

## **\*\*\*Proposed Revisions - October 28, 2022\*\*\***

### **~~5123:2-7-32~~ 5123-7-32 Intermediate care facilities for individuals with intellectual disabilities - administration of the Ohio developmental disabilities profile.**

#### (A) Purpose

This rule sets forth a requirement and process for administration of the Ohio developmental disabilities profile to residents of an intermediate care facility for individuals with intellectual disabilities (ICFIID).

#### (B) Definitions of terms used in this rule

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

- (1) "Certified assessor" means a person authorized by the department to administer the Ohio developmental disabilities profile. In order to become a certified assessor, a person ~~shall~~ will complete training conducted or approved by the department and successfully perform a post-training demonstration.
- (2) "Department" means the Ohio department of developmental disabilities.
- (3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.
- (4) "Ohio developmental disabilities profile" means the instrument used to assess the needs and circumstances of an individual with developmental disabilities relative to other individuals with developmental disabilities.
- (5) "Reporting period" means one of the four quarters of the calendar year, that is:
  - (a) January through March;
  - (b) April through June;
  - (c) July through September; or
  - (d) October through December.
- (6) "Reporting period end date" means the last day of the last month in a reporting period.
- (7) "Significant change of condition" means that the individual has experienced a change in physical or mental condition or functional abilities which may result in a change in the individual's support needs.

#### (C) Administration of the Ohio developmental disabilities profile

- (1) Only a certified assessor may administer the Ohio developmental disabilities profile or attest that the most recent Ohio developmental disabilities profile is still valid for a resident of an ICFIID.
- (2) A certified assessor of the department ~~shall~~ will administer the Ohio developmental

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disabilities profile to a new resident of an ICFIID (other than a resident who transfers from another ICFIID) within thirty calendar days of the resident's admission, regardless of the resident's payment source or anticipated length of stay. Within seven calendar days of administration of the Ohio developmental disabilities profile, the department ~~shall~~ will electronically notify the ICFIID of the results.

- (3) When a resident of an ICFIID transfers to another ICFIID, the resident's most recent Ohio developmental disabilities profile ~~shall~~ will transfer with the resident.
  - (4) When a resident of an ICFIID, regardless of the resident's payment source or anticipated length of stay, experiences a significant change of condition, a certified assessor of the ICFIID shall administer the Ohio developmental disabilities profile and electronically submit the results to the department with supporting documentation for the significant change of condition within fifteen calendar days of the significant change of condition. Within seven calendar days of receipt of the ICFIID's electronic submission, the department ~~shall~~ will make a determination on a question-by-question basis and electronically notify the ICFIID that:
    - (a) The department accepts the results of the Ohio developmental disabilities profile administered by the ICFIID;
    - (b) The department requires additional supporting documentation to make a determination which ~~shall~~ will be submitted by the ICFIID within seven calendar days; or
    - (c) The department does not accept the results of the Ohio developmental disabilities profile administered by the ICFIID with the department's rationale for not accepting the results.
  - (5) An ICFIID that disputes the results of an Ohio developmental disabilities profile administered by the department in accordance with paragraph (C)(2) of this rule or the department's determination in accordance with paragraph (C)(4)(c) of this rule may submit a request for reconsideration within fifteen calendar days of receiving notification of the results or determination. The ICFIID shall electronically submit the request for reconsideration to the department with a detailed explanation of why the ICFIID disputes the results or determination, relevant supporting documentation, and a proposed resolution. When an ICFIID submits a request for reconsideration in response to the department's determination in accordance with paragraph (C)(4)(c) of this rule, a certified assessor of the department ~~shall~~ will re-administer the entire Ohio developmental disabilities profile to the resident. The department ~~shall~~ will electronically respond to the ICFIID within fifteen calendar days of receiving the request for reconsideration. The department's decision regarding a request for reconsideration is final and not subject to further appeal.
- (D) Quarterly certification of Ohio developmental disabilities profile data
- (1) For each reporting period, a certified assessor of the ICFIID shall attest that the most recent Ohio developmental disabilities profile is still valid for each resident of the

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ICFIID on the reporting period end date, regardless of a resident's payment source or anticipated length of stay.

- (a) The following ~~shall~~ will be considered residents of the ICFIID on the reporting period end date:
    - (i) Residents admitted or transferred to the ICFIID prior to or on the reporting period end date and physically residing in the ICFIID on the reporting period end date; and
    - (ii) Residents temporarily absent on the reporting period end date but for whom the ICFIID is receiving payment from any source to hold a bed for the resident during a hospital stay, visit with friends or relatives, or participation in therapeutic programs outside the facility in accordance with rule ~~5123:2-7-08~~ 5123-7-08 of the Administrative Code.
  - (b) The following ~~shall~~ will not be considered residents of the ICFIID on the reporting period end date:
    - (i) Residents discharged from the ICFIID prior to or on the reporting period end date;
    - (ii) Residents transferred to another ICFIID prior to or on the reporting period end date; and
    - (iii) Residents who die prior to or on the reporting period end date.
  - (2) A certified assessor of the ICFIID shall electronically certify the Ohio developmental disabilities profile data on behalf of the entire ICFIID no later than fifteen calendar days following the reporting period end date. The certification ~~shall~~ will include the name of the certified assessor who verified that an Ohio developmental disabilities profile has been administered and attested that the most recent Ohio developmental disabilities profile is still valid for each resident of the ICFIID on the reporting period end date and the name and contact information of a staff member should department staff have questions about the data.
- (E) Summary and correction of Ohio developmental disabilities profile data
- (1) The department ~~shall~~ will electronically notify an ICFIID of a missing or incomplete certification of Ohio developmental disabilities profile.
  - (2) The department ~~shall~~ will process and summarize the ICFIID's Ohio developmental disabilities profile data for the reporting period and electronically provide a summary of the data to the ICFIID.
  - (3) An ICFIID may correct errors or omissions identified by either the department or the ICFIID by electronically submitting corrections along with an amended certification of Ohio developmental disabilities profile data no later than forty-five calendar days

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following the reporting period end date. Timeliness of the submission ~~shall~~ will be determined by the electronic submission date.

- (4) An ICFIID shall ensure that corrections made to the Ohio developmental disabilities profile data submitted to the department are consistent with the Ohio developmental disabilities profiles maintained at the ICFIID.