

Application for a §1915(c) Home and Community -Based Services Waiver

PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waiver's target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the State, service delivery system structure, State goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Request for an Amendment to a §1915(c) Home and Community-Based Services Waiver

1. Request Information

- A. The **State of Ohio** requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of §1915(c) of the Social Security Act.
- B. **Program Title:**
Ohio Home Care Waiver
- C. **Waiver Number:** OH.0337
Original Base Waiver Number: OH.0337.90.R1
- D. **Amendment Number:**
- E. **Proposed Effective Date:** (mm/dd/yy)

04/01/16

Approved Effective Date of Waiver being Amended: 07/01/11

2. Purpose(s) of Amendment

Purpose(s) of the Amendment. Describe the purpose(s) of the amendment:

The purpose of this amendment is to update the Ohio Home Care Waiver as thoroughly as possible in preparation for the State's conversion from 209b status to 1634 status later in 2016. This amendment includes, among other things:

- The addition of new 1915(c) home and community-based setting and person-centered service planning requirements, and taxonomy codes;
- Updates to the use of contracted entities, i.e., the Ohio Home Care Waiver's case management and provider oversight structures and functions;
- Changes to Ohio's Medicaid level of care determination process;
- Updates regarding the process for transitioning individuals reaching the maximum age of waiver eligibility;
- Addition of policy that permits the enrollment of individuals disenrolling from another NF-LOC waiver in certain circumstances;
- Updates to language governing HOME Choice Program reserved capacity language, Freedom of Choice and Access to Services by Limited English Proficient Persons;
- Updates to policies governing open enrollment of providers, limits on service amounts and the fair hearing/grievance processes;
- Updates to criminal record check and abuse registry screening requirements;
- Modification of Waiver Nursing Service to reflect recent policy changes;
- Updates to the incident management process, participant safeguards and medication management requirements;

- Revisions to the waiver's quality improvement strategy and the addition of new performance measures; and
- Updates to terminology, Ohio Revised Code cites and Ohio Administrative Code rule cites.

3. Nature of the Amendment

- A. Component(s) of the Approved Waiver Affected by the Amendment.** This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (*check each that applies*):

Component of the Approved Waiver	Subsection(s)
<input checked="" type="checkbox"/> Waiver Application	Main: 2, 6, A-1-a, A-
<input checked="" type="checkbox"/> Appendix A – Waiver Administration and Operation	A-3, A-5, A-6, A-QI
<input checked="" type="checkbox"/> Appendix B – Participant Access and Eligibility	B-1-b, B-1-c, B-2-a, 1
<input checked="" type="checkbox"/> Appendix C – Participant Services	C-1-a, C-1-b, C-2-a, (
<input checked="" type="checkbox"/> Appendix D – Participant Centered Service Planning and Delivery	D-1-c, D-1-d, D-1-e,
<input type="checkbox"/> Appendix E – Participant Direction of Services	
<input checked="" type="checkbox"/> Appendix F – Participant Rights	F-1, F-3-b, F-3-c
<input checked="" type="checkbox"/> Appendix G – Participant Safeguards	G-1-b, G-1-c, G-1-d,
<input checked="" type="checkbox"/> Appendix H	H-1-a-i, H-1-b-i
<input checked="" type="checkbox"/> Appendix I – Financial Accountability	I-1, I-2-a, I-2-b, I-2-d
<input checked="" type="checkbox"/> Appendix J – Cost-Neutrality Demonstration	J-2-b, J-2-c

- B. Nature of the Amendment.** Indicate the nature of the changes to the waiver that are proposed in the amendment (*check each that applies*):

- Modify target group(s)
- Modify Medicaid eligibility
- Add/delete services
- Revise service specifications
- Revise provider qualifications
- Increase/decrease number of participants
- Revise cost neutrality demonstration
- Add participant-direction of services
- Other

Specify:

- The addition of new 1915(c) home and community-based setting and person-centered service planning requirements, and taxonomy codes;
- Updates to the use of contracted entities, i.e., the Ohio Home Care Waiver's case management and provider oversight structures and functions;
- Changes to Ohio's Medicaid level of care determination process;
- Updates regarding the process for transitioning individuals reaching the maximum age of waiver eligibility;
- Addition of policy that permits the enrollment of individuals disenrolling from another NF-LOC waiver in certain circumstances;
- Updates to language governing HOME Choice Program reserved capacity language, Freedom of Choice and Access to Services by Limited English Proficient Persons;
- Updates to policies governing open enrollment of providers, limits on service amounts and the fair hearing/grievance processes;
- Updates to criminal record check and abuse registry screening requirements;
- Modification of Waiver Nursing Service to reflect recent policy changes;
- Updates to the incident management process, participant safeguards and medication management requirements;
- Revisions to the waiver's quality improvement strategy and the addition of new performance measures; and
- Updates to terminology, Ohio Revised Code cites and Ohio Administrative Code rule cites.

Application for a §1915(c) Home and Community-Based Services Waiver

1. Request Information (1 of 3)

A. The **State of Ohio** requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of §1915(c) of the Social Security Act (the Act).

B. Program Title (optional - this title will be used to locate this waiver in the finder):

Ohio Home Care Waiver

C. Type of Request: amendment

Requested Approval Period:(For new waivers requesting five year approval periods, the waiver must serve individuals who are dually eligible for Medicaid and Medicare.)

3 years 5 years

Original Base Waiver Number: OH.0337

Draft ID: OH.002.03.06

D. Type of Waiver (select only one):

Regular Waiver

E. Proposed Effective Date of Waiver being Amended: 07/01/11

Approved Effective Date of Waiver being Amended: 07/01/11

1. Request Information (2 of 3)

F. Level(s) of Care. This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid State plan (check each that applies):

Hospital

Select applicable level of care

Hospital as defined in 42 CFR §440.10

If applicable, specify whether the State additionally limits the waiver to subcategories of the hospital level of care:

Not applicable.

Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR §440.160

Nursing Facility

Select applicable level of care

Nursing Facility as defined in 42 CFR §440.40 and 42 CFR §440.155

If applicable, specify whether the State additionally limits the waiver to subcategories of the nursing facility level of care:

Not applicable.

Institution for Mental Disease for persons with mental illnesses aged 65 and older as provided in 42 CFR §440.140

Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR §440.150)

If applicable, specify whether the State additionally limits the waiver to subcategories of the ICF/IID level of care:

1. Request Information (3 of 3)

G. Concurrent Operation with Other Programs. This waiver operates concurrently with another program (or programs) approved under the following authorities

Select one:

Not applicable

Applicable

Check the applicable authority or authorities:

Services furnished under the provisions of §1915(a)(1)(a) of the Act and described in Appendix I

Waiver(s) authorized under §1915(b) of the Act.

Specify the §1915(b) waiver program and indicate whether a §1915(b) waiver application has been submitted or previously approved:

Specify the §1915(b) authorities under which this program operates (check each that applies):

- §1915(b)(1) (mandated enrollment to managed care)
- §1915(b)(2) (central broker)
- §1915(b)(3) (employ cost savings to furnish additional services)
- §1915(b)(4) (selective contracting/limit number of providers)
- A program operated under §1932(a) of the Act.**

Specify the nature of the State Plan benefit and indicate whether the State Plan Amendment has been submitted or previously approved:

- A program authorized under §1915(i) of the Act.**
- A program authorized under §1915(j) of the Act.**
- A program authorized under §1115 of the Act.**

Specify the program:

H. Dual Eligibility for Medicaid and Medicare.

Check if applicable:

- This waiver provides services for individuals who are eligible for both Medicare and Medicaid.**

2. Brief Waiver Description

Brief Waiver Description. *In one page or less*, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g., the roles of state, local and other entities), and service delivery methods.

The purpose of the Ohio Home Care Waiver is to offer home and community-based services (HCBS) to people with serious disabilities and unstable medical conditions who would otherwise be eligible for Medicaid in a hospital or nursing facility. Key aspects of the waiver include eligibility, benefits, individual-specific funding levels, the service delivery system and providers, and quality management.

The goals of the waiver are to better target individuals' unique needs while placing greater emphasis on cost management, and to increase individual choice and control over HCBS and the providers who furnish them. The objectives of the waiver include: (1) serving individuals age 0 through 59 with either an intermediate (nursing facility) level of care or a skilled (hospital) level of care; and (2) assigning individual-specific funding levels based on a case management agency's (CMA) assessment. Individuals enrolled on the Ohio Home Care Waiver must reside in and/or receive HCBS in a private residence or another setting that meets the home and community-based setting requirements set forth in 42 CFR 441.530. Additionally, they shall participate in a person-centered service planning process that is consistent with the requirements of 42 CFR 441.301.

Ohio is reserving capacity for waiver eligible individuals who are also participating in the HOME Choice (Money Follows the Person) Program. To be eligible for enrollment on the Ohio Home Care Waiver via a reserved capacity waiver slot, individuals must:

- * Be determined by the Ohio Department of Medicaid (ODM) to be eligible for the HOME Choice Program; and
- * Meet the eligibility criteria for the Ohio Home Care Waiver.

Organizationally, ODM, the State Medicaid agency, is responsible for administration and oversight of the Ohio Home Care Waiver. ODM contracts with multiple CMAs to provide assessment and case management services. ODM also contracts with a single entity to perform provider management functions. The CMAs operate regionally around the state and are responsible for interfacing with individuals at the local level to assure access to services. CMA staff perform level of care assessments and reassessments, work with each individual to develop/update person-centered service plans (plan of care) tailored to meet individuals' individual service needs, monitor health and welfare, and provide ongoing case management and support. The CMAs and any of their subcontractors may not provide direct home health or waiver program services to any individuals

enrolled on the Ohio Home Care Waiver through the entire term of their CMA contracts. At the point new level of care requirements are in effect, during the first year of an individual's waiver eligibility, the case managers who render ongoing case management services cannot be the same case managers who determined initial eligibility.

The provider oversight contract recruits providers, monitors health and welfare, and conducts provider oversight and incident investigations. The CMAs and the provider oversight contractor must adhere to their agreements with ODM and must comply with ODM administrative rules, regulations and policies. ODM monitors CMA and provider oversight contractor performance, and monitors the entire waiver in accordance with a quality management plan based on CMS' waiver assurances. ODM also requires criminal record checks for all contractors and providers and oversees incident reporting.

The renewal incorporates traditional service delivery methods, and continues to focus on participant direction practices that afford opportunities for individual choice and control in accordance with Ohio Administrative Code rules. Individuals continue to have access to agency providers that are Medicare-certified, are accredited by ACHC, CHAP or the Joint Commission, or are other approved ODM-administered waiver service providers. In addition, individuals are able to choose non-agency providers who may include RNs/LPNs, neighbors and friends, and non-legally responsible family members, including legal guardians of adult children.

A broad range of services continues to be included in the Ohio Home Care Waiver in order to provide a viable home and community-based alternative to institutional care. All existing services are included (i.e., waiver nursing, personal care aide, adult day health center, out-of-home respite, home modification, emergency response, home delivered meal, supplemental transportation, supplemental adaptive and assistive device services, and home care attendant services).

3. Components of the Waiver Request

The waiver application consists of the following components. *Note: Item 3-E must be completed.*

- A. Waiver Administration and Operation.** Appendix A specifies the administrative and operational structure of this waiver.
- B. Participant Access and Eligibility.** Appendix B specifies the target group(s) of individuals who are served in this waiver, the number of participants that the State expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.
- C. Participant Services.** Appendix C specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.
- D. Participant-Centered Service Planning and Delivery.** Appendix D specifies the procedures and methods that the State uses to develop, implement and monitor the participant-centered service plan (of care).
- E. Participant-Direction of Services.** When the State provides for participant direction of services, Appendix E specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (*Select one*):

- Yes. This waiver provides participant direction opportunities.** *Appendix E is required.*
 - No. This waiver does not provide participant direction opportunities.** *Appendix E is not required.*
- F. Participant Rights.** Appendix F specifies how the State informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.
- G. Participant Safeguards.** Appendix G describes the safeguards that the State has established to assure the health and welfare of waiver participants in specified areas.
- H. Quality Improvement Strategy.** Appendix H contains the Quality Improvement Strategy for this waiver.
- I. Financial Accountability.** Appendix I describes the methods by which the State makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
- J. Cost-Neutrality Demonstration.** Appendix J contains the State's demonstration that the waiver is cost-neutral.

4. Waiver(s) Requested

A. Comparability. The State requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in **Appendix C** that are not otherwise available under the approved Medicaid State plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in **Appendix B**.

B. Income and Resources for the Medically Needy. Indicate whether the State requests a waiver of §1902(a)(10)(C)(i) (III) of the Act in order to use institutional income and resource rules for the medically needy (*select one*):

Not Applicable

No

Yes

C. Statewide. Indicate whether the State requests a waiver of the statewide requirements in §1902(a)(1) of the Act (*select one*):

No

Yes

If yes, specify the waiver of statewide that is requested (*check each that applies*):

Geographic Limitation. A waiver of statewide is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the State. *Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:*

Limited Implementation of Participant-Direction. A waiver of statewide is requested in order to make *participant-direction of services* as specified in **Appendix E** available only to individuals who reside in the following geographic areas or political subdivisions of the State. Participants who reside in these areas may elect to direct their services as provided by the State or receive comparable services through the service delivery methods that are in effect elsewhere in the State. *Specify the areas of the State affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:*

5. Assurances

In accordance with 42 CFR §441.302, the State provides the following assurances to CMS:

A. Health & Welfare: The State assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:

1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
2. Assurance that the standards of any State licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The State assures that these requirements are met on the date that the services are furnished; and,
3. Assurance that all facilities subject to §1616(e) of the Act where home and community-based waiver services are provided comply with the applicable State standards for board and care facilities as specified in **Appendix C**.

B. Financial Accountability. The State assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.

C. Evaluation of Need: The State assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual

might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.

- D. Choice of Alternatives:** The State assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:
1. Informed of any feasible alternatives under the waiver; and,
 2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the State employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.
- E. Average Per Capita Expenditures:** The State assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid State plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in **Appendix J**.
- F. Actual Total Expenditures:** The State assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the State's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.
- G. Institutionalization Absent Waiver:** The State assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.
- H. Reporting:** The State assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid State plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.
- I. Habilitation Services.** The State assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.
- J. Services for Individuals with Chronic Mental Illness.** The State assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the State has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the State has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

6. Additional Requirements

Note: Item 6-I must be completed.

- A. Service Plan.** In accordance with 42 CFR §441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in **Appendix D**. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including State plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.
- B. Inpatients.** In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are inpatients of a hospital, nursing facility or ICF/IID.
- C. Room and Board.** In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the State that is not a private residence or (b)

claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in **Appendix I**.

- D. Access to Services.** The State does not limit or restrict participant access to waiver services except as provided in **Appendix C**.
- E. Free Choice of Provider.** In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the State has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.
- F. FFP Limitation.** In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally liable third party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.
- G. Fair Hearing:** The State provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. **Appendix F** specifies the State's procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.
- H. Quality Improvement.** The State operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the State assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The State further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the State will implement the Quality Improvement Strategy specified in **Appendix H**.
- I. Public Input.** Describe how the State secures public input into the development of the waiver:
ODM makes it a priority to work with individuals, providers and advocates on issues related to the HCBS waivers it administers. ODM follows a protocol to advance-publish, and invite public comment on proposed new rules and rule amendments. Final rules are approved by a special committee comprised of Ohio legislators. Besides this formal public input process, ODM also engages affected stakeholders in advance by seeking input, advice and support for intended changes. Examples include, but are not limited to the following:

Ohio Olmstead Task Force

ODM meets periodically with the Ohio Olmstead Task Force to share information and solicit input. The committee is an important conduit for direct communication and involvement of individuals, caregivers and key stakeholders in the development of the structure, function, training components, oversight and administrative policies and procedures related to the Ohio Home Care Waiver.

ODM-administered HCBS Waiver Rules Workgroup

This workgroup consists of individuals, caregivers, providers, provider organizations, representatives from Medicaid-serving agencies and other key advocates. Its focus is to review and recommend administrative rule changes governing HCBS waivers.

HOME Choice Planning and Advisory Group and related workgroups, and the Unified Long Term Care Budget Committee

Stakeholders serve as advisors to ODM on issues related to the HOME Choice (Money Follows the Person) Demonstration Program, and Ohio's efforts to create a unified long term services and support system. While not decision-making bodies, these groups make recommendations to ODM that can and do have a direct effect on the Ohio Home Care Waiver.

ODM Home Health/Hospice/Private Duty Nursing Workgroup

This workgroup was formed in 2011 for the purpose of reviewing and recommending administrative rule changes governing Medicaid state plan home health/hospice and private duty nursing services. While these are state plan services, they are used in part by individuals enrolled on HCBS waivers. This workgroup consists of individuals, caregivers, providers, provider organizations, sister agency representatives, and other key advocates.

Other Feedback Opportunities

ODM operates a Medicaid Consumer Hotline and an email box on its website to obtain ongoing feedback.

