

## \*\*\*Proposed Amendments - August 13, 2024\*\*\*

### **5123-9-46      Home and community-based services waivers - participant/family stability assistance under the level one and self-empowered life funding waivers.**

#### (A) Purpose

This rule defines participant/family stability assistance and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

#### (B) Definitions

- (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) "Family member" means a person who is related to the individual by blood, marriage, or adoption.
- (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 the 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. An individual may designate another person to assist 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 of 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 services received 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 the individual's 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

## \*\*\*Proposed Amendments - August 13, 2024\*\*\*

family members who reside with the individual and ~~shall~~ will be outcome-based, meaning that there is 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 the individual 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 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 (F) of this rule to validate payment for medicaid services.

(10) "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~~ will 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 medicaid; and

(c) Has completed and submitted an application ~~through the department's website (<http://dodd.ohio.gov>)~~ and adheres to the requirements of as applicable, rule [5123-2-08](#) or [5123-2-09](#) of the Administrative Code.

(2) An individual may determine additional qualifications for a provider of participant/family stability assistance-training; additional qualifications determined by the individual ~~shall~~ will 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 certified provider is willing and able.~~

~~(4)~~ (3) Participant/family stability assistance-training shall not be provided to an individual by the individual's family member.

## \*\*\*Proposed Amendments - August 13, 2024\*\*\*

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

(1) Participant/family stability assistance-counseling ~~shall~~ will 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 medicaid; and
- (c) Has completed and submitted an application ~~through the department's website (<http://dodd.ohio.gov>)~~ and adheres to the requirements of as applicable, rule [5123-2-08 or 5123-2-09 of the Administrative Code](#).

(2) Participant/family stability assistance-counseling ~~shall~~ will be provided by a person who is a:

- (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 certified provider is willing and able.~~

~~(4)~~(3) Participant/family stability assistance-counseling shall not be provided to an individual by the individual's family member.

~~(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.

## **\*\*\*Proposed Amendments - August 13, 2024\*\*\***

### **(E) Requirements for service delivery**

Participant/family stability assistance ~~shall~~ will be provided pursuant to an individual service plan that conforms to the requirements of rule 5123-4-02 of the Administrative Code.

### **(F) Documentation of services**

Service documentation for participant/family stability assistance ~~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 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 unit, service codes, and payment rate for participant/family stability assistance are contained in the appendix to this rule.
- (2) Providers of participant/family stability assistance ~~shall~~ will be paid no more than their usual and customary charge for the service.

# \*\*\*Proposed Amendments - August 13, 2024\*\*\*

## APPENDIX

### BILLING UNIT, SERVICE CODES, AND PAYMENT RATE FOR PARTICIPANT/FAMILY STABILITY ASSISTANCE

#### Agency Provider

Billing Unit:	Per service	
Service Codes:	Level One Waiver	FPF
	Self-Empowered Life Funding Waiver	SPF
Payment Rate:	Usual and customary charge	

#### Independent Provider

Billing Unit:	Per service	
Service Codes:	Level One Waiver	FPS
	Self-Empowered Life Funding Waiver	SPS
Payment Rate:	Usual and customary charge	