

## \*\*\*Proposed Amendments - July 10, 2025\*\*\*

### 5123-9-47      Home and community-based services waivers - support brokerage under the individual options, level one, and self-empowered life funding ~~waiver~~ waivers.

#### (A) Purpose

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

#### (B) Definitions

- (1) "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.
- (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) "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.
- (6) "Independent provider" 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.
- (7) "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.
- (8) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (9) "~~Participant~~Self-direction" means an individual has authority to make decisions about the individual's waiver services and accepts responsibility for taking a direct role in

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managing the services. ~~Participant~~Self-direction includes the exercise of budget authority and/or employer authority as set forth in as applicable, rule 5123-9-06 or 5123-9-40 of the Administrative Code.

(10) "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.

(11) "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 provided, and completed prior to billing for services;

(b) Are kept in a manner that fully discloses the extent of services delivered;

(c) Include the items delineated in paragraph (E) of this rule; and

(d) May be created or maintained in electronic software programs.

(12) "Support broker" means a person who coaches and mentors an individual choosing to self-direct waiver services. A support broker empowers an individual to live more independently by presenting person-centered tools and guidance that enable the individual to make informed choices about services, supports, and staff. A support broker is responsible, on a continuing or as needed basis, for providing an individual with creative representation, advocacy, advice, and assistance related to the ~~day-to-day coordination of~~ individual's waiver services (particularly those associated with ~~participant self-direction~~) in accordance with the ~~individual service plan~~ individual's choices and preferences. The support broker assists the individual with the individual's responsibilities regarding ~~participant self-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 the individual's 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~~ determining how the individual's waiver budget can be most effectively allocated to achieve the individual's desired outcomes, and doing day-to-day monitoring of the provision of services as specified in the individual service plan.

(13) "Support brokerage" means the services of a support broker.

(14) "Virtual support" means the provision of services by a support broker at a distant site

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who engages with an individual using interactive technology that has the capability for two-way, real-time audio and video communication.

- (15) "Waiver eligibility span" means the twelve-month period following either an individual's initial waiver enrollment date or a subsequent eligibility redetermination date.

### (C) Provider qualifications

~~(1) Support brokerage will be provided by one of the following:~~

~~(a) An independent provider or an agency provider that:~~

~~(i) Meets the requirements of this rule;~~

~~(ii) Has a medicaid provider agreement with the Ohio department of medicaid; and~~

~~(iii) Has completed and submitted an application and adheres to the requirements of as applicable, rule 5123-2-08 or 5123-2-09 of the Administrative Code.~~

~~(b) An unpaid volunteer who has the qualifications specified in paragraph (C)(2) of this rule.~~

(1) Support brokerage will be provided by an agency provider or an independent 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 support brokerage will complete and submit an application and adhere to the requirements of as applicable, rule 5123-2-08 or 5123-2-09 of the Administrative Code.

(3) Support brokerage will be provided by a person who:

(a) Has at least an associate's degree from an accredited college or university; ~~or at~~

(b) Has at least two years of experience providing ~~one-to-one~~ support for a person with a developmental disability; ~~and~~ or

(c) Is a person enrolled in a department-administered home and community-based services waiver that has been self-directing waiver services for at least two years without utilizing support brokerage services.

~~(b) Prior to providing support brokerage, has successfully completed the support broker training established by the department.~~

(4) A person will successfully complete department-approved support broker training prior to providing support brokerage.

(5) An individual may determine additional qualifications for a provider of support brokerage; additional qualifications determined by the individual will be recorded in

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the individual service plan.

(6) The following persons or entities shall not provide support brokerage:

- (a) A county board.
- (b) An employee of a county board.
- (c) A housing ~~or adult services nonprofit~~ corporation ~~affiliated~~ under contract with a county board or an employee of the housing corporation.
- ~~(d) An employee of a housing or adult services nonprofit corporation affiliated with a county board.~~
- (d) A regional council of governments formed under section 5126.13 of the Revised Code by two or more county boards.
- (e) An employee of a regional council of governments formed under section 5126.13 of the Revised Code by two or more county boards.
- (f) A certified provider of any other ~~self-empowered life funding~~ waiver service.
- (g) A related entity affiliated with a certified provider of any other ~~self-empowered life funding~~ waiver service including, but not limited to, contractors of the provider.

(7) Support brokerage shall not be provided on a paid basis by an individual's:

- (a) Guardian;
- (b) Spouse;
- (c) Parent when the individual is less than eighteen years of age; or
- (d) Family member when the family member resides with the individual.

~~(6) Failure to comply with this rule and as applicable, rule 5123-2-08 or 5123-2-09 of the Administrative Code, may result in the denial, suspension, or revocation of the provider's certification.~~

(D) Requirements for service delivery

(1) Support brokerage will be provided pursuant to an individual service plan that conforms to the requirements of rule 5123-4-02 of the Administrative Code.

(2) Support brokerage may extend to those times when an individual is not physically present, and the support broker is performing support brokerage activities on behalf of the individual, including times when the support broker is driving to or from locations where support brokerage activities are performed. The nature and duration of support brokerage activities that may be provided on behalf of the individual, including parameters for driving time, will be specified in the individual service

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plan.

(3) Support brokerage may be provided through virtual support under the following conditions:

(a) Virtual support does not have the effect of isolating an individual from the individual's community or preventing the individual from interacting with people with or without disabilities.

(b) The use of virtual support has been agreed to by an individual and the individual's team and is specified in the individual service plan.

(c) The use of virtual support complies with applicable laws governing an individual's right to privacy and the individual's protected health information.

### **(E) Documentation of services**

Service documentation for support brokerage 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.

### **(F) Payment standards**

- (1) The billing unit, service codes, and payment rates for support brokerage are contained in the appendix to this rule.

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- (2) Time spent driving to or from locations where support brokerage activities are performed will be incorporated into the total billable units for the day. Driving time will not exceed eight fifteen-minute billing units on the day support brokerage activities take place.
- (3) Payment for support brokerage will not exceed eight thousand dollars per waiver eligibility span.

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## APPENDIX

### BILLING UNIT, SERVICE CODES, AND PAYMENT RATES FOR SUPPORT BROKERAGE

#### Agency Provider

Billing Unit: ~~Per hour~~ Fifteen-minute billing unit

~~Service Code:~~ ~~SSB~~

Service Codes: Individual Options Waiver XXX  
Level One Waiver XXX  
Self-Empowered Life Funding Waiver XXX

Payment Rate: ~~\$38.70~~ \$9.68

#### Independent Provider

Billing Unit: ~~Per hour~~ Fifteen-minute billing unit

~~Service Code:~~ ~~SSU~~

Service Codes: Individual Options Waiver XXX  
Level One Waiver XXX  
Self-Empowered Life Funding Waiver XXX

Payment Rate: ~~\$23.90~~ \$5.98