HCBS Transitions Plan Public Input/Public Comment Process

The summary of how public input was obtained regarding the statewide transition plan described in Attachment #2 of the Ohio Home Care Waiver is set forth on the "Optional Page" in Section 8-b.

- J. Notice to Tribal Governments.** The State assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.
- K. Limited English Proficient Persons.** The State assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). **Appendix B** describes how the State assures meaningful access to waiver services by Limited English Proficient persons.

7. Contact Person(s)

- A.** The Medicaid agency representative with whom CMS should communicate regarding the waiver is:

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State:

Ohio

Zip:

Phone:

Ext:

TTY

Fax:

E-mail:

B. If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State:

Ohio

Zip:

Phone:

Ext:

TTY

Fax:

E-mail:

8. Authorizing Signature

This document, together with the attached revisions to the affected components of the waiver, constitutes the State's request to amend its approved waiver under §1915(c) of the Social Security Act. The State affirms that it will abide by all provisions of the waiver, including the provisions of this amendment when approved by CMS. The State further attests that it will continuously operate the waiver in accordance with the assurances specified in Section V and the additional requirements specified in Section VI of the approved waiver. The State certifies that additional proposed revisions to the waiver request will be submitted by the Medicaid agency in the form of additional waiver amendments.

Signature:

State Medicaid Director or Designee

Submission Date:

Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.

Last Name:

First Name:	<input type="text" value="McCarthy"/>	
	<input type="text" value="John B."/>	
Title:	<input type="text" value="Director"/>	
Agency:	<input type="text" value="Ohio Department of Medicaid"/>	
Address:	<input type="text" value="50 West Town Street, Fifth Floor"/>	
Address 2:	<input type="text" value="P.O. Box 182709"/>	
City:	<input type="text" value="Columbus"/>	
State:	Ohio	
Zip:	<input type="text" value="43218"/>	
Phone:	<input type="text" value="(614) 466-4443"/>	Ext: <input type="text"/> <input type="checkbox"/> TTY
Fax:	<input type="text" value="(614) 752-3986"/>	
E-mail:	<input type="text" value="john.mccarthy@medicaid.ohio.gov"/>	

Attachments**Attachment #1: Transition Plan**

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

- Replacing an approved waiver with this waiver.**
- Combining waivers.**
- Splitting one waiver into two waivers.**
- Eliminating a service.**
- Adding or decreasing an individual cost limit pertaining to eligibility.**
- Adding or decreasing limits to a service or a set of services, as specified in Appendix C.**
- Reducing the unduplicated count of participants (Factor C).**
- Adding new, or decreasing, a limitation on the number of participants served at any point in time.**
- Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.**
- Making any changes that could result in reduced services to participants.**

Specify the transition plan for the waiver:

Effective March 1, 2014, when an individual enrolled on the Ohio Home Care Waiver is identified as dually eligible for both Medicare and Medicaid and resides in a county participating in the ICDS demonstration, he or she will be transitioned to the MyCare Ohio Waiver (OH# 1035).

Background/Waiver Providers/Services/Case Management

On December 12, 2012, Governor Kasich announced that Ohio reached an agreement with the Centers for Medicare and Medicaid Services (CMS) on a new initiative to better coordinate care for individuals eligible for both Medicare and Medicaid. This initiative is only in effect in certain counties of the State and will provide for and coordinate all long-term care

in addition to primary and acute care services for participating individuals. To support Ohio's integrated care delivery system (ICDS) program, the State has submitted concurrent 1915(b)(c) waiver applications to require certain individuals to enroll in the ICDS as well as to ensure access to long-term care services and supports.

Ohio is sensitive to the magnitude of the proposed changes associated with the implementation of the ICDS demonstration and the 1915 b/c ICDS Waiver. The State is committed to implementing this program in a manner that allows for the safe transition of individuals currently enrolled on the Ohio Home Care Waiver who will be required to transition to the ICDS by emphasizing continuity of care and minimizing service disruption.

Initial phase-in of individuals into the MyCare Ohio Waiver will occur over a 120-day period, beginning with voluntary enrollments in March 2014, and followed by regional phase-ins April through June. An individual's transition from his or her current waiver to the MyCare Ohio Waiver will be completed within 90 days from the time they are identified as eligible for the MyCare Ohio demonstration until their enrollment with the plan and the MyCare Ohio Waiver.

Individuals enrolled in the Ohio Home Care Waiver who transition to the MyCare Ohio program (ICDS Waiver) will receive advance notification of their participation in MyCare Ohio from the State. For those individuals who will transition during that program's phased enrollment period, that notice will occur as follows:

- a. Introductory/initial notification letters will be sent in December 2013 to educate individuals about their participation in the demonstration program. These letters include a fact sheet catered specifically to that individual (in this instance a fact sheet for Ohio Home Care Waiver individuals).
- b. Voluntary enrollment letters will be sent in January 2014. These letters will notify individuals of their ability to participate in the demonstration beginning March 2014.
- c. Individuals receive a mandatory enrollment letters 60 days prior to their mandatory enrollment date (to the date will depend upon the staggered phase-in of the demonstration). This letter will include information about the MyCare Ohio plans that serve the individual's community and encourage the individual to select a MyCare Ohio plan.
- d. Individuals who do not select a MyCare Ohio plan, at least 30 days prior to their enrollment date will receive a final notice from the State indicating that a plan has been selected for them –individuals may still choose a different plan up to the date of their enrollment and anytime thereafter.

Effective March 1, 2014, when an individual enrolled on the Ohio Home Care Waiver is identified as dually eligible for both Medicare and Medicaid and resides in a county participating in the ICDS demonstration, he or she will be transitioned to the MyCare Ohio Waiver (OH# 1035) over the 90 day period. The waiver case manager will support the individual through this transition. The case manager's responsibility includes discharge planning for individuals leaving the Ohio Home Care Waiver. This level of assistance will continue to be provided to individual transitioning to the ICDS demonstration.

The MyCare Ohio Waiver offers a more robust service package than the Ohio Home Care Waiver by making available to participating individuals all of the services available on Ohio's NF LOC waivers. In the MyCare Ohio waiver, the MyCare Ohio plans will be required to adhere to specific transition requirements. The State has developed these requirements with the assistance of individuals and providers who voiced concerns about continuity of care and risks to health outcomes if enrollment in the ICDS demonstration resulted in abrupt changes in services and providers.

In accordance with the MyCare Ohio Waiver's transition requirements, the MyCare Ohio plans will be required to contract with each individual's established waiver service providers upon his or her enrollment in the ICDS demonstration for the time periods described below and at the rate approved under the individual's currently approved waiver service plan. Additionally, each individual's waiver service plan shall be updated to reflect the service nomenclature in the new MyCare Ohio Waiver.

Transition Periods:

- Waiver personal care assistance, nursing, out-of-home respite, enhanced community living, adult day services, social work/counseling and independent living skills providers will be maintained for 365 days unless a change is required.
- All other waiver service levels will be maintained for 365 days, and providers will be maintained for 90 days.

Changes in Provider during Transition Periods:

Individuals may initiate a change in waiver service provider at any time during the transition period. However, any change in services or service providers (initiated by either the individual or the MyCare Ohio plan) may occur only after an in-home

assessment and the development of a plan for the transition to a new provider. In cases where the health and welfare of the individual is judged to be in danger, expedited service authorization time frames will apply per 42 CFR 43 8.206(d).

A MyCare Ohio plan-initiated change from an existing provider during the transition period may occur in the following circumstances:

- The individual has a significant change in status as defined in Ohio Administrative Code (OAC) Rule 5160-45-01;
- The provider gives appropriate notice of intent to discontinue services to an individual; or
- Provider performance issues that affect an individual's health and welfare are identified.

If the MyCare Ohio plan detects a quality of care issue, the MyCare Ohio plan will work with the provider and individual to satisfactorily resolve the issue(s). If resolution is not possible, the MyCare Ohio plan will assist the individual in choosing a provider willing and able to comply with quality of care requirements.

Prior to the conclusion of the transition period, the individual shall meet with his or her MyCare Ohio waiver service coordinator and other transdisciplinary care team members to review the current comprehensive care plan and discuss any required changes in services or providers. If a change in HCBS provider is required for any reason, the individual will be provided information regarding other available providers and an individualized transition plan will be developed and integrated into the comprehensive care plan.

MyCare Ohio plans will be required to notify all individuals transitioning into the MyCare Ohio Waiver at the time of their enrollment and at least annually (in writing and verbally) about the process for filing grievances and appeals.

Attachment #2: Home and Community-Based Settings Waiver Transition Plan

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.

To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required.

Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.

Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.

OHIO HOME CARE WAIVER: Home and Community-Based Settings Waiver Transition Plan

Specify the State's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

To the extent that the State has submitted a Statewide HCB settings transition plan to CMS, the description in this field may reference that Statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the Statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the Statewide HCB settings transition plan as required.

State's Response

I. STATUS OF THE STATE TRANSITION PLAN

Under the umbrella of the Office of Health Transformation <http://www.healthtransformation.ohio.gov>, an interagency project team, comprised of State staff from the Ohio Department of Medicaid (ODM), the Ohio Department of Aging (ODA) and the

Ohio Department of Developmental Disabilities (DODD) adopted a shared approach for developing the draft Statewide transition plan. Compliance with the CMS rule creates different opportunities and challenges for the Nursing-facility based level of care (NF-LOC) waiver system and the Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF-IID) waiver system. As a result, the project team leveraged the existing resources and infrastructures of each waiver system to establish system specific assessment methodologies to conduct a review of the applicable State statutes, administrative rules, approved waivers, provider licensing, qualifications and waiver certification requirements, service specifications, case management administrative and operational processes, monitoring and operational oversight activities, and quality improvement strategies to determine the current level of compliance and identify areas for improvement and remediation to achieve and maintain full compliance.

During Ohio's formal public comment period, copy of the full draft transition plan was posted to the website of Ohio's Office of Health Transformation between December 15, 2014 and January 23, 2015. During the Statewide formal public comment period, described in detail in Section III of Ohio's State Transition Plan, the State received input from many interested parties, including individuals receiving services, family members, providers, advocates and the federal Centers for Medicare and Medicaid Services (CMS). As a result of the feedback, the State made adjustments to the draft plan by adding clarity, adjusting the approach to specific settings, and providing for an increased contribution from individuals and families.

II. DESCRIPTION OF OHIO HOME CARE WAIVER SERVICES IN NON-RESIDENTIAL SETTINGS – ADULT DAY HEALTH SERVICES

The Ohio Home Care Waiver, approved in 1998, serves individuals age 59 or younger with a nursing facility level of care (NF-LOC) and furnishes services and supports that permit individuals to reside in their community rather than in a nursing facility. The purpose of the Adult Day Health service in the Ohio Home Care Waiver is to furnish regularly scheduled services that support the individual's health and independence goals in a community setting. The service is available to eligible individuals and includes recreational and educational activities of the individual's choice.

Individuals receiving the Adult Day health service in the Ohio Home Care Waiver reside in traditional private residences in the community and receive the HCBS service for a portion of the day at an adult day health setting of their choice. A qualifying HCBS adult day health center must be a freestanding building or a space within another building not used for other purposes during the provision of adult day health services. The Adult Day Health Service in the Ohio Home Care Waiver is furnished in a non-residential setting. As a result, the focus of the compliance analysis is directed at the Adult Day Health service and the characteristics of the settings in which this service is delivered.

III. ASSESSMENT OF THE NON-RESIDENTIAL SETTING IN THE OHIO HOME CARE WAIVER

The State conducted a systematic review of applicable State statutes, administrative rules, provider requirements (licensing, qualifications and waiver certification), service specifications, case management standards, administrative and operational processes, and monitoring and operational oversight activities for the approved Ohio Home Care Waiver. The State also conducted an on-line survey to gauge how the Adult Day service providers assessed their level of compliance with the new regulations.

There are currently 270 adult day health HCBS providers eligible to furnish the waiver service. The State conducted an analysis of data maintained by ODA and ODM to determine the Adult Day Health waiver settings are located in 50% (44) of 88 counties and serve approximately 2,300 individuals enrolled on one of the State's five NF-LOC waivers receiving the service.

IV. ANALYSES OF THE NON-RESIDENTIAL SETTINGS IN THE OHIO HOME CARE WAIVER

Adult Day Health Services in non-residential settings that currently meet the HCBS setting characteristics:

ANALYSIS:

In the preliminary analysis, the State has not identified any non-residential settings that are currently 100% compliant with the regulation. The State will ensure that existing settings continue to meet the HCBS characteristics by adopting a new Ohio Administrative Code rule and modifying the State's HCBS ongoing provider oversight function.

In the event a setting, which previously demonstrated evidence of compliance but subsequently cannot (or does not) produce acceptable evidence of compliance, the State's established relocation team, led by the State Long-Term Care Ombudsman, will work with individuals who choose to transition to a setting of their choice which meets the HCBS characteristic.

Adult Day Health Services in non-residential settings that currently do not meet HCBS characteristics for provider-owned or controlled settings, but may with modifications:

ANALYSIS:

The HCBS waiver provider certification standards provide a basis for reducing the risk of isolating individuals from the broader community. Proposed modifications will ensure individuals on the Ohio Home Care Waiver are afforded full access to the benefits of community living across the system, rather than relying on setting specific policies and practices. In the preliminary analysis, the State has identified that 92% of the currently certified HCB adult day health providers are free standing. These settings are located in 44 counties and are serving approximately 91% of the individuals receiving the adult day health services available on the Ohio Home Care Waiver.

REMEDIATION:

Proposed modifications will ensure individuals are afforded full access to the benefits of community living across the system, rather than relying on setting specific policies and practices. The State will ensure that existing settings come into full compliance with the HCBS characteristics by adopting a new HCB setting rule, modifying existing OAC rules, furnishing provider education, and modifying the State's HCBS ongoing provider oversight function.

In the event a setting, which previously demonstrated evidence of compliance but subsequently cannot (or does not) produce acceptable evidence of compliance, the State's established relocation team, led by the State Long-Term Care Ombudsman, will work with individuals who choose to transition to a setting of their choice, which meets the HCBS characteristics.

Adult Day Health services in non-residential settings that are presumed to have the effect of isolating individuals and may be subject to heightened scrutiny process:

ANALYSIS:

CMS described settings "presumed to have the qualities of an institution" as those located in a public or private facility that provides inpatient treatment. The State's preliminary assessment identified one setting, which may have the effect of isolating individuals and be subject to heightened scrutiny by virtue of its location alone: adult day health settings that are located in the same building as a nursing facility.

There are 22, or 8%, of adult day health service waiver providers that relocated in the same building as a nursing facility. These settings are located in 15 Ohio counties and currently serve approximately 9% of all the individuals receiving the adult day health service in the State's NF-LOC waivers.

REMEDIATION:

Recognizing that the size or physical location of a setting is not the sole factor in determining whether a particular location possesses the characteristics requirements by adopting a new HCBS settings rule, modifying existing OAC rules, establishing standards and defining acceptable evidence of compliance, provider remediation plans, on-site assessments which includes the individual's experience residing in the setting, and modifying the State's HCBS ongoing provider oversight function.

In the event the setting cannot or does not produce acceptable evidence of compliance, the State's established relocation team, led by the State Long-Term Care Ombudsman, will work with individuals who choose to transition to a setting of their choice, which meets the HCBS characteristics.

Adult Day Health Ohio Home Care Waiver settings that cannot meet the HCBS characteristics:

ANALYSIS:

In the preliminary analysis, the State has not identified any non-residential settings that cannot meet the HCBS characteristics:

By adopting a new HCBS settings rule and modifying the State's initial HCBS provider certification rules, the State will ensure no new settings that cannot meet the HCBS characteristics are permitted to furnish the Medicaid-funded Adult Day

Health service.

In the event a setting, which previously demonstrated evidence of compliance but subsequently cannot (or does not) produce acceptable evidence of compliance, the State's established relocation team, led by the State Long-Term Care Ombudsman, will work with individuals to transition them to a setting of their choice, which meets the HCBS characteristics.

V. STATUS OF THE STATE'S TRANSITION TO COMPLIANCE

Ohio submitted its Final State Transition Plan through the portal on March 13, 2015. The State awaits CMS approval of the State Transition Plan. While the State is attaching an Ohio Home Care Waiver Transition Plan, the State expects that language in the State's Transition Plan approved by CMS and related to the Ohio Home Care Waiver will take precedence over the language in the waiver transition plan.

Remediation strategies include:

Adoption of an overarching HCBS Waiver Administration rule that details the CMS HCBS settings characteristics required for all provider controlled settings, amendments to Adult Day Health OAC 5160-46-04 and modification to the provider oversight process are slated for 7/2015-7/2016.

Provider Education and compliance monitoring will include development of a provider self-assessment tool, development of a standardized compliance monitoring tools, modification of provider and case management operational manuals and forms, as well as guidance to impacted providers and case management entities. Proposed Time Frame: 1/2016-6/2016.

Conduct on-site assessments for settings subject to heightened scrutiny. Proposed Time Frame: 7/2016-12/2016.

Ongoing Compliance achieved via on-site provider reviews, which include experience of individuals in the setting, are slated for 7/2016 and ongoing.

The State's Quality Strategy will include the results from a nationally recognized, statistically valid consumer survey, such as the National Core Indicators – Aging and Disability. Proposed Time Frame: 2016 and ongoing.

The State assures that the settings transition plan included with this waiver amendment will be subject to any provisions or requirements included in the State's approved Statewide Transition Plan. The State will implement any required changes upon approval of the Statewide Transition Plan and will make conforming changes to its waiver when it submits the renewal.

Additional Needed Information (Optional)

Provide additional needed information for the waiver (optional):

HCBS Transition Plan Public Input/Public Comment Summary:

The following is a summary of how public input was obtained during the development of this amendment as it pertains to the components of the statewide transition plan, described in Attachment #2.

Dates of the formal public comment period.

Ohio's formal public comment period was held from December 15, 2014, through January 23, 2015.

Summary of the public notice and input process used for this amendment.

Ohio provided six methods for the public to provide input on the draft transition plan and/or request a non-electronic copy of the plan:

- E-mail - Ohio established a dedicated e-mail box named MCD-HCBSfeedback.
- Written comments - Ohio also provided a U.S. Postal Service address, which was Ohio Department of Medicaid, ATTN: HCBS Transition Plan, P.O. Box 182709, 5th Floor, Columbus, OH 43218.
- Fax - Ohio provided a fax number, which was (614) 466-6945.
- Toll-free phone number- Ohio provided a toll-free number, 1 (800) 364-3153, with a recorded message advising callers they had reached the CMS HCBS draft transition plan phone message

box and offering five minutes in which to leave a message.

- Testimony at public hearings - Ohio held two public hearings on January 7 and January 15, 2015, in the State Office Tower's Lobby Hearing Room in Columbus.

The state did not choose to use a newspaper as a non-electronic method for public notice posting and input. The state leveraged existing relationships and processes by partnering with a wide range of stakeholders to inform individuals of the non-electronic options for obtaining a copy of the statewide transition plan and/or to submit comments. The State informed individuals and families of the details of the public notice process through the distribution of hard copies of State agency publications. The waiver case managers assisted with the outreach to individuals on how to access a non-electronic copy of the transition plan and the non-electronic methods available to submit comments. In addition, stakeholder partners were educated on the non-electronic options in order to furnish, upon request, access to hard copies of the plan and information about non-electronic methods to submit comments.

Active Link used to post the entire application.

On 12/15/2014, Ohio posted a public notice, summary of the draft plan, the draft plan itself, and questions and answers on the Ohio Office of Health Transformation (OHT) website at <http://www.healthtransformation.ohio.gov/CurrentInitiatives/ExpandandStreamlineHCBS.aspx>.

Summary of comments received, any modifications made to the waiver based upon the comments received, and reasons why comments were not adopted.

The state received 258 unduplicated comments on the statewide transition plan during the formal public comment period. Of the comments received, 21% were categorized as related to a wide range of topics which were not specific to any type of setting or system. The following is a summary of the miscellaneous comments germane to this waiver:

Comment: Additional detail is needed about the state's approach to implementing the transition plan.

Response: No change was made to the waiver. The statewide transition plan was modified to reflect the involvement of stakeholders in the implementation.

Comment: Concern was expressed about the apparent over-reliance on information from providers of HCBS.

Response: No change was made to the waiver. The self-assessment survey process was merely one aspect of the initial phase of determining whether settings possessed HCBS characteristics. The statewide transition plan was modified to reflect the elements of the on-site evaluations yet to be conducted.

Comment: Any setting should be permissible if it is determined to meet the HCBS characteristics.

Response: No change was made to the waiver. The statewide transition plan proposes the adoption of an administrative rule that details the settings characteristics required for all provider-controlled settings and proposes modifications to the adult day health service specifications to incorporate the CMS' required HCBS community integration and access characteristics.

Comment: The State should ensure flexibility and choice of settings options, based on individuals' person-centered plans.

Response: No change was made to the waiver. In accordance with the CMS regulation, the plan proposes to adopt an administrative rule which will require that individuals be offered alternative settings in which to receive HCBS and that the chosen setting be identified in their person-centered plans. However, any setting in which individuals receive HCBS must comport with the CMS regulation.

Comment: Need better definitions of "integration" and "community."

Response: No change was made to the waiver. The statewide transition plan proposes the adoption of an administrative rule that details the settings characteristics required for all provider-controlled settings and proposes modifications to the adult day service specifications to incorporate the CMS required HCBS community integration and access characteristics.

Adult Day health is the only service furnished in a non-residential, provider-controlled setting offered in this waiver. The following is a summary of all the comments received specific to this service:

Comment: Should not differentiate between adult day services housed in a nursing home vs. an ADS program in separate building but connected by a corridor.

Response: No change made to the waiver. The statewide transition plan indicates the physical location of a setting is not the only factor which determines if the setting has the effect of isolating individuals from the broader community. The statewide

transition plan proposes the adoption of an administrative rule that details the settings characteristics required for all provider-controlled settings and also proposes modifications to the adult day health service specifications to incorporate the CMS' required HCBS community integration and access characteristics.

Comment: The provision of HCBS in a nursing facility are not in a community-based setting and should not be permitted.

Response: No change made to the waiver. The statewide transition plan indicates the physical location of a setting is not the only factor which determines if the setting has the effect of isolating individuals from the broader community. The statewide transition plan proposes the adoption of an administrative rule that details the settings characteristics required for all provider-controlled settings and also proposes modifications to the adult day health service specifications to incorporate the CMS' required HCBS community integration and access characteristics.

Comment: The draft plan could blur the line between HCBS and institutional settings and make waiver funding available in the latter.

Response: No change made to the waiver. The statewide transition plan states physical location of a setting is not the sole factor in determining whether a particular location possesses the characteristics of an HCBS settings. The statewide transition plan proposes the adoption of an administrative rule that details the settings characteristics required for all provider-controlled settings and also proposes modifications to the adult day health service specifications to incorporate the CMS' required HCBS community integration and access characteristics.

Comment: Use the CMS HCBS settings toolkit as a guide to determine whether a setting has the effect of isolating individuals.

Response: No change made to the waiver. The state agrees the toolkit is a useful guide. The statewide transition plan proposes to establish standards around acceptable evidence of compliance in order to demonstrate the setting does not have the effect of isolating individuals from the greater community.

Comment: The center provides for everything I need.

Response: No change made to the waiver. No change requested.

Appendix A: Waiver Administration and Operation

1. State Line of Authority for Waiver Operation. Specify the state line of authority for the operation of the waiver (select one):

- The waiver is operated by the State Medicaid agency.**

Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (select one):

- The Medical Assistance Unit.**

Specify the unit name:

Bureau of Long Term Care Services and Supports

(Do not complete item A-2)

- Another division/unit within the State Medicaid agency that is separate from the Medical Assistance Unit.**

Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency.

(Complete item A-2-a).

- The waiver is operated by a separate agency of the State that is not a division/unit of the Medicaid agency.**

Specify the division/unit name:

In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency

agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (*Complete item A-2-b*).

Appendix A: Waiver Administration and Operation

2. Oversight of Performance.

- a. Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency.** When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:

As indicated in section 1 of this appendix, the waiver is not operated by another division/unit within the State Medicaid agency. Thus this section does not need to be completed.

- b. Medicaid Agency Oversight of Operating Agency Performance.** When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:

As indicated in section 1 of this appendix, the waiver is not operated by a separate agency of the State. Thus this section does not need to be completed.

Appendix A: Waiver Administration and Operation

- 3. Use of Contracted Entities.** Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (*select one*):

- Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).**

Specify the types of contracted entities and briefly describe the functions that they perform. *Complete Items A-5 and A-6.*

ODM contracts with multiple case management agencies (CMA) to perform certain program and case management functions as described in Appendix A-7. These contracts were competitively bid. The CMAs and any of its subcontractors may not provide direct home health or waiver program services to any individuals enrolled on the Ohio Home Care Waiver through the entire term of their CMA contracts. At the point new level of care requirements are in effect, during the first year of an individual's waiver eligibility, the case managers who render ongoing case management services cannot be the same case managers who determined initial eligibility.

ODM also contracts with a single entity to perform provider oversight activities and incident investigations. This contract was competitively bid.

ODM has long contracted with a single entity to operate an electronic case management system for the ODM-administered waivers. Since 2013, it has functioned discretely from the case management and provider oversight contracts governing the Ohio Home Care Waiver. In 2014, ODM entered into a competitively bid contract another entity for the purpose of developing a new cloud-based individual assessment and care management system. This system will interface with both Ohio Benefits (Ohio's new Medicaid eligibility system) and Ohio's Medicaid Information Technology System (MITS) to ensure that eligible individuals will be covered for the level and type of service needed, and that as their needs change, service authorization controls exist to timely modify payment authorization and monitoring. It will support individual assessment operations, a variety of populations, and all components of case management and provider oversight required for administration of the Ohio Home Care Waiver.

- No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).**

Appendix A: Waiver Administration and Operation

- 4. Role of Local/Regional Non-State Entities.** Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (*Select One*):

- Not applicable**

- Applicable** - Local/regional non-state agencies perform waiver operational and administrative functions.

Check each that applies:

- Local/Regional non-state public agencies** perform waiver operational and administrative functions at the local or regional level. There is an **interagency agreement or memorandum of understanding** between the State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.

Specify the nature of these agencies and complete items A-5 and A-6:

- Local/Regional non-governmental non-state entities** conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The **contract(s)** under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Specify the nature of these entities and complete items A-5 and A-6:

Appendix A: Waiver Administration and Operation

- 5. Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities.** Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:

ODM is responsible for the monitoring and oversight of all of the contractors described in Appendix A-3.

Appendix A: Waiver Administration and Operation

- 6. Assessment Methods and Frequency.** Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:

ODM continually monitors the quality of its contractors' performance. A variety of monitoring and oversight methods are utilized, and the frequency of the State's monitoring activities varies depending upon the item/activity (i.e., some contract deliverables are monitored monthly while others are monitored quarterly, etc.). Monitoring activities include, but are not limited to:

- * Review of contract deliverables (reviewed monthly/quarterly)
- * Periodic (as needed) and annual site reviews
- * Ongoing reviews
- * Performance standards (reviewed semi-annually during quality briefings)
- * Onsite observation (as needed)
- * Complaint monitoring (reviewed monthly)

When a contractor fails to meet federal or state program requirements, contract deliverables or performance standards

for work requirements, ODM notifies the contractor of performance deficiencies via a Notice of Operational Deficiency. In response to the notification, the contractor is required to submit a plan of correction to ODM describing actions that will be taken to correct deficiencies, including dates for actions to be completed. Notifications may result in the imposition of progressive corrective measures, including but not limited to:

- Meeting with ODM to identify problems and develop a program of additional training and technical assistance in order to meet the specific program requirement, contract deliverable, or performance standard.
- Referral to any regulatory agency charged with investigating specific complaints and/or situations.
- Withholding part or all of a contractor's fees until a program requirement, contract deliverable, or performance standard is met. This may occur along with other corrective measures.
- Assigning part or all of a contractor's caseload to ODM staff or another available ODM contractor until a program requirement, contract deliverable, or performance standard is met. This may occur along with other corrective measures.
- Imposing actual or liquid damages. The State has the option of collecting actual direct or liquid damages from a contractor for any default. For each instance of default, the State provides the contractor with estimates of the actual direct damages sustained due to the default. If the actual direct damages cannot be determined due to the nature of the default, the State may determine liquid damages. Liquid damages shall not exceed 10 percent of the cost of the contract for the fiscal year in which the default occurs. Events of default include, but are not limited to, the following:

** Failure by a CMA to adhere to the terms and conditions of their contract, including but not limited to clinical clinical management functions described in their Scope of Work, and completion within specified timeframes.

** Failure by the provider oversight contractor to adhere to the terms and conditions of its contract, including but not limited to the oversight functions described in their Scope of Work, and completion within specified timeframes.

** Failure by a contractor to produce and comply with the Quality Management Plan, quarterly management reports, and/or monthly performance reports described in the contract deliverables, including submittal within specified timeframes.

** Failure by a contractor to adhere to all state and federal rules and program requirements.

Progressive corrective measures may ultimately lead to termination of a contract.

Appendix A: Waiver Administration and Operation

- 7. Distribution of Waiver Operational and Administrative Functions.** In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (*check each that applies*):

In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency. *Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.*

Function	Medicaid Agency	Contracted Entity
Participant waiver enrollment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Waiver enrollment managed against approved limits	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waiver expenditures managed against approved levels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Level of care evaluation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Review of Participant service plans	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Prior authorization of waiver services	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Utilization management	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Qualified provider enrollment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Execution of Medicaid provider agreements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Establishment of a statewide rate methodology	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rules, policies, procedures and information development governing the waiver program	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Quality assurance and quality improvement activities		

Function	Medicaid Agency	Contracted Entity
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Appendix A: Waiver Administration and Operation

Quality Improvement: Administrative Authority of the Single State Medicaid Agency

As a distinct component of the State’s quality improvement strategy, provide information in the following fields to detail the State’s methods for discovery and remediation.

a. Methods for Discovery: Administrative Authority

The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.

i. Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Performance measures for administrative authority should not duplicate measures found in other appendices of the waiver application. As necessary and applicable, performance measures should focus on:

- Uniformity of development/execution of provider agreements throughout all geographic areas covered by the waiver
- Equitable distribution of waiver openings in all geographic areas covered by the waiver
- Compliance with HCB settings requirements and other new regulatory components (for waiver actions submitted on or after March 17, 2014)

Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(1) Number and percentage of complaints filed that were resolved within 15 calendar days.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>

<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(2) Number and percentage of chart audits conducted where the chart was found to be at least 95% compliant with the review standards.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Chart Audit

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample

		Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input checked="" type="checkbox"/> Other Specify: By region; 95% within MOE of +/- 6%
	<input checked="" type="checkbox"/> Other Specify: Semi-annually	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify: Semi-annually

Performance Measure:

(3) Number and percent of contract reviews conducted where the contract was found to be at least 90% compliant with the review standards.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Data Collection

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach(check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review

<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

The Ongoing Review process gathers data to measure compliance and performance regarding specific waiver assurances and other areas. This process includes record reviews and in-person interviews with individuals enrolled on the waiver. ODM selects a random sample of waiver participants, conducts the reviews, and compiles the data for reporting and analysis. Through this process, ODM conducts enough reviews to produce waiver-specific findings that can be reported with 95% confidence of being within a margin of error of +/- 8%.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

ODM has operational responsibility for the Ohio Home Care Waiver. As part of that responsibility, ODM delegates certain functions to case management agencies that operate around the state and a single provider oversight contractor. Contracts between ODM and these entities include language authorizing ODM to perform oversight activities that help to establish the program's compliance with federal and state laws and regulations, as well as auditing and fiscal compliance. In the Ohio Home Care Waiver, Ohio integrates the State's Medicaid quality strategy into HCBS waivers by aligning ODM's waiver quality processes with that work. ODM employs a multi-faceted monitoring and oversight process that includes the following:

Monthly and Quarterly Reporting – Case management agencies and the provider oversight contractor are monitored through data reports specified in their contract. These reports are generated by either the contractor or ODM directly and enable ODM to monitor operational output and quality performance data.

Ongoing Review – Every year, ODM conducts interviews with approximately 400 randomly selected waiver participants to measure compliance with performance regarding waiver assurances, including service planning, care management, free choice of provider, level of care, health and welfare, hearing rights, participant satisfaction and validation of service delivery.

Targeted Review – ODM places a priority on maintaining a presence in the community to monitor individual health outcomes and to identify opportunities for program improvement. ODM conducts a series of targeted reviews of individuals enrolled on HCBS waivers across populations. These reviews are performed on a subset of individuals enrolled on all of the State's HCBS waivers. Ohio uses claims data and other criteria to identify a target group on the basis of, for example, diagnosis, service utilization (over or under), medications and care management. The goal of these targeted reviews is to locate "hot spots" within the program and identify at-risk individuals who, with the assistance of our partners (i.e., sister agencies, case managers and providers, etc.), the State can help to avoid or mitigate negative health outcomes. Targeted reviews may be structured to focus on individual health and safety which may include individuals who meet a certain clinical profile, such as those with uncontrolled diabetes or avoidable hospitalizations and/or the State may focus on oversight of delegated administrative functions and compliance with waiver assurances, etc. Through this process, ODM identifies opportunities for program improvement and/or increased oversight. Should ODM have findings from the targeted review, the department may require contractors and/or providers to develop and implement corrective action, as needed.

Annual Contractor Reviews – ODM conducts an annual review of each CMA and the provider oversight contractor in order to ensure compliance with all contract terms. The annual reviews include desk reviews and an on-site visit. ODM issues an annual review report and the CMAs and the provider oversight contractor are required to develop and submit a plan of correction related to all identified deficiencies. ODM continues to monitor their compliance with the plan of correction.

Quality Briefings – ODM meets with each contracted agency on a quarterly basis to dialogue about data generated through the departments' respective quality processes. In these meetings, the department reviews performance data generated through targeted reviews and discusses remediation and/or corrective action. These quality briefings are also informed by data presented by ODM on the oversight activities conducted by the agency, including but not limited to, problems detected, corrective measures taken and how such measures are/were verified. The quality briefings also serve as the forum for ODM and contractors to share and review performance metrics.

Quarterly Performance Data and Multi-Agency Quality Forums – ODM convenes a multi-agency HCBS waiver Quality Steering Committee (QSC). The QSC reviews data across waiver programs and operating agencies, as well as other quality initiatives within ODM and sister-state agencies as a means to assess and compare performance across Ohio's Medicaid waiver systems. They serve to identify such things as cross-waiver structural weaknesses, support collaborative efforts to improve waiver systems and to help move Ohio toward a more unified quality management system.

Case-Specific Resolution – ODM assures case-specific resolution through "Alert Monitoring", incident management, and the "Adverse Outcomes" process.

Fiscal Reviews – ODM staff perform regular desk reviews of administrative costs, with A-133 Audits being performed every one to three years based on risk. Additional detail about Ohio’s practice for maintaining fiscal oversight of the Ohio Home Care Waiver can be found in Appendix I.

Open lines of Communications – ODM regularly communicates with case management agencies and the provider oversight contractor about case-specific matters and other issues related to program operations, provides technical assistance and responds to inquiries. Topics include, but are not limited to, individual health and welfare, program administration, budgeting, enrollment, providers and provider enrollment, provider reimbursement, issues pertaining to Medicaid state plan services, pending legislation, statutory and rule changes, etc. ODM also conducts a monthly “all contractors meeting” as well as monthly “one-on-one” meetings with each contractor. Contractors are also represented on the Quality Steering Committee, Protection from Harm workgroup and various stakeholder groups.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify: Semi-annually

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operational.

- No
- Yes

Please provide a detailed strategy for assuring Administrative Authority, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix B: Participant Access and Eligibility

B-1: Specification of the Waiver Target Group(s)

a. Target Group(s). Under the waiver of Section 1902(a)(10)(B) of the Act, the State limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. *In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
<input checked="" type="checkbox"/> Aged or Disabled, or Both - General					
	<input type="checkbox"/>	Aged			<input type="checkbox"/>

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
	<input checked="" type="checkbox"/>	Disabled (Physical)	0	59	
	<input type="checkbox"/>	Disabled (Other)			
<input type="checkbox"/> Aged or Disabled, or Both - Specific Recognized Subgroups					
	<input type="checkbox"/>	Brain Injury			<input type="checkbox"/>
	<input type="checkbox"/>	HIV/AIDS			<input type="checkbox"/>
	<input type="checkbox"/>	Medically Fragile			<input type="checkbox"/>
	<input type="checkbox"/>	Technology Dependent			<input type="checkbox"/>
<input type="checkbox"/> Intellectual Disability or Developmental Disability, or Both					
	<input type="checkbox"/>	Autism			<input type="checkbox"/>
	<input type="checkbox"/>	Developmental Disability			<input type="checkbox"/>
	<input type="checkbox"/>	Intellectual Disability			<input type="checkbox"/>
<input type="checkbox"/> Mental Illness					
	<input type="checkbox"/>	Mental Illness			
	<input type="checkbox"/>	Serious Emotional Disturbance			

b. Additional Criteria. The State further specifies its target group(s) as follows:

*Individuals 0 through 59 years of age who require an intermediate (nursing facility) level of care or a skilled (hospital) level of care.

Also, on a time-limited basis and within a reserved capacity that has been established for the waiver, the state targets individuals determined by ODM to be eligible for the HOME Choice (Money Follows the Person) Demonstration Program, and who meet the eligibility criteria for the Ohio Home Care Waiver.

Individuals enrolled in the Ohio Home Care Waiver who are potentially subject to mandatory enrollment in the ICDS 1915(b)/(c) Waiver shall be eligible for participation in the Ohio Home Care Waiver only until the date on which enrollment in the ICDS Waiver commences. Transitions into the ICDS Waiver shall occur as described in the waiver's Transition Plan.

ODM will be permitted to enroll individuals disenrolling from another NF-LOC waiver, who meet the eligibility criteria for the Ohio Home Care Waiver. These individuals will retain their LOC determination for the period it would have been effective in the waiver from which they disenrolled, absent a change of condition.

c. Transition of Individuals Affected by Maximum Age Limitation. When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (*select one*):

- Not applicable. There is no maximum age limit
- The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.

Specify:

ODM will disenroll individuals from the Ohio Home Care Waiver upon assessment following their 60th birthday. The case manager's discharge planning responsibilities include assisting the individual with enrollment on another appropriate NF-LOC waiver. Individuals will retain their LOC determination for the period it would have been effective in the Ohio Home Care Waiver, absent a change of condition.

Appendix B: Participant Access and Eligibility

B-2: Individual Cost Limit (1 of 2)

a. Individual Cost Limit. The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (*select one*). Please note that a State may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

- No Cost Limit.** The State does not apply an individual cost limit. *Do not complete Item B-2-b or item B-2-c.*
- Cost Limit in Excess of Institutional Costs.** The State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the State. *Complete Items B-2-b and B-2-c.*

The limit specified by the State is (*select one*)

- A level higher than 100% of the institutional average.**

Specify the percentage:

- Other**

Specify:

At the time of enrollment on the Ohio Home Care Waiver, no individual's waiver costs shall exceed \$14,700 per month.

Individuals are assigned a monthly cost limit based on their service needs as identified in the planning process. The cost limit is based on the monthly cost of services as identified in the person-centered service plan. Cost limits are adjusted when service needs change. When person-centered service plans result in waiver service cost increases of \$1000 or more per month, or contract-specified services exceed \$14,000 per month, the CMA must obtain prior authorization from ODM in accordance with the process described in Appendix C-4-a.

- Institutional Cost Limit.** Pursuant to 42 CFR 441.301(a)(3), the State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. *Complete Items B-2-b and B-2-c.*
- Cost Limit Lower Than Institutional Costs.** The State refuses entrance to the waiver to any otherwise qualified individual when the State reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the State that is less than the cost of a level of care specified for the waiver.

Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.

The cost limit specified by the State is (*select one*):

- The following dollar amount:**

Specify dollar amount:

The dollar amount (*select one*)

- Is adjusted each year that the waiver is in effect by applying the following formula:**

Specify the formula:

- May be adjusted during the period the waiver is in effect. The State will submit a waiver amendment to CMS to adjust the dollar amount.
- The following percentage that is less than 100% of the institutional average:

Specify percent:

- Other:

Specify:

Appendix B: Participant Access and Eligibility

B-2: Individual Cost Limit (2 of 2)

- b. Method of Implementation of the Individual Cost Limit.** When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual's health and welfare can be assured within the cost limit:

Subsequent to application for waiver enrollment, at any time the individual's waiver service needs are determined to exceed \$14,700 per month, the applicant will be denied enrollment on the Ohio Home Care Waiver. All applicants denied entrance to the waiver are provided information on fair hearing rights and processes.

- c. Participant Safeguards.** When the State specifies an individual cost limit in Item B-2-a and there is a change in the participant's condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, the State has established the following safeguards to avoid an adverse impact on the participant (*check each that applies*):

- The participant is referred to another waiver that can accommodate the individual's needs.
- Additional services in excess of the individual cost limit may be authorized.

Specify the procedures for authorizing additional services, including the amount that may be authorized:

- Other safeguard(s)

Specify:

In addition to other safeguards checked above, individuals may be referred to other state/local home and community-based programs. If no other alternatives are appropriate to meet the individual's needs, he/she will be referred for institutional services.

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (1 of 4)

- a. Unduplicated Number of Participants.** The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The State will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

Waiver Year	Unduplicated Number of Participants
Year 1	11450

Waiver Year	Unduplicated Number of Participants
Year 2	11900
Year 3	12350
Year 4	7200
Year 5	8000

b. **Limitation on the Number of Participants Served at Any Point in Time.** Consistent with the unduplicated number of participants specified in Item B-3-a, the State may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the State limits the number of participants in this way: (*select one*):

- The State does not limit the number of participants that it serves at any point in time during a waiver year.
- The State limits the number of participants that it serves at any point in time during a waiver year.

The limit that applies to each year of the waiver period is specified in the following table:

Table: B-3-b

Waiver Year	Maximum Number of Participants Served At Any Point During the Year
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (2 of 4)

c. **Reserved Waiver Capacity.** The State may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State (*select one*):

- Not applicable. The state does not reserve capacity.
- The State reserves capacity for the following purpose(s).

Purpose(s) the State reserves capacity for:

Purposes
Reserved Capacity for HOME Choice Demonstration Participants

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (2 of 4)

Purpose (*provide a title or short description to use for lookup*):

Reserved Capacity for HOME Choice Demonstration Participants

Purpose (describe):

Establishment of a reserved capacity of waiver slots in order to support the implementation of a Money Follows the Person Demonstration Grant the State received from CMS. Known as the HOME Choice (Helping Ohioans Move, Expanding Choice) Program, it transitions qualifying participants currently residing in nursing facilities, ICFs-IID, residential treatment facilities and hospitals into their own homes or other community settings. The HOME Choice Program provides additional services to enhance existing Medicaid State Plan and HCBS that will enable them to safely and successfully integrate into community life. Participants are entitled to receive HOME Choice Program services for 365 days beginning on the day they move from an institutional setting into the community. All individuals enrolled on the Ohio Home Care Waiver, including those participating in the HOME Choice Program, have comparable access to all services offered in the waiver. While the federal funding for the demonstration will cease 9/1/2020, the HOME Choice Program will continue in Ohio.

Describe how the amount of reserved capacity was determined:

Reserve capacity for the Ohio Home Care Waiver was projected as 80 percent of ODM enrollment in the HOME Choice Program, with the remaining 20 percent of ODM HOME Choice enrollees distributed across other ODM-administered waivers.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	400
Year 2	450
Year 3	500
Year 4	550
Year 5	600

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (3 of 4)

d. Scheduled Phase-In or Phase-Out. Within a waiver year, the State may make the number of participants who are served subject to a phase-in or phase-out schedule (*select one*):

- The waiver is not subject to a phase-in or a phase-out schedule.**
- The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.**

e. Allocation of Waiver Capacity.

Select one:

- Waiver capacity is allocated/managed on a statewide basis.**
- Waiver capacity is allocated to local/regional non-state entities.**

Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:

f. Selection of Entrants to the Waiver. Specify the policies that apply to the selection of individuals for entrance to the waiver:

In general, waiver applicants are considered on a first come-first serve basis according to the signature date on their HCBS waiver referral. However, priority is given to the following persons applying for enrollment on the Ohio Home Care Waiver:

*Children who are from birth up to, but not including, age 21 who:

* Were residing in an inpatient hospital setting at the time of, and at least fourteen consecutive days prior to, application for the Ohio Home Care Waiver; or

* Have had three or more inpatient hospital stays during the twelve months prior to application for the Ohio Home Care Waiver.

*Individuals between the ages of 21 and 59 who resided in an inpatient hospital setting for 14 consecutive days prior to application for the Ohio Home Care Waiver.

*Individuals from birth through age 59 living in the community living in the community who are at imminent risk of institutionalization due to the documented loss of a primary caregiver.

*Individuals from birth through age 59 who, at the time of application for the Ohio Home Care Waiver, were receiving private duty nursing services for at least 12 consecutive months.

*Individuals from birth through age 59 who are residents of a Medicaid-funded nursing facility at the time of application.

*On a time-limited basis, and within a reserved capacity established by this waiver, individuals from birth through age 59 who are residing in a residential treatment facility, or an inpatient hospital setting, and who have been determined by ODM to be eligible for the HOME Choice (Money Follows the Person) Program.

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served - Attachment #1 (4 of 4)

Answers provided in Appendix B-3-d indicate that you do not need to complete this section.

Appendix B: Participant Access and Eligibility

B-4: Eligibility Groups Served in the Waiver

a.

1. **State Classification.** The State is a (*select one*):

- §1634 State
 SSI Criteria State
 209(b) State

2. **Miller Trust State.**

Indicate whether the State is a Miller Trust State (*select one*):

- No
 Yes

b. **Medicaid Eligibility Groups Served in the Waiver.** Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the State plan. The State applies all applicable federal financial participation limits under the plan. *Check all that apply:*

Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR §435.217)

- Low income families with children as provided in §1931 of the Act
 SSI recipients
 Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121

- Optional State supplement recipients**
 Optional categorically needy aged and/or disabled individuals who have income at:

Select one:

- 100% of the Federal poverty level (FPL)**
 % of FPL, which is lower than 100% of FPL.

Specify percentage:

- Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII) of the Act)**
 Working individuals with disabilities who buy into Medicaid (TWWIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)
 Working individuals with disabilities who buy into Medicaid (TWWIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)
 Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)
 Medically needy in 209(b) States (42 CFR §435.330)
 Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)
 Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)

Specify:

Special home and community-based waiver group under 42 CFR §435.217) Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed

- No. The State does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. Appendix B-5 is not submitted.**
 Yes. The State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.

Select one and complete Appendix B-5.

- All individuals in the special home and community-based waiver group under 42 CFR §435.217**
 Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217

Check each that applies:

- A special income level equal to:**

Select one:

- 300% of the SSI Federal Benefit Rate (FBR)**
 A percentage of FBR, which is lower than 300% (42 CFR §435.236)

Specify percentage:

- A dollar amount which is lower than 300%.**

Specify dollar amount:

- Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)**

- Medically needy without spenddown in States which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)
- Medically needy without spend down in 209(b) States (42 CFR §435.330)
- Aged and disabled individuals who have income at:

Select one:

- 100% of FPL
- % of FPL, which is lower than 100%.

Specify percentage amount:

- Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (1 of 7)

In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.

- a. Use of Spousal Impoverishment Rules.** Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:

Note: For the five-year period beginning January 1, 2014, the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.

- Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the State uses *spousal* post-eligibility rules under §1924 of the Act. Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after December 31, 2018.

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018 (select one).

- Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.

In the case of a participant with a community spouse, the State elects to (*select one*):

- Use spousal post-eligibility rules under §1924 of the Act.
(Complete Item B-5-c (209b State) and Item B-5-d)
- Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State)
(Complete Item B-5-c (209b State). Do not complete Item B-5-d)
- Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The State uses regular post-eligibility rules for individuals with a community spouse.
(Complete Item B-5-c (209b State). Do not complete Item B-5-d)

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (2 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

b. Regular Post-Eligibility Treatment of Income: SSI State.

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (3 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

c. Regular Post-Eligibility Treatment of Income: 209(B) State.

The State uses more restrictive eligibility requirements than SSI and uses the post-eligibility rules at 42 CFR 435.735 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following amounts and expenses from the waiver participant's income:

i. Allowance for the needs of the waiver participant (select one):

- The following standard included under the State plan

(select one):

- The following standard under 42 CFR §435.121

Specify:

- Optional State supplement standard
 Medically needy income standard
 The special income level for institutionalized persons

(select one):

- 300% of the SSI Federal Benefit Rate (FBR)
 A percentage of the FBR, which is less than 300%

Specify percentage:

- A dollar amount which is less than 300%.

Specify dollar amount:

- A percentage of the Federal poverty level

Specify percentage:

- Other standard included under the State Plan

Specify:

- The following dollar amount**

Specify dollar amount: If this amount changes, this item will be revised.

- The following formula is used to determine the needs allowance:**

Specify:

65% of 300% of the SSI payment for an individual

- Other**

Specify:

ii. Allowance for the spouse only (select one):

- Not Applicable**

- The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:**

Specify:

Specify the amount of the allowance (select one):

- The following standard under 42 CFR §435.121**

Specify:

- Optional State supplement standard**

- Medically needy income standard**

- The following dollar amount:**

Specify dollar amount: If this amount changes, this item will be revised.

- The amount is determined using the following formula:**

Specify:

iii. Allowance for the family (select one):

- Not Applicable (see instructions)**

- AFDC need standard**

- Medically needy income standard**

- The following dollar amount:**

Specify dollar amount: The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the

medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.

- The amount is determined using the following formula:**

Specify:

- Other**

Specify:

iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.

Select one:

- Not Applicable (see instructions)***Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.*
- The State does not establish reasonable limits.**
- The State establishes the following reasonable limits**

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (4 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules

The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility under §1924 of the Act. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).

i. Allowance for the personal needs of the waiver participant

(select one):

- SSI standard**
- Optional State supplement standard**
- Medically needy income standard**
- The special income level for institutionalized persons**
- A percentage of the Federal poverty level**

Specify percentage:

The following dollar amount:

Specify dollar amount: If this amount changes, this item will be revised

The following formula is used to determine the needs allowance:

Specify formula:

65% of 300% of SSI payment for an individual.

Other

Specify:

ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.

Select one:

- Allowance is the same**
 Allowance is different.

Explanation of difference:

iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:

- a. Health insurance premiums, deductibles and co-insurance charges
 b. Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.

Select one:

- Not Applicable (see instructions)***Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.*
 The State does not establish reasonable limits.
 The State uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (5 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

e. Regular Post-Eligibility Treatment of Income: SSI State or §1634 State - 2014 through 2018.

Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (6 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

f. Regular Post-Eligibility Treatment of Income: 209(B) State - 2014 through 2018.

Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (7 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules - 2014 through 2018.

The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).

Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-6: Evaluation/Reevaluation of Level of Care

As specified in 42 CFR §441.302(c), the State provides for an evaluation (and periodic reevaluations) of the need for the level (s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.

- a. Reasonable Indication of Need for Services.** In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the State's policies concerning the reasonable indication of the need for services:

i. Minimum number of services.

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is: 1

ii. Frequency of services. The State requires (select one):

- The provision of waiver services at least monthly**
 Monthly monitoring of the individual when services are furnished on a less than monthly basis

If the State also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:

- b. Responsibility for Performing Evaluations and Reevaluations.** Level of care evaluations and reevaluations are performed (select one):

- Directly by the Medicaid agency**
 By the operating agency specified in Appendix A
 By an entity under contract with the Medicaid agency.

Specify the entity:

Other
Specify:

The contracted CMAs, or when necessary, the state Medicaid agency. For example, if the case management contract ends unexpectedly, or if evaluations and reevaluations are completed as part of the state's monitoring activities.

- c. Qualifications of Individuals Performing Initial Evaluation:** Per 42 CFR §441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

Registered Nurses (RN) and social workers (LSW or LISW) licensed to practice in the State of Ohio conduct initial level of care assessments.

- d. Level of Care Criteria.** Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the State's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized.

As a condition of waiver eligibility, applicants must meet either the intermediate level of care (ILOC) or skilled level of care (SLOC) criteria set forth in OAC rule 5160-3-08 for individuals age 21 and older, and rule OAC 5160-3-09 for individuals through age twenty.

The ILOC criteria for children includes skilled nursing service needs and age-appropriate ADL and IADL assistance needs which are broken down by age cohort as follows:

- Birth through age five months: Needs assistance with at least one age-appropriate ADL and needs at least one skilled nursing services at least two days per week.
- Age six months through thirteen years: Needs assistance with at least two age-appropriate ADLs and needs at least one skilled nursing services at least two days per week.
- Age fourteen years through twenty years: Either needs assistance with at least two age-appropriate ADLs and needs assistance with at least three age-appropriate IADLs or, needs assistance with at least two age-appropriate ADLs and needs at least one skilled nursing service at least two days per week.

The SLOC criteria for individuals through age twenty is met when long-term services and supports needs exceed the criteria for the intermediate level of care or the developmental disabilities level of care. They must have an unstable medical condition and either one skilled nursing service need at least seven days per week or one skilled rehabilitation service need at least five days per week.

The level of care for an individual through age twenty seeking ODM-administered nursing facility-based waiver services is determined through the ODM 10126 "Child Comprehensive Assessment Tool" (CCAT).

The ILOC criteria for individuals age twenty-one and older is met when long-term services and supports needs exceed the criteria for the protective level of care. The ILOC criteria includes skilled nursing service needs, skilled rehabilitation service needs, ADL assistance needs, assistance with medication self-administration, and the need for twenty-four hour support in order to prevent harm due to a cognitive impairment and can be met in one of the following ways:

- Assistance with a minimum of at least two ADLs.
- Assistance with a minimum of at least one ADL and assistance with medication self-administration.
- A minimum of at least one skilled nursing service or skilled rehabilitation service.
- Twenty-four hour support in order to prevent harm due to a cognitive impairment.

The SLOC criteria for individuals age twenty-one and older is met when their long-term services and supports needs exceed the criteria for the intermediate level of care or the developmental disabilities level of care. They must have an unstable medical condition and either one skilled nursing service need at least seven days per week or one skilled rehabilitation service need at least five days per week.

The level of care for an adult seeking ODM-administered nursing facility-based waiver services is determined through the ODM 10125 "Adult Comprehensive Assessment Tool" (ACAT).

- e. **Level of Care Instrument(s).** Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (*select one*):

- The same instrument is used in determining the level of care for the waiver and for institutional care under the State Plan.**
- A different instrument is used to determine the level of care for the waiver than for institutional care under the State plan.**

Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.

A different instrument is used to determine the level of care for the waiver than for institutional care under the State Plan.

There are four new assessment tools being developed for use in determining level of care eligibility. The forms are: ODM 10125 “Adult Comprehensive Assessment Tool” (ACAT), ODM 10126 “Child Comprehensive Assessment Tool” (CCAT), ODM 10127 “Adult Level of Care Questionnaire” and ODM 10128 “Child Level of Care Questionnaire.” Each of the forms identifies the medical, developmental, behavioral, and ADL/IADL needs of the individual. The ODM 10127 and ODM 10128 assess the needs of individuals requesting Medicaid payment for a nursing facility stay. The ODM 10125 and ODM 10126 include all of the questions on the ODM 10127 and ODM 10128, respectively, but also include an evaluation of the individual’s living arrangements, family circumstances, caregiver needs, and formal/informal supports. The ODM 10125 and ODM 10126 are comprehensive case management tools used in nursing facility-based level of care waiver administration.

While Ohio has four different forms for these level of care populations, the ODM 10127 is a subset of questions included in the ODM 10125 for individuals age twenty-one and older. The ODM 10128 is a subset of questions included in the ODM 10126 for individuals through age twenty.

- f. **Process for Level of Care Evaluation/Reevaluation:** Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

Application for enrollment in the Ohio Home Care Waiver is made through the county department of job and family services in the county in which the individual lives. The individual must apply for Medicaid and medical assistance, and must complete the ODM 02399, “Request for Medicaid Home and Community-Based Services (HCBS)”. The individual must complete the Long Term Questionnaire Screen in the ODM-approved assessment and case management system. The individual may request that the Single Entry Point (SEP) worker provide assistance in completing the questionnaire. Upon completion of the Long Term Care Questionnaire Screen, it will be determined if the individual meets the criteria for a priority assessment for waiver services. The ODM-approved assessment and case management system will notify a CMA that a waiver application has been received and assigned to the CMA.

Per its contract with ODM, each CMA is required to complete the assessment within 30 days. If it is designated a priority assessment, then it must be completed within 10 days. The individual can include other parties of their choosing in the assessment. An RN, LSW or LISW evaluates whether the applicant meets the SLOC or ILOC criteria set forth in OAC rules 5160-3-08 and 5160-3-09, respectively, and the individual is also assessed for Ohio Home Care Waiver eligibility pursuant to OAC rule 5160-46-02. The assessment is documented on the ACAT or CCAT, and the individual is informed of fair hearing/appeal rights in accordance with OAC Division 5101:6.

The process for reevaluation of level of care is the same.

- g. **Reevaluation Schedule.** Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (*select one*):

- Every three months**
- Every six months**
- Every twelve months**
- Other schedule**

Specify the other schedule:

- h. **Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations (*select one*):

- The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.**
- The qualifications are different.**
Specify the qualifications:

- i. Procedures to Ensure Timely Reevaluations.** Per 42 CFR §441.303(c)(4), specify the procedures that the State employs to ensure timely reevaluations of level of care (*specify*):

Tracking of level of care due dates occurs at the CMA level via an automated tickler system, resulting in the timely scheduling and performance of reevaluations. ODM will provide quarterly performance reports that include timeliness data to the CMAs. ODM reviews these reports with the CMAs and if there are problems, may require corrective action, or if necessary, initiate sanctions.

- j. Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR §441.303(c)(3), the State assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

Documentation of all level of care evaluations and reevaluations is maintained by the CMAs in accordance with state and federal regulations.

Appendix B: Evaluation/Reevaluation of Level of Care

Quality Improvement: Level of Care

As a distinct component of the State’s quality improvement strategy, provide information in the following fields to detail the State’s methods for discovery and remediation.

a. Methods for Discovery: Level of Care Assurance/Sub-assurances

The state demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with level of care provided in a hospital, NF or ICF/IID.

i. Sub-Assurances:

- a. Sub-assurance: An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.**

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(1) Number and percent of initial assessments completed for applicants who requested long term care services.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data		Sampling Approach <i>(check each that applies):</i>
-----------------------------------	--	---

collection/generation <i>(check each that applies):</i>		Frequency of data collection/generation <i>(check each that applies):</i>	
<input checked="" type="checkbox"/> State Medicaid Agency		<input type="checkbox"/> Weekly	
<input type="checkbox"/> Operating Agency		<input type="checkbox"/> Monthly	
<input type="checkbox"/> Sub-State Entity		<input checked="" type="checkbox"/> Quarterly	
<input type="checkbox"/> Other Specify:		<input type="checkbox"/> Annually	
<input type="checkbox"/> Continuously and Ongoing		<input type="checkbox"/> Stratified Describe Group:	
<input type="checkbox"/> Other Specify:		<input type="checkbox"/> Other Specify:	
<input type="checkbox"/> Other Specify:		<input type="checkbox"/> Other Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify:	<input type="checkbox"/> Annually
<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify:

b. *Sub-assurance: The levels of care of enrolled participants are reevaluated at least annually or as specified in the approved waiver.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(2) Number and percent of Level of Care redeterminations completed within 12 months of the previous Level of Care determination.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="text"/>	<input type="text"/>

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- c. *Sub-assurance: The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine participant level of care.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(3) Number and percent of waiver individuals with initial Level of Care determinations reviewed that were completed using the process required by the approved waiver.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval =

<input type="checkbox"/> Other Specify:	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group:
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify:
	<input type="checkbox"/> Other Specify:	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify:	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify:

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

ODM maintains a system for reporting and tracking to resolution called Adverse Outcomes. These problems are primarily identified through the Ongoing Review and may include items needing remediation such as a finding that an individual does not meet Level of Care. When an Adverse Outcome is reported on a LOC issue, ODM conducts additional investigation to determine the appropriate means to resolve the issue.

ODM relies on data gathered through Ongoing Review, monthly, and quarterly reports of output and quality performance data by the CMAs as a means to identify systems compliance and performance problems associated with LOC determinations. ODM uses Ongoing Review to validate that the CMAs are applying level of care rules accurately and consistently. The state verifies the accuracy of how the CMAs apply the level of care rules via the state's ongoing review process.

To address such systems problems: 1) ODM compiles the data showing evidence of the problem; 2) ODM presents the data to the CMAs in a Quality Briefing or monthly meeting; 3) ODM may conduct, or require the CMAs to conduct, further analysis to verify the finding and determine cause; 4) for verified findings, the CMAs are required to develop a plan for improvement; 5) ODM approves the plan for improvement; and 6) the CMAs implement the plan for improvement; 7) in a subsequent monthly meeting or Quality Briefing, ODM follows up on implementation of the plan for improvement with the CMAs; 8) ODM monitors data from subsequent reviews to verify improvement; 9) if the compliance or performance issues remain, ODM works with the CMAs to identify other solutions; this may result in a new or altered plan for improvement; and 10) if the improvement plan requires a substantive change in operations, ODM may alter the Quality Management Improvement Plan in order to formalize or clarify ODM expectations for the CMAs.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Level of Care, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix B: Participant Access and Eligibility

B-7: Freedom of Choice

Freedom of Choice. As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:

- i. informed of any feasible alternatives under the waiver; and
- ii. given the choice of either institutional or home and community-based services.

- a. Procedures.** Specify the State's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

At the time of initial assessment and reassessment, the CMA case managers are responsible for providing written materials and explaining information to individuals about feasible alternatives, and for informing individuals about their freedom of choice between waiver and institutional services.

Individuals enrolling on the Ohio Home Care Waiver receive a handbook at the time of enrollment. They also receive a copy of the handbook at the time of annual reassessment. The handbook details feasible alternatives that are available, including free choice of providers and the option to receive waiver services or institutional care. It also informs individuals of their rights and responsibilities while enrolled on the waiver. Among other things, those rights include the right to request a state hearing. Individuals sign an agreement documenting their choice of waiver services in lieu of institutional services. A copy of the agreement can be made available to CMS upon request.

- b. Maintenance of Forms.** Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

Documentation of Freedom of Choice forms is maintained by the CMAs in accordance with state and federal regulations.

Appendix B: Participant Access and Eligibility

B-8: Access to Services by Limited English Proficiency Persons

Access to Services by Limited English Proficient Persons. Specify the methods that the State uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):

Individuals with limited English proficiency have access to a variety of resources at the county, state and CMA levels at the time of application and after enrollment.

CDJFS

CDJFSs make translators available to individuals who need interpretation services as early as at the time of application. They also utilize a variety of State forms that have been translated into other languages including Spanish and Somali.

CMAs and the Provider Oversight Contractor

Each contractor has policies and procedures in place to ensure that individuals enrolled on the Ohio Home Care Waiver who have communication barriers such as limited English proficiency (LEP) or a speech and/or hearing impairment are able to communicate effectively. They make use of the language skills of their own staff, and will arrange for approved translation/interpreter services in a multitude of languages, including American Sign Language. Contractors will translate written materials upon request, and most are able to convert their websites into other languages by changing internet settings or using online translators.

ODM

Pursuant to Title VI of the Civil Rights Act of 1964, no person shall be discriminated based on race, color or national origin. Title VI has been interpreted by the US Department of Justice to prohibit discrimination against individuals who with limited English proficiency. To ensure compliance with Title VI, ODM has strategies in place to ensure all programs, support services and administrative offices have access to translation services and qualified interpreters. ODM encourages the use of interpretation and translation services when assisting individuals with limited English language proficiency.

To ensure persons with limited English proficiency have access to all benefits/services, ODM provides interpreters when needed and translates documents into certain languages as required by CMS. Vital documents such as applications, etc., that are necessary for individuals to receive services, are translated into different languages. The HCBS Waiver Guide is available in Spanish, as are the Medicaid Consumer Guide, information about Healthy Start, Healthchek, and Food Stamps, and state hearing rights forms. The Request for Cash, Food Stamp and Medical Assistance has also been translated into Somali.

The Office of Employee Relations provides technical assistance to ODM staff, over the telephone interpreting services is provided to ODM offices as requested, and language line services is provided to all program areas in the department. "Near-

instant interpretation services" are provided through a contract with ODM. As a result, telephone access to interpreters in more than 110 languages is offered. Other interpretation services are offered, as well.

ODM monitors access to services by persons with limited English proficiency as part of its ongoing monitoring activities described in this waiver.

Appendix C: Participant Services

C-1: Summary of Services Covered (1 of 2)

a. **Waiver Services Summary.** List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c:

Service Type	Service		
Statutory Service	Adult Day Health Center Services		
Statutory Service	Personal Care Aide Services		
Other Service	Emergency Response Services		
Other Service	Home Care Attendant Services		
Other Service	Home Delivered Meal Services		
Other Service	Home Modification Services		
Other Service	Out-of-Home Respite Services		
Other Service	Supplemental Adaptive and Assistive Device Services		
Other Service	Supplemental Transportation Services		
Other Service	Waiver Nursing Services		

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Service:

Alternate Service Title (if any):

Adult Day Health Center Services

HCBS Taxonomy:

Category 1:

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Service Definition (*Scope*):

Adult Day Health Center Services (ADHCS) are regularly scheduled services delivered at an adult day health center to individuals age eighteen or older. A qualifying adult day health center must be a freestanding building or a space within another building that is not be used for other purposes during the provision of ADHCS. The services that the adult day health center must provide are waiver nursing or personal care aide services, recreational and educational activities, and at least one meal, but no more than two meals, per day that meet the individual's dietary requirements. The services the adult day health center may also make available are skilled therapy services, and transportation of the individual to and from ADHCS.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

- *ADHCS are reimbursable at a full-day rate when five or more hours are provided to an individual in a day.
- *ADHCS are reimbursable at a half-day rate when less than five hours are provided to an individual in a day.
- *None of the services provided by the adult day health center are reimbursable separately.
- *ADHCS and the provider of such services must be identified on the person-centered service plan.
- *ADHCS do not include services performed in excess of what is approved pursuant to the person-centered service plan.
- *ADHCS do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (*check each that applies*):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (*check each that applies*):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Medicare-certified HHA; ACHC-, CHAP- or Joint Commission-accredited agency; adult day health centers

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Adult Day Health Center Services

Provider Category:

Provider Type:

Medicare-certified HHA; ACHC-, CHAP- or Joint Commission-accredited agency; adult day health centers

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Personal Care

Alternate Service Title (if any):

Personal Care Aide Services

HCBS Taxonomy:**Category 1:**

08 Home-Based Services

Sub-Category 1:

08030 personal care

Category 2:**Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Personal Care Aide Services are services provided to an individual pursuant to his or her person-centered service plan that assist the individual with activities of daily living (ADL) and instrumental activities of daily living (IADL) needs. Personal Care Aide Services consist of the following:

*Bathing, dressing, grooming, nail care, hair care, oral hygiene, shaving, deodorant application, skin care, foot care, feeding, toileting, assisting with ambulation, positioning in bed, transferring, range of motion exercises, and monitoring intake and output;

*General homemaking activities including, but not limited to: meal preparation and cleanup, laundry, bed-making, dusting, vacuuming and waste disposal;

*Household chores including, but not limited to washing floors, windows and walls, tacking down loose rugs and tiles; and moving heavy items to provide safe access and exit;

*Paying bills and assisting with personal correspondence as directed by the individual; and

*Accompanying or transporting the individual to Ohio Home Care Waiver services, medical appointments, other community services, or running errands on behalf of the individual.

Personal Care Aide Services provide needed personal care aide services up to the individual's approved individual

budget that are not otherwise available. It is different than state plan home health because its provider pool is not limited to Medicare-certified home health agencies and the scope of tasks that can be provided is much broader.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Personal Care Aide Services are intended to complement, not replace, similar services available under the Medicaid State Plan. They do not duplicate coverage provided under the State plan, including EPSDT services. They shall not be used in lieu of the Medicaid State Plan home health benefit when it has been determined the individual meets the eligibility criteria to receive that benefit as defined in Rule 5160-12-01 of the Administrative Code. Personal Care Aide Services shall not be authorized as an alternative when the individual refuses to utilize Medicaid home health benefits they have been determined eligible to receive. In these instances, the CMA is responsible for assisting the individual in assessing the risks associated with their decisions and exploring options for meeting the individual's identified needs.

Personal Care Aide Services and the provider of such services must be identified on the person-centered service plan. Personal Care Aide Services do not include services performed in excess of the number of hours approved pursuant to the person-centered service plan.

If the provider cannot perform IADLs, the provider must notify ODM or the CMA in writing of the service limitations before inclusion on the individual's person-centered service plan.

*Personal Care Aide Services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Medicare-certified home health agency; ACHC-, CHAP- or Joint Commission-accredited agency
Individual	Non-agency employed personal care aide

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service
Service Name: Personal Care Aide Services

Provider Category:

Agency

Provider Type:

Medicare-certified home health agency; ACHC-, CHAP- or Joint Commission-accredited agency

Provider Qualifications

License (specify):

Certificate (specify):

Medicare-certified HHA; ACHC-, CHAP- or Joint Commission-accreditation

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications**Entity Responsible for Verification:**

Agency

Frequency of Verification:

Upon employment

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Statutory Service****Service Name: Personal Care Aide Services****Provider Category:**

Individual ▾

Provider Type:

Non-agency employed personal care aide

Provider Qualifications**License (specify):****Certificate (specify):**

Certificate of completion within the last 24 months for either a competency evaluation program, or training and competency evaluation program approved or conducted by the Ohio Department of Health in accordance with section 3721.31 of the Revised Code; or the Medicare competency evaluation program for HHAs as specified in 42 CFR 484.36; or another equivalent training program that includes training in the following areas:

- *Personal Care Aide Services;
- *Basic home safety; and
- *Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken.

First aid certification.

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications**Entity Responsible for Verification:**

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service ▾

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Emergency Response Services

HCBS Taxonomy:**Category 1:****Sub-Category 1:**

14 Equipment, Technology, and Modifications

14010 personal emergency response system (PERS) ▼

Category 2:**Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Emergency Response Services (ERS) are emergency intervention services composed of telecommunications equipment (ERS equipment), an emergency response center and a medium for two-way, hands-free communication between the individual and the emergency response center. Personnel at the emergency response center intervene in an emergency when the center receives an alarm signal from the ERS equipment.

ERS can meet the needs of individuals who live alone, are alone for significant parts of the day, or have no regular caregiver for extended periods of time and would otherwise require extensive routine supervision. ERS includes installation, testing and equipment rental.

ERS equipment shall include a variety of remote or other specialty activation devices from which the individual can choose in accordance with the individual's specific needs. All ERS equipment shall have an internal battery that provides at least twenty-four hours of power without recharging and sends notification to the emergency response center when the battery's level is low. Equipment includes, but is not limited to:

*Wearable waterproof activation devices; and

*Devices that offer:

*Voice-to-voice communication capability,

*Visual indication of an alarm that may be appropriate if the individual is hearing impaired, or

*Audible indication of an alarm that may be appropriate if the individual is visually impaired.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

ERS does not include the following:

*Equipment such as a boundary alarm, a medication dispenser, a medication reminder, or any other equipment or home medical equipment or supplies, regardless of whether such equipment is connected to the ERS equipment.

*In-home communication connection systems used to supplant routine supervision of individuals under the age of eighteen.

*Remote monitoring services.

*Services performed in excess of what is approved pursuant to the individual's person-centered service plan.

*New equipment or repair of previously-approved equipment that has been damaged as a result of confirmed misuse, abuse or negligence.

Emergency Response Services and the providers of such services must be identified on the person-centered plan.

Emergency Response Services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (*check each that applies*):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (*check each that applies*):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Medicare-certified HHA; ACHC-, CHAP- or Joint Commission-accredited agencies, Other ERS agencies

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Emergency Response Services

Provider Category:

Agency ▼

Provider Type:

Medicare-certified HHA; ACHC-, CHAP- or Joint Commission-accredited agencies, Other ERS agencies

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually (first two years), and biennially thereafter

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Home Care Attendant Services

HCBS Taxonomy:**Category 1:**08 Home-Based Services **Sub-Category 1:**08030 personal care **Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Home care attendant services include all of the following tasks when provided by an unlicensed home care attendant, and authorized by a licensed physician or a registered nurse (RN) (hereafter referred to as the authorizing health care professional):

- * Assistance with the self-administration of medications in accordance with OAC rule 5160-46-04.1;
- * The performance of certain nursing tasks in accordance with OAC rule 5160-46-04.1; and
- * Personal care aide tasks as set forth in OAC rule 5160-46-04.

While this service includes personal care aide tasks, it is more involved because of the provision of assistance with self-administration of medication and the performance of certain nursing tasks - tasks that have, until the passage of RC 5166.30-5166.3010, and the addition of this service, had to be performed by an RN, or licensed practical nurse at the direction of an RN, as waiver nursing, private duty nursing or home health nursing services.

Home care attendants are non-agency providers (i.e., independent contractors) who bill ODM directly for reimbursement for services provided. The service doesn't require a financial management service (FMS) provider, and ODM issues the 1099 directly to the home care attendant. Individuals who receive home care attendant services do not have employer authority or budget authority, nor do they bear any liability for home care attendant services.

A home care attendant shall assist an individual with the self-administration of only the following medication: oral medications; topical medications; subcutaneous injections of routine doses of insulin; programming of a pump used to deliver routine doses of insulin; medication administered via stable, labeled gastrostomy or jejunostomy tubes using pre-programmed pumps; and doses of schedule II, III, IV and V drugs only when administered orally or topically.

A home care attendant shall not assist an individual with the performance of any of the following nursing tasks: intravenous (IV) insertion, removal or discontinuation; intramuscular injections; IV medication administration; subcutaneous injections (except for routine doses of insulin as described in the previous paragraph); programming of pumps used to deliver medications, including but not limited to epidural, subcutaneous and IV (and except for routine doses of insulin as described in the previous paragraph); insertion and initiation of infusion therapies; and central line dressing changes.

In accordance with OAC rule 5160-45-03, all ODM-administered waiver individuals and their authorized

representatives are empowered to have choice and control over the arrangement and provision of the services they receive, and free choice of provider. For the purposes of the Ohio Home Care Waiver, such services include home care attendant services. The individual must be determined through the assessment and service planning processes to have nursing needs that can be safely met through home care attendant services. Adult individuals may designate an authorized representative to act on their behalf. Individuals who are minors must have an authorized representative. The authorized representative must be present and awake during the provision of home care attendant services.

Home care attendant services must be authorized by an authorizing health care professional. ODM must receive an ODM 2389 "Home Care Attendant Medication Authorization Form" and/or an ODM 2390 "Home Care Attendant Skilled Task Authorization Form" that bear the signatures of the individual or authorized representative, home care attendant and the authorizing health care professional. These forms identify the following:

- * The individual's choice of home care attendant and written consent from the individual or authorized representative allowing the attendant to provide the specific home care attendant services identified during the assessment and service planning processes.

- * Written assurance from the individual's authorizing health care professional attesting that the individual or authorized representative possesses the skills necessary to:

- + Actively choose the home care attendant service (over skilled nursing services);
- + Actively choose their home care attendant; and
- + Participate in the implementation of the service itself.

- * Written assurance from the authorizing health care professional that the attendant has demonstrated the ability to furnish the individual-specific home care attendant service to the individual.

- * A description of the specific nursing task or self-administration of medication that the home care attendant will assist the individual with, and instructions the attendant must follow when assisting the individual.

The home care attendant is required to secure the services of an RN, in agreement with the individual or authorized representative, and participate in a face-to-face visit every ninety days with the individual, authorized representative, and the RN for the purpose of monitoring the individual's health and welfare. The first RN visit shall occur upon the initiation of home care attendant services and the case manager must be present at that time. During the face-to-face visit, the RN shall serve as a resource for the purpose of answering any questions the home care attendant, individual and/or authorized representative have about individual care needs, medications and other medical issues. The home care attendant and the RN are required to document the activities of the visit in the individual's clinical record, and the home care attendant must discuss the results of the face-to-face visit with the case manager and the individual and/or authorized representative. The individual or authorized representative may contact the authorizing health care professional at anytime. RNs may include, but are not limited to, the individual's authorizing health care professional, or a private physician's office or clinic nurse, etc. It is the provider's responsibility to secure the services of the nurse.

Medication must be maintained in its original container and the attached label must match the dosage and means of administration set forth on the ODM 2389 "Home Care Attendant Medication Authorization Form." In addition, schedule drugs must have warning labels on them, and the attendant is required to count, and recount at least monthly, the medication in the individual's or authorized representative's presence and record the count on a log located in the individual's record. The attendant is required to notify the authorizing health care professional within 24 hours if any medication is missing, or the count cannot be reconciled. Schedule drugs must be stored separately from all other medications, and must be secured and locked at all times when not being administered to the individual in order to prevent access by unauthorized individuals.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

- * The home care attendant must be identified as the provider, and have specified on the person-centered plan, the number of hours for which the provider is authorized to furnish home care attendant services to the individual.

- * Home care attendant services do not include services performed in excess of what is approved pursuant to the person-centered service plan.

- * Individuals who receive home care attendant services do not have employer authority or budget authority, nor do they bear any liability for home care attendant services.

* Individuals cannot receive, and providers cannot bill separately for personal care aide services when personal care aide tasks are performed during a home care attendant service visit.

* A home care attendant who provides home care attendant services to an individual in accordance with the limitations set forth in Sections 5166.30-5166.3010 of the Revised Code, and Rule 5160-46-04.1 of the Administrative Code, including activities in accordance with the authorizing health care professional's authorization, is not considered to be engaging in the practice of nursing as an RN or an LPN in violation of section 4723.03 of the Revised Code (the Ohio Nurse Practice Act).

*Home Care Attendant Services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (*check each that applies*):

- Participant-directed as specified in Appendix E
 Provider managed

Specify whether the service may be provided by (*check each that applies*):

- Legally Responsible Person
 Relative
 Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Non-agency Home Care Attendant

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Home Care Attendant Services

Provider Category:

Individual ▼

Provider Type:

Non-agency Home Care Attendant

Provider Qualifications

License (*specify*):

Certificate (*specify*):

See other standard (below).

Other Standard (*specify*):

ORC Sections 5166.30-5166.3010 and OAC Rule 5160-46-04.1. Specifically, the provider must supply ODM with evidence to its satisfaction of all of the following:

1)The home care attendant either meets the personnel qualifications specified in 42 CFR 484.4 for home health aides, or has successfully completed at least one of the following:

- * A competency evaluation program, or training and competency evaluation program approved or conducted by the Ohio Department of Health under section 3721.31 of the Revised Code;
- * A training program approved by ODM that includes training in at least all of the following and provides training equivalent to that approved or conducted by the Ohio Department of Health under section 3721.31 of the Revised Code or that meets the requirements of 42 CFR 484.36(a), basic home safety, universal precautions for the prevention of disease transmission, individual-specific personal care aide services and the labeling, counting and storage requirements for schedule medications;

2) Prior to beginning home care attendant services, the home care attendant must have received training and instruction about how to deliver the specific home care attendant services authorized by the individual's authorizing health care professional, and/or the individual or the authorized representative in cooperation with the individual's licensed health care professional.

3) Upon request of the individual, individual's authorized representative, or the individual's authorizing health care professional, the home care attendant has performed a successful return demonstration of the home care attendant service to be provided.

4) The home care attendant has obtained a certificate of completion of a course in first aid that is not provided solely through the Internet, includes hands-on training by a certified first aid instructor, and requires the home care attendant to perform a successful return demonstration of what was learned in the course.

5) The home care attendant must secure the services of an RN, in agreement with the individual or authorized representative, and participate in a face-to-face visit every ninety days with the individual, authorized representative, and the RN for the purpose of monitoring the individual's health and welfare. During the face-to-face visit, the RN shall serve as a resource for the purpose of answering any questions the home care attendant, individual and/or authorized representative have about individual care needs, medications and other issues. The home care attendant and the RN shall document the activities of the visit in the individual's clinical record. The home care attendant shall also discuss the results of the face-to-face visit with the case manager, and the individual or authorized representative.

6) The home care attendant shall complete at least twelve hours of in-service continuing education regarding home care attendant services annually. Continuing education topics include, but are not limited to, individual health and welfare, CPR, patient rights, emergency preparedness, communication skills, aging sensitivity, developmental stages, nutrition, transfer techniques, disease-specific trainings and mental health issues.

7) The home care attendant shall not provide home care attendant services until the department receives an ODM-approved home care attendant service plan authorization form that contains all of the following:

* Written consent from the individual or the authorized representative allowing the home care attendant to provide home care attendant services;

* Written consent from the individual's authorizing health care professional indicating that the home care attendant has demonstrated the ability to furnish the individual-specific home care attendant service to the individual. The consent must include the individual's name and address; a description of the specific nursing task or self-administration of medication that the attendant will assist with (including name, dosage and route of administration of any medications); the times/intervals when the attendant is to assist the individual; the dates on which the attendant is to begin and cease providing assistance; a list of severe adverse reactions that the attendant must report to the individual's health care professional; at least one telephone number at which the attendant can reach the individual's health care professional in an emergency for consultation after contacting emergency personnel; at least one fax number at which the attendant can reach the individual's authorizing health care professional when the schedule drugs are missing or cannot be reconciled; and instructions the attendant must follow when assisting the individual (including instructions for maintaining sterile conditions and for the storage of task-related equipment and supplies).

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04.1 (Definitions of Home Care Attendant Services and Provider Requirements and Specifications) and 5160-46-06.1 (Home Care Attendant Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Home Delivered Meal Services

HCBS Taxonomy:

Category 1:

06 Home Delivered Meals

Sub-Category 1:

06010 home delivered meals

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

Service Definition (Scope):

Home Delivered Meal Services is defined as the provision of meals to an individual who has a need for a home delivered meal based on a deficit in an ADL or an IADL identified during the assessment process. The service includes the preparation, packaging and delivery of a safe and nutritious meal(s) to an individual at his or her home. An individual may be authorized to receive up to two home delivered meals per day. Also, for the purposes of this service, reheating a prepared home delivered meal is not the same as preparing a meal.

Home delivered meals:

*Shall be furnished in accordance with menus that are approved in writing by a licensed dietitian who is currently registered with the Commission on Dietetic Registration.

*Shall take into consideration the individual's medical restrictions, religious, cultural and ethnic background and dietary preferences.

*Shall be prepared by a provider who is in compliance with Chapters 918., 3715. and 3717. of the Revised Code, and all applicable Administrative Code rules adopted thereunder.

*Shall be individually packaged if they are heated meals.

*May be individually packaged if they are unheated, shelf-stable meals, or may have components separately packaged, so long as the components are clearly marked as components of a single meal.

*May include a therapeutic diet that requires a daily amount or distribution of one or more specific nutrients in order to treat a disease or clinical condition, or eliminate, decrease or increase certain substances in the individual's diet. A therapeutic diet must be ordered by a licensed physician. A new order must be documented in the individual's clinical record every 90 days.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Home delivered meals shall not:

*Include services or activities performed in excess of what is approved on the individual's person-centered service plan.

*Supplement or replace meal preparation activities that occur during the provision of waiver nursing, personal care aide, adult day health center, home care attendant or any other similar services.

*Supplement or replace the purchase of food or groceries.

*Include bulk ingredients, liquids and other food used to prepare meals independently or with assistance. Bulk ingredients and liquids include, but are not limited to: food that must be portioned out and prepared, or any food that must be cooked or prepared.

*Be provided while the consumer is hospitalized or is residing in an institutional setting.

*Duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Non-agency employed provider
Agency	Agency, e.g., Meals on Wheels, a food vendor, etc.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Home Delivered Meal Services

Provider Category:

Individual

Provider Type:

Non-agency employed provider

Provider Qualifications

License (specify):

Current, valid license or certificate from the local health department

Certificate (specify):

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Home Delivered Meal Services

Provider Category:

Agency ▼

Provider Type:

Agency, e.g., Meals on Wheels, a food vendor, etc.

Provider Qualifications

License (specify):

Current, valid license or certificate from the local health department.

Certificate (specify):

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service ▼

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Home Modification Services

HCBS Taxonomy:

Category 1:

Sub-Category 1:

14 Equipment, Technology, and Modifications	14020 home and/or vehicle accessibility adaptations
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Category 2:**Sub-Category 2:**

Category 3:**Sub-Category 3:**

Category 4:**Sub-Category 4:**

Service Definition (Scope):

Home Modification Services are environmental accessibility adaptations to structural elements of the interior or exterior of an individual's home that enable the individual to function with greater independence in the home and remain in the community.

Home modification services are not otherwise available through any other funding source and must be suitable to enable the individual to function with greater independence, avoid institutionalization and reduce the need for human assistance.

The need for home modification services must be identified by an occupational therapist or physical therapist as licensed pursuant to sections 4755.08 and 4755.44 of the Revised Code, during an in-person evaluation of the site to be modified, and with the consumer present. The cost of the evaluation shall be included in the cost of the home modification. ODM or the CMA shall only approve the lowest cost alternative that meets the individual's needs as determined during the assessment process.

Home modifications include repairs of previous home modifications, including parts and labor, unless repair is required as a result of confirmed misuse, abuse or negligence.

Home modifications may be provided in advance of an individual's discharge from an institution into the community. In such instances, the modification can be initiated up to 180 days prior to discharge, and the date of service for allowable expenses shall be the date the individual leaves the institution and enrolls on the Ohio Home Care Waiver.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Home modifications do not include:

*Changes to a home that are of general utility and are not directly related to the environmental accessibility needs of the individual (i.e., carpeting, roof repair, central air conditioning, etc.).

*Adaptations that add to the total square footage of the home.

*Services performed in excess of what is approved pursuant to, and specified on, the individual's person-centered service plan.

*The same type of home modification for the same individual during the same twelve-month calendar year, unless there is a documented need for the home modification or a documented change in the individual's medical and/or physical condition that requires the replacement.

*New home modifications or repair of previously approved home modifications that have been damaged as a result of confirmed misuse, abuse or negligence.

Home modification services are limited to \$10,000 per twelve-month calendar year, and are outside of the individual funding level. The home modification and the provider of the service must be identified on the person-centered service plan.

Home modification services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (*check each that applies*):

- Participant-directed as specified in Appendix E
 Provider managed

Specify whether the service may be provided by (*check each that applies*):

- Legally Responsible Person
 Relative
 Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Non-agency employed providers, e.g., independent contractors
Agency	Agency, e.g., home improvement companies and general contractors, etc.

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Home Modification Services

Provider Category:

Individual ▾

Provider Type:

Non-agency employed providers, e.g., independent contractors

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually (first two years), and biennially thereafter

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service
Service Name: Home Modification Services

Provider Category:

Agency ▾

Provider Type:

Agency, e.g., home improvement companies and general contractors, etc.

Provider Qualifications

License (specify):

Certificate (specify):

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications**Entity Responsible for Verification:**

ODM

Frequency of Verification:

Annually (first two years), and biennially thereafter

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Out-of-Home Respite Services

HCBS Taxonomy:**Category 1:**

09 Caregiver Support

Sub-Category 1:

09011 respite, out-of-home

Category 2:

Sub-Category 2:**Category 3:**

Sub-Category 3:**Category 4:**

Sub-Category 4:**Service Definition (Scope):**

Out-of-Home Respite Services are services delivered to consumers in an out-of-home setting in order to allow respite for caregivers normally providing care. The service must include an overnight stay.

The services the out-of-home respite provider must make available are:

*Waiver nursing

*Personal care aide services

*Three meals per day that meet the individual's dietary requirements.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

*The services delivered by an Out-of-Home Respite service provider cannot be reimbursed separately.

*Out-of-Home Respite Services and the provider of such services must be identified on the person-centered service plan.

*Out-of-Home Respite Services do not include services performed in excess of what is approved pursuant to the person-centered service plan.

*Out-of-Home Respite Services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (*check each that applies*):

- Participant-directed as specified in Appendix E
 Provider managed

Specify whether the service may be provided by (*check each that applies*):

- Legally Responsible Person
 Relative
 Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	ICF-MR , NF and other institutional providers (e.g., hospitals, etc.)

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Out-of-Home Respite Services

Provider Category:

Agency ▼

Provider Type:

ICF-MR , NF and other institutional providers (e.g., hospitals, etc.)

Provider Qualifications

License (*specify*):

ICF-MR or NF per OAC rules 5160-3-02 and 5160-3-02.3

Certificate (*specify*):

Other Standard (*specify*):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Supplemental Adaptive and Assistive Device Services

HCBS Taxonomy:

Category 1:

Sub-Category 1:

14 Equipment, Technology, and Modifications | 14020 home and/or vehicle accessibility adaptations

Category 2:

Sub-Category 2:

14 Equipment, Technology, and Modifications | 14031 equipment and technology

Category 3:

Sub-Category 3:

14 Equipment, Technology, and Modifications | 14032 supplies

Category 4:

Sub-Category 4:

Service Definition (Scope):

Supplemental Adaptive and Assistive Device Services are medical equipment, supplies and devices, and vehicle modifications to a vehicle owned by the individual, or a family member, or someone who resides in the same household as the individual, that are not otherwise available through any other funding source and that are suitable to enable the individual to function with greater independence, avoid institutionalization, and reduce the need for human assistance.

Reimbursable vehicle modifications include operating aids, raised and lowered floors, raised doors, raised roofs, wheelchair tie-downs, scooter/wheelchair handling devices, transfer seats, remote devices, lifts, equipment repairs and/or replacements, and transfers of equipment from one vehicle to another for use by the same individual. Vehicle modifications may also include the itemized costs, and separate invoicing of vehicle adaptations associated with the purchase of a vehicle that has not been pre-owned or pre-leased.

The need for certain items, particularly mobility devices or items where seating is involved, may require evaluation by an occupational therapist pursuant to section 4755.08 of the Revised Code, or a physical therapist pursuant to section 4755.44 of the Revised Code. The cost of the assessment may be included in the cost of the supplemental adaptive and assistive device. Additionally, some adaptive/assistive devices including, but not limited to, vehicle modifications may be provided prior to an individual's discharge from an institution into the community. In such instances, the adaptive/assistive device can be initiated up to 180 days prior to discharge, and the date of service for allowable expenses shall be the date on which the individual leaves the institution and enrolls on the waiver.

Supplemental adaptive and assistive device services include repairs of previous equipment or vehicle modifications, including parts and labor, unless the repair is required as a result of confirmed misuse, abuse or negligence.

Supplemental Adaptive and Assistive Device Services must be prior-approved, and the provider of such services must be identified on the person-centered service plan.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

* ODM or its designee shall only approve the lowest cost alternative that meets the individual's needs as determined during the assessment process.

*Reimbursement for medical equipment, supplies and vehicle modifications shall not exceed a combined total of \$10,000 within a calendar year per individual, and is outside of the individual's individual funding level. ODM will not approve the same type of medical equipment, supplies and devices for the same individual during the same calendar year, unless there is a documented need for ongoing medical equipment, supplies or devices as documented by a licensed health care professional, or a documented change in the individual's medical and/or physical condition requiring the replacement.

*ODM or its designee shall not approve the same type of vehicle modification for the same individual within a three-year period, unless there is a documented change in the individual's medical and/or physical condition requiring the replacement.

Supplemental Adaptive and Assistive Device Services do not include:

- *Items considered by the federal Food and Drug Administration as experimental or investigational.
- *Funding of down payments toward the purchase or lease of any supplemental adaptive and assistive device services.
- *Equipment, supplies or services furnished in excess of what is approved pursuant to, and as specified on the individual's person-centered service plan.
- *New equipment or supplies or repair of previously approved equipment or supplies that have been damaged as a result of confirmed misuse, abuse or negligence.
- *New vehicle modifications or repair of previously approved modifications that have been damaged as a result of confirmed misuse, abuse or negligence.
- *Payment toward the purchase or lease of a vehicle except as set forth in the service definition above.
- *Routine care and maintenance of vehicle modifications and devices.
- *Permanent modification of leased vehicles.
- *Vehicle inspection costs.
- *Vehicle insurance costs.
- *Services performed in excess of what is approved pursuant to, and specified on, the individual's person-centered service plan.

*Supplemental Adaptive and Assistive Device Services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (*check each that applies*):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (*check each that applies*):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency, e.g., DME providers

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Supplemental Adaptive and Assistive Device Services**Provider Category:**Agency **Provider Type:**

Agency, e.g., DME providers

Provider Qualifications**License (specify):****Certificate (specify):****Other Standard (specify):**

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications**Entity Responsible for Verification:**

ODM

Frequency of Verification:

Annually (first two years), and biennially thereafter

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Supplemental Transportation Services

HCBS Taxonomy:**Category 1:**

15 Non-Medical Transportation

Sub-Category 1:15010 non-medical transportation **Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:**

Service Definition (Scope):

Supplemental Transportation Services are transportation services that are not otherwise available through any other resource that enable an individual to access waiver services and other community resources specified on the individual's person-centered service plan. Supplemental Transportation Services include, but are not limited to, assistance in transferring the consumer from the point of pick-up to the vehicle and from the vehicle to the destination point.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Supplemental Transportation Services and the provider of such services must be identified on the person-centered service plan. Supplemental Transportation Services do not include services performed in excess of what is approved pursuant to, and specified on, the individual's person-centered service plan.

*Supplemental Transportation Services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
 Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
 Relative
 Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Agency, e.g., ambulette companies, senior centers, and community action organizations, etc.
Individual	Non-agency employed provider

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service**

Service Type: Other Service

Service Name: Supplemental Transportation Services

Provider Category:

Agency ▼

Provider Type:

Agency, e.g., ambulette companies, senior centers, and community action organizations, etc.

Provider Qualifications

License (specify):

Motor Vehicle

Certificate (specify):

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Supplemental Transportation Services

Provider Category:

Individual ▼

Provider Type:

Non-agency employed provider

Provider Qualifications

License (specify):

Motor vehicle

Certificate (specify):

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service ▼

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Waiver Nursing Services

HCBS Taxonomy:

Category 1:

05 Nursing

Sub-Category 1:

05020 skilled nursing ▼

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:**Sub-Category 4:**

Service Definition (Scope):

Waiver nursing services are defined as services provided to individuals enrolled on the Ohio Home Care Waiver who require the skills of a registered nurse (RN) or licensed practical nurse (LPN) at the direction of an RN. All nurses providing waiver nursing services to individuals on the Ohio Home Care Waiver shall possess a current, valid and unrestricted license with the Ohio Board of Nursing, possess an active Medicaid provider agreement or be employed by an entity that has an active Medicaid provider agreement; and provide services within the nurse's scope of practice as set forth in Chapter 4723. of the Revised Code and Administrative Code rules adopted thereunder.

Waiver nursing services provide needed nursing services up to the individual's approved individual budget that are not otherwise available. Waiver nursing provides part-time, intermittent and/or continuous nursing services. It is different than state plan home health nursing because its approved provider pool is not limited to Medicare-certified home health agencies and it can be provided in the community.

Nursing tasks and activities that shall only be performed by an RN include, but are not limited to the following:

- * Intravenous (IV) insertion, removal or discontinuation;
- * IV medication administration;
- * Programming of a pump to deliver medications including, but not limited to, epidural, subcutaneous and IV (except routine doses of insulin through a programmed pump);
- * Insertion or initiation of infusion therapies;
- * Central line dressing changes; and
- * Blood product administration.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

- *Waiver nursing and the provider of such services must be identified on the person-centered service plan.

Waiver nursing does not include the following:

- *Services delegated in accordance with Chapter 4723. of the Revised Code and rules adopted thereunder and to be performed by individuals who are not licensed nurses in accordance with Chapter 4723. of the Revised Code.
- *Services that require the skills of a psychiatric nurse.
- *Visits performed for the purpose of conducting an RN assessment as set forth in rule 5160-12-08 of the Administrative Code, including but not limited to an outcome and assessment information set (OASIS) assessment or any other assessment;
- *RN consultations as set forth in rule 5160-12-08 of the Administrative Code, including but not limited to, those performed by RNs for the sole purpose of directing LPNs in the performance of waiver nursing services or directing personal care aides or home health aides employed by a medicare-certified home health agency or an otherwise-accredited agency.
- *Visits performed for the sole purpose of meeting the home care attendant service RN visit requirements.
- *Services performed in excess of the number of hours approved pursuant to, and specified on, the person-centered service plan.

Waiver Nursing Services do not duplicate coverage provided under the State plan and EPSDT services are not duplicated.

Waiver nursing services may be provided on the same day as, but not concurrently with, an RN assessment and/or an RN consultation as set forth in rule 5160-12-08 of the Administrative Code.

Service Delivery Method (check each that applies):

- Participant-directed as specified in Appendix E
- Provider managed

Specify whether the service may be provided by (check each that applies):

- Legally Responsible Person
- Relative
- Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Medicare-certified HHA, ACHC-, CHAP-accredited agency, and Joint Commission-accredited agency
Individual	Non-agency employed RN; non-agency employed LPN

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service**

Service Type: Other Service
Service Name: Waiver Nursing Services

Provider Category:

Provider Type:

Medicare-certified HHA, ACHC-, CHAP-accredited agency, and Joint Commission-accredited agency

Provider Qualifications

License (specify):

RN/LPN

Certificate (specify):

Medicare-certified HHA; ACHC, CHAP or Joint Commission-accreditation

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

Agency

Frequency of Verification:

Upon employment

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service**

Service Type: Other Service
Service Name: Waiver Nursing Services

Provider Category:

Provider Type:

Non-agency employed RN; non-agency employed LPN

Provider Qualifications

License (specify):

RN/LPN

Certificate (specify):

Other Standard (specify):

Compliance with OAC Chapter 5160-45, and OAC Chapter 5160-46, including OAC rules 5160-46-04 (Definitions of Covered Services and Provider Requirements and Specifications) and 5160-46-06 (Reimbursement)

Verification of Provider Qualifications

Entity Responsible for Verification:

ODM/CMA

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1: Summary of Services Covered (2 of 2)

b. Provision of Case Management Services to Waiver Participants. Indicate how case management is furnished to waiver participants (*select one*):

- Not applicable** - Case management is not furnished as a distinct activity to waiver participants.
- Applicable** - Case management is furnished as a distinct activity to waiver participants.

Check each that applies:

- As a waiver service defined in Appendix C-3.** *Do not complete item C-1-c.*
- As a Medicaid State plan service under §1915(i) of the Act (HCBS as a State Plan Option).** *Complete item C-1-c.*
- As a Medicaid State plan service under §1915(g)(1) of the Act (Targeted Case Management).** *Complete item C-1-c.*
- As an administrative activity.** *Complete item C-1-c.*

c. Delivery of Case Management Services. Specify the entity or entities that conduct case management functions on behalf of waiver participants:

ODM contracts with multiple case management agencies (CMA) to perform certain program and case management functions around the state. These contracts were competitively bid. The CMAs are responsible for interfacing with individuals at the local level to assure they have access to services. They perform level of care assessments, recommend waiver program eligibility, work with each individual to develop a person-centered service plan (plan of care) that is tailored to meet the individual's service needs, monitor health and welfare, provide ongoing case management and support. The CMAs must adhere to all administrative rules, regulations and policies established by ODM.

The CMAs and any of their subcontractors may not provide direct home health or waiver program services to any individuals enrolled on the Ohio Home Care Waiver through the entire term of their CMA contracts. At the point new level of care requirements are in effect, during the first year of an individual's waiver eligibility, the case managers who render ongoing case management services cannot be the same case managers who determined initial eligibility.

ODM has long contracted with a single entity to operate an electronic case management system for the ODM-administered waivers. Since 2013, it has functioned discretely from the case management and provider oversight contracts governing the Ohio Home Care Waiver. In 2014, ODM entered into a competitively bid contract another entity for the purpose of developing a new cloud-based consumer assessment and care management system. The system is expected to go live in late 2015. It will interface with both Ohio Benefits (Ohio's new Medicaid eligibility system) and Ohio's Medicaid Information Technology System (MITS) to ensure that eligible individuals will be covered for the level and type of service needed, and that as their needs change, service authorization controls exist to timely modify payment authorization and monitoring. It will support consumer assessment operations, a variety of populations, and all components of case management and provider oversight required for administration of the Ohio Home Care Waiver.

Appendix C: Participant Services

C-2: General Service Specifications (1 of 3)

a. Criminal History and/or Background Investigations. Specify the State's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (*select one*):

- No. Criminal history and/or background investigations are not required.**
- Yes. Criminal history and/or background investigations are required.**

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

Through the Medicaid provider enrollment process, ODM verifies that all Ohio Home Care Waiver providers have had criminal record checks initially and then on an on-going basis (i.e., for all agencies, at least every five years or at the time of any employment with a different provider agency even if the period of employment is less than five years; and annually for all ODM-approved non-agency providers). ODM requires all new Ohio Home Care Waiver service providers to meet ODM's criminal record check requirements at the time of enrollment. Providers certified by the Ohio Department of Health (ODH) are subject to similar criminal record checks requirements as those approved by ODM. Therefore, such providers are not required to undergo an additional ODM criminal record check in order to be an Ohio Home Care Waiver service provider.

There are two levels of background checks: background screening against relevant abuse and fraud databases (this screening process is described in Appendix C-2-b of this waiver application) and criminal record checks with Ohio Bureau of Identification and Investigation (BCII). A criminal record check must be conducted by the FBI if the person does not present proof of Ohio residency during the five-year period immediately prior to the date the BCII criminal record check is requested.

If the criminal record check with BCII does find criminal convictions in the Ohio Home Care Waiver provider applicant/worker's past, there are tiered exclusionary periods for disqualifying offenses during which individuals convicted of certain crimes may not be hired. These exclusionary periods apply to both agency and non-agency providers. The exclusionary periods include five, seven and ten-year bars, as well as a permanent exclusion for certain disqualifying offenses.

The processes for background checks differ between agency and non-agency providers furnishing Ohio Home Care Waiver services.

Process for Non-Agency Providers: ODM's MITS system conducts database screenings against exclusionary lists at the time a non-agency provider applicant submits his or her Medicaid application. If the provider applicant appears on an exclusionary list, the application is denied. ODM also requires that non-agency providers, as part of the Medicaid application process, provide a set of fingerprint impressions to BCII. If the provider applicant fails to provide fingerprint impressions upon request, he or she cannot be approved as a new Medicaid provider. ODM applies the results of the criminal record check against the tiered exclusionary periods set forth in OAC rule 5160-45-11. ODM notifies the non-agency provider of the need to undergo the background and screening rechecks annually thereafter, on or before the anniversary date of their Medicaid provider agreement. If the non-agency provider does not submit to the background checks and screening, his or her provider agreement will be terminated.

Process for Agency Employees: Prior to hiring a new employee, the waiver agency must screen the potential employee against a list of databases (see C-2-b) for disqualifying information. If the potential employee meets certain criteria based on the results of his or her registry screening, he or she will not be permitted to furnish HCBS to individuals enrolled on the Ohio Home Care Waiver and a criminal record check will not be necessary.

Potential employees who clear the screening are required to furnish a set of fingerprint impressions and submit to a criminal record check with BCII. If the person fails to provide the agency with fingerprint impressions upon request, he or she cannot be employed by the agency to provide HCBS to individuals on the Ohio Home Care Waiver. The agency can conditionally employ the person on a time-limited basis pending the results of the criminal record check, however, the person is only permitted to provide services under supervision. The agency applies the results of the criminal record check against the tiered exclusionary periods. If the results indicate the person has been convicted of, or pleaded guilty to, a disqualifying offense, then employment must be terminated. The waiver agency is responsible for ensuring that employees are subject to the database screening and criminal records recheck procedures every five years. The agency maintains documentation of the screening and records recheck for all employees. ODH reviews the records of agencies providing Medicare services and who are Joint Commission-accredited. ODM reviews agency records of agencies that do not provide Medicare services and that are not Joint Commission-accredited according to a pre-determined monitoring schedule.

- b. Abuse Registry Screening.** Specify whether the State requires the screening of individuals who provide waiver services through a State-maintained abuse registry (select one):

- No. The State does not conduct abuse registry screening.**
- Yes. The State maintains an abuse registry and requires the screening of individuals through this registry.**

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

Pursuant to section 5164.342 of the Ohio Revised Code, Ohio requires registry screens of provider agency applicants or employees prior to the background check being performed. They must also be performed on non-agency providers/applicants as part of the provider enrollment process in accordance with section 5164.341 of the Ohio Revised Code. If a prospective provider, or existing agency or non-agency provider meets certain criteria based on the results of their registry screen, the person will not be permitted to furnish services to individuals enrolled on the Ohio Home Care Waiver. These databases include, but are not limited to the following:

- (1) The excluded parties list system maintained by the United States General Services Administration, which tracks individuals who are debarred, suspended, or otherwise excluded from participating in procurement activities under the Federal Acquisition Regulation or from participating in non-procurement activities under regulations issued under Executive Order No.12549 or under guidelines implementing Executive Order No. 12549;
- (2) The list of individuals and entities excluded by Medicare, Medicaid, or SCHIP and maintained by the Office of Inspector General in the United States Department of Health and Human Services;
- (3) The DODD abuser registry;
- (4) Ohio's state nurse aide registry;
- (5) Any other database, if any, specified in rules adopted by ODM.

Providers are also prohibited from furnishing waiver services if the screen reveals there are findings by the director of ODH that the provider applicant or employee neglected, abused, or misappropriated the property of, a resident of a long-term care facility or residential care facility.

Additionally, in accordance with Section 4723 of the Ohio Revised Code, nurse providers must have current, valid and unrestricted Ohio RN or LPN licenses, and LPN supervisors must hold appropriate licensure. They cannot have any actions or sanctions pending against them by their respective licensing bodies. This is verified according to the provider qualification verification section in the service definition outlined in Appendix C.

Appendix C: Participant Services

C-2: General Service Specifications (2 of 3)

- c. Services in Facilities Subject to §1616(e) of the Social Security Act. Select one:**

- No. Home and community-based services under this waiver are not provided in facilities subject to §1616(e) of the Act.**
- Yes. Home and community-based services are provided in facilities subject to §1616(e) of the Act. The standards that apply to each type of facility where waiver services are provided are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).**

Appendix C: Participant Services

C-2: General Service Specifications (3 of 3)

d. Provision of Personal Care or Similar Services by Legally Responsible Individuals. A legally responsible individual is any person who has a duty under State law to care for another person and typically includes: (a) the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or (b) a spouse of a waiver participant. Except at the option of the State and under extraordinary circumstances specified by the State, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. *Select one:*

- No. The State does not make payment to legally responsible individuals for furnishing personal care or similar services.**
- Yes. The State makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.**

Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) State policies that specify the circumstances when payment may be authorized for the provision of *extraordinary care* by a legally responsible individual and how the State ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the State policies specified here.*

e. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians. Specify State policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. *Select one:*

- The State does not make payment to relatives/legal guardians for furnishing waiver services.**
- The State makes payment to relatives/legal guardians under specific circumstances and only when the relative/guardian is qualified to furnish services.**

Specify the specific circumstances under which payment is made, the types of relatives/legal guardians to whom payment may be made, and the services for which payment may be made. Specify the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 each waiver service for which payment may be made to relatives/legal guardians.*

- Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.**

Specify the controls that are employed to ensure that payments are made only for services rendered.

Ohio Administrative Code rule 5160-46-04 allows individuals to receive certain services from non-legally responsible family members in support of individual choice and control. Specifically, such persons are permitted to provide personal care aide services, waiver nursing, home modification services and supplemental transportation services as long as they meet provider requirements for the service in question.

The case manager, in consultation with the individual and other members of the individual's team, is responsible for determining whether it is appropriate for a legal guardian to serve as an individual's paid provider. The case manager first determines if this provider arrangement is permissible in accordance with OAC rule 5160-46-04 governing the service to be furnished, and the guardianship requirements set forth in OAC rule 5160-45-10. The case manager also determines whether such an arrangement is in the best interests of the individual, and whether or not it has the potential to create a conflict of interest for the legal guardian. If the legal guardian is hired to furnish services as a non-agency provider, the legal guardian will be asked to designate another individual to serve as the individual's authorized representative for the purpose of directing the individual's care.

As a condition of reimbursement, the provider must be identified as the provider, and have specified on the person

-centered service plan, the number of hours for which the provider is authorized to furnish the service to the individual. This ensures that payment is made to the non-legally responsible family member as a provider only in return for specific services rendered.

Other policy.

Specify:

f. Open Enrollment of Providers. Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:

Any person or agency that wants to provide Ohio Home Care Waiver program services must complete the waiver service provider enrollment process set forth in OAC rule 5160-45-04 and meet the provider requirements and specifications set forth in OAC rule 5160-46-04, and 5160-46-04.1 for home care attendant services. If an individual prefers a particular person who is not an approved Medicaid waiver provider, they are encouraged communicate this information to their CMA. The CMA will direct them to the provider oversight contractor's website for information about how to submit an application through MITS and initiate the provider enrollment process.

Once a Medicaid Provider, they can also sign up for inclusion on the ODM-approved assessment and case management system to access approved person-centered service plan(s) and other information associated with approved services. All prospective and approved providers can access information that links to program rules and available training opportunities on both the ODM website and the provider oversight contractor's website.

Appendix C: Participant Services

Quality Improvement: Qualified Providers

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. Methods for Discovery: Qualified Providers

The state demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.

i. Sub-Assurances:

- a. Sub-Assurance:** *The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(1) Number and percent of new non-agency providers that meet initial licensure requirements prior to providing waiver services and/or adhere to other state standards.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(2) Number and percent of new agency providers that meet initial certification requirements prior to providing waiver services.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):

Performance Measure:

(3) Number and percent of providers that continue to meet enrollment requirements at reenrollment.

Data Source (Select one):

Other

If 'Other' is selected, specify:

BIAR

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

b. Sub-Assurance: The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(4) Number and percentage of non-agency personal care aide and home care attendant providers who continue to meet waiver enrollment requirements.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Provider Structural Reviews

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input checked="" type="checkbox"/> Other Specify: Provider Oversight Contractor	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
		<input type="checkbox"/> Other

	<input type="checkbox"/> Continuously and Ongoing	Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify:	<input type="text"/>

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- c. **Sub-Assurance: The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.**

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(5) Number and percent of non-agency personal care aide and home care attendants verified to have met training requirements.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):

<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
- ODM believes that education is an important part of remediation for provider issues. As part of the remediation process, ODM assures that the opportunity is exercised to educate providers about the rules, and about the importance of implementing practices that assure compliance with the rules. ODM and the CMAs and the provider oversight contractor work closely to provide ongoing education to providers, and to send them alerts in order to help providers avoid and remedy problems.

When a provider is found to be non-compliant with a rule during a structural review, incident investigation, or an investigation of a provider occurrence, the provider oversight contractor sends the provider written correspondence to inform the provider that they must correct the violation.

Non-compliance identified during a Structural Review is issued in a Findings Report - Issued after the Structural Review exit conference has occurred, the Findings Report summarizes the overall outcome of the review. If there has been a finding of noncompliance, the report specifies the Administrative Code rules that are the basis for which noncompliance has been determined, and outlines the specific issues or findings of noncompliance the provider must address in a plan of correction.

Depending on the nature and severity of the violation, the provider is required to submit a plan of correction. After the provider oversight contractor reviews and accepts the plan of correction, the violation is closed and the CMA monitors the provider's compliance with the plan of correction. If a plan of correction is not submitted, or not found acceptable by the provider oversight contractor, the provider oversight contractor refers the finding to ODM and ODM sends the provider a Notice of Operational Deficiency. A Notice of Operational Deficiency can also be issued when ODM or the provider oversight contractor substantiates provider occurrences such as allegations of provider billing violations, substandard provider performance such as sleeping on the job, provider theft, etc., and serious and immediate threats to the health and welfare of the individual.

A Notice of Operational Deficiency requires the provider to submit a plan of correction. If the provider submits a plan of correction that ODM finds acceptable, the violation is closed and the provider oversight contractor monitors the provider's compliance with the plan of correction. If the provider does not respond, or does not submit an acceptable plan of correction, sanctions are imposed. Sanctioning may include termination of the provider's Medicaid Agreement.

ODM and the provider oversight contractor use an electronic database to document when a provider receives a Notice of Operational Deficiency, and/or findings letter resulting from a structural review. The database allows the State to document when a formal communication has been issued and why, and when the provider responds with a plan of correction (including if it is accepted).

The State and the provider oversight contractor then monitor providers to assure that providers correct rule violations in several ways:

- 1) ODM and the provider oversight contractor continue to monitor the provider via the electronic database to determine if the provider continues to violate the same or similar rule(s). If a provider continues to be in violation, the State may issue the provider a Notice of Operational Deficiency or issue progressive sanctions, including but not limited to terminating the provider.
- 2) A prevention plan is created to assist in keeping the individual safe after any and all incidents. The provider participates in the development of the plan. The plan is monitored by the provider oversight contractor and is specified on the person-centered service plan.
- 3) ODM and the provider oversight contractor also have the discretion to conduct announced and unannounced visits with any provider, at any time, to investigate provider occurrences or individual incidents, and to verify corrective actions in regard to any issue of alleged or suspected provider non-compliance.
- 4) ODM monitors provider performance directly during the Ongoing Review by interviewing the individual

about provider quality, interactions and performance, and assuring provider documentation is maintained to support the amount, scope, and frequency of service delivery, as well as Medicaid claims.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input checked="" type="checkbox"/> Other Specify: Provider Oversight Contractor	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

- No**
- Yes**

Please provide a detailed strategy for assuring Qualified Providers, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix C: Participant Services

C-3: Waiver Services Specifications

Section C-3 'Service Specifications' is incorporated into Section C-1 'Waiver Services.'

Appendix C: Participant Services

C-4: Additional Limits on Amount of Waiver Services

a. Additional Limits on Amount of Waiver Services. Indicate whether the waiver employs any of the following additional limits on the amount of waiver services (*select one*).

- Not applicable-** The State does not impose a limit on the amount of waiver services except as provided in Appendix C-3.
- Applicable -** The State imposes additional limits on the amount of waiver services.

When a limit is employed, specify: (a) the waiver services to which the limit applies; (b) the basis of the limit, including its basis in historical expenditure/utilization patterns and, as applicable, the processes and methodologies that are used to determine the amount of the limit to which a participant's services are subject; (c) how the limit will be adjusted over the course of the waiver period; (d) provisions for adjusting or making exceptions to the limit based on participant health and welfare needs or other factors specified by the state; (e) the safeguards that are in effect when the amount of the limit is insufficient to meet a participant's needs; (f) how participants are notified of the amount of the limit. (*check each that applies*)

- Limit(s) on Set(s) of Services.** There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.
Furnish the information specified above.

a) Waiver services to which the limit applies:

* Home Modification Services are limited to \$10,000 per twelve-month calendar year.

* Under Supplemental Adaptive and Assistive Device Services, reimbursement for medical equipment, supplies and vehicle modifications shall not exceed \$10,000 within a calendar year per individual. ODM will not approve the same type of medical equipment, supplies and devices for the same individual during the same calendar year unless there is a documented need for ongoing medical supplies or devices as documented by a licensed health care professional, or a documented change in the individual's medical and/or physical condition requiring the replacement.

*Under Supplemental Adaptive and Assistive Device Services, ODM shall not approve the same type of vehicle modification for the same individual within a three-year period unless there is a documented change in the individual's medical and/or physical condition requiring the replacement.

(b) Basis of limit: The limits that are being established for these services are set forth in OAC rule 5160-46-04 and are identified in (a) above. The limit on vehicle modifications is three years in order to avoid unnecessary replacement of vehicles, upgrades, etc.

(c) Adjustment of the limit: Home modifications and supplemental adaptive and assistive devices must be prior-approved. Supplemental adaptive and assistive devices in excess of the limit can be approved by ODM when there is a documented need for ongoing medical supplies, or a documented change in the individual's medical and/or physical condition requiring replacement.

(d) Provision of exceptions: Any exceptions to either vehicle modifications and/or supplemental adaptive and assistive device services must be brought to ODM's attention for review and prior approval.

(e) Safeguards: Case managers are responsible for monitoring the adequacy of services provided to individuals through a schedule of contacts based on the individual's case management level as described in Appendix D-2. Individuals can request home modifications and/or supplemental adaptive and assistive device services from their case manager at any time. The need for home modification services must be identified by an occupational therapist or physical therapist as licensed pursuant to sections 4755.08 and 4755.44 of the Revised Code during an in-person evaluation of the site to be modified, and with the individual present. An occupational or physical therapist may also be consulted to evaluate and recommend the most appropriate adaptive and assistive device to meet the individual's identified needs.

(f) Notification of amount: Case managers must notify the individual of the approval of the request for and amount of home modification and/or adaptive and assistive device services, and must update the person-centered service plan accordingly.

(g) Hearing rights: Case managers must also notify individuals of their right to request a hearing subsequent to a denial of the individual's request for initial or subsequent home modification and/or supplemental adaptive and assistive device services.

- Prospective Individual Budget Amount.** There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.
Furnish the information specified above.

- Budget Limits by Level of Support.** Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.
Furnish the information specified above.

Individual limits are determined at the time of entry onto the waiver, with modifications occurring subsequent to changes in the individual's condition or circumstances. Individuals are assigned a monthly cost limit by the CMAs based on their service needs as identified in the assessment and person-centered service

planning processes. The cost limit, or cap, is based on the monthly cost of services as identified in the person-centered service plan. The person-centered service plan contains all authorized services, including the cost of services. The cost limit excludes home modification services and supplemental adaptive and assistive device services.

Cost limits are adjusted when service needs change. Some changes can be made at the CMA level and are subject to CMA supervisory approval. However, when adjustments result in significant increases or services exceeding \$14,000 per month, the CMAs must obtain prior authorization from ODM. Prior authorization is used whenever an individual requests, or a case manager determines, an increase in services is needed that causes the service authorization to go over the baseline. The baseline is an average planned monthly cost of state plan and waiver services.

Conditions under which prior authorization is required include, but are not limited to:

- An increase in monthly service authorization amounting to \$1000 over the reset baseline.
- An increase in service authorization amounting to