


Ohio Assisted Living Waiver


Changes for 2024

Part Two



Assisted Living Service Tier 1	1 Unit (Day)	\$54.76
Assisted Living Service Tier 2	1 Unit (Day)	\$65.73
Assisted Living Service Tier 3	1 Unit (Day)	\$76.67
Community Transition Service	Completed Job Order or Deposit Made	\$2000.00

Rates effective 11/1/2021-12/31/2023



Basic Assisted Living Service	1 Unit (Day)	\$130.00
Memory Care Assisted Living Service	1 Unit (Day)	\$155.00
Community Transition Service	Completed Job Order or Deposit Made	\$2000.00

Rates effective 1/1/2024



Q&A

- Q. If there is a provider who already was certified for the Assisted Living Waiver certification and required a Federal Bureau of Investigation (FBI) background check for their basic assisted living service, do they have to go through the background check again when they apply for memory care certification?
- A. Existing providers will not need to apply for the memory care certification. Rather, they will complete an attestation. PASSPORT administrative agencies (PAAs) will conduct an on-site visit in the first six months of 2024 to ensure compliance (including criminal records checks) with the rules.



Q&A

- ▶ Q. The new memory care rules say that the unit must be single-occupancy. For the AL Waiver, we have a provision that allows a resident to share a unit with someone they have an established relationship with such as a spouse. Is this prohibited in memory care?
- ▶ A. A shared unit is not prohibited for memory care services.



Provider Attestations

- Currently certified ODA providers who are interested in being certified to deliver the memory care service and bill for the memory care rate starting **January 1, 2024**, will need to email attestations by **December 15, 2023**.
- Only providers who are currently serving assisted living waiver individuals with a documented diagnosis of any form of dementia will be able to bill for the memory care rate.
- To verify whether any assisted living waiver individuals have a documented diagnosis of any form of dementia, you are encouraged to contact the PASSPORT Administrative Agency (PAA) case manager.



Provider Attestations



- Deadline for February 1 billing date is January 15
- After January 15, providers will have to use the regular certification process for Assisted Living Waiver.
- [Attestation form](#) emailed to mfinley@age.ohio.gov



Definition of a Unit

- ▶ 173-39-02.16(D)(2) The provider designates the single-occupancy resident unit in paragraph (C) (2)(c) of this rule to be a stand-alone memory care unit, a memory care unit in a memory care section of the RCF, or a memory care unit in an RCF of a provider that provides only memory care.
- ▶ A stakeholder expressed concern about married couples and the ability to bill for the memory care rate for one spouse without separating them. The department's answer was to allow the spouse with dementia to stay in their existing apartment, outside of a memory care unit as traditionally understood, but still permit the provider to bill at the higher rate.



Definition of a Unit: Compliance Considerations

- 20% higher staffing ratio
 - How to demonstrate in a single apartment vs. other apartments
- Ensure safe access to outdoor spaces
- Respond to residents from call system in 10 minutes or less
- Staff Training requirements



Critical Access Tier

- Original Language: AL must average at least fifty per cent of their residents receiving Medicaid-funded services during the preceding state fiscal year or in the case of a new residential care facility, that projects to average at least fifty per cent of its residents receiving Medicaid-funded services during the state fiscal year in which the facility opens.
- \$145 a day
- JCARR giving ODM until 7/1/2024



Heightened Scrutiny

- ▶ On March 17, 2014, the Centers for Medicaid and Medicare Services (CMS) issued its final rule regarding settings for home and community-based services (HCBS) offered through the Assisted Living Waiver and the PASSPORT Waiver.
- ▶ CMS will ultimately determine which HCBS settings comply with the new regulations utilizing a process called Heightened Scrutiny.
- ▶ Heightened Scrutiny is the process where CMS reviews the evidence submitted by the state that a setting meets HCBS regulations and decides whether the evidence is sufficient to overcome the presumption that the setting has the qualities of an institution.



Heightened Scrutiny

- ▶ Ohio Department of Aging Heightened Scrutiny [Workflow](#)
- ▶ During provider certification, ODA will send form 10204 quarterly for public comment on ODM's website. Providers can comment on their package during this time.
- ▶ Once completed, CMS is sent the package with comments and conducts their review. This portion of the process has no estimated time of completion at this time. There is no current mechanism for checking the status with CMS.



Heightened Scrutiny

1. If the setting is determined by CMS to demonstrate the characteristics of a home and community-based setting and is approved to provide waiver services, the provider will be placed into an expedited process to complete ODA certification. The provider should expect to receive a notification within two weeks of notification from ODA their application for certification has been approved.
2. If the provider is determined by CMS to demonstrate the characteristics of an institution and is not approved by CMS to provide waiver services, ODA may not certify the provider and ODM may not issue a Medicaid provider number. ODA will deny the provider's application and providers will be issued hearing rights.



For More Information

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