and adhere to the requirements of as applicable, rule 5123-2-08 or 5123-2-09 of the Administrative Code.~~
- ~~(4)~~ (3) An applicant seeking approval to provide environmental accessibility adaptations ~~shall~~ will submit to the department documentation verifying the applicant's

Proposed Amendments - August 13, 2024

experience in providing environmental accessibility adaptations.

~~(5)~~(4) Failure to comply with this rule and as applicable, rule 5123-2-08 or 5123-2-09 of the Administrative Code, may result in denial, suspension, or revocation of the provider's certification.

(D) Requirements for service delivery

(1) Environmental accessibility adaptations ~~shall~~ will be provided pursuant to an individual service plan that conforms to the requirements of rule 5123-4-02 of the Administrative Code.

(2) The provider of environmental accessibility adaptations ~~shall~~ will comply with all applicable state and local regulations that apply to the operation of the provider's business or trade.

(3) When an individual is moving from an institutional setting, environmental accessibility adaptations may be authorized for up to one hundred eighty calendar days prior to the date on which the individual enrolls in the individual options or level one waiver. Environmental accessibility adaptations begun while the individual is living in the institutional setting are not considered complete and the service may not be billed until the date the individual leaves the institution and enrolls in the waiver.

(E) Documentation of services

Service documentation for environmental accessibility adaptations ~~shall~~ will 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

Proposed Amendments - August 13, 2024

specified in the approved individual service plan as the services to be provided.

(F) Payment standards

- (1) The billing unit, service codes, and payment rates for environmental accessibility adaptations are ~~provided~~ contained in the appendix to this rule.
- (2) Claims for payment for environmental accessibility adaptations ~~shall~~ will be submitted to the department with verification from the county board that the project meets the requirements specified in the approved individual service plan, the project is satisfactorily completed, and the project is in compliance with applicable state and local requirements, including building codes. The verification ~~shall~~ will be submitted in the format prescribed by the department.
- (3) Payment for environmental accessibility adaptations ~~shall~~ will not exceed ten thousand dollars per project. When the cost of needed environmental accessibility adaptations exceeds this limit, the department and the county board will collaborate with the individual and the individual's team to ensure the individual's health and welfare needs are met. When necessary:
 - (a) Prior authorization may be requested in accordance with rule 5123-9-07 of the Administrative Code for an individual enrolled in the individual options waiver.
 - (b) Non-medicaid funds available to pay for environmental accessibility adaptations will be identified for an individual enrolled in the level one waiver.

Proposed Amendments - August 13, 2024

APPENDIX

BILLING UNIT, SERVICE CODES, AND PAYMENT RATES FOR ENVIRONMENTAL ACCESSIBILITY ADAPTATIONS

Billing Unit:	Per item	
Service Codes:	Individual Options Waiver	AVN
	Level One Waiver	FVN
Maximum Payment Rates:	Payment for environmental accessibility adaptations shall <u>will</u> not exceed ten thousand dollars per project.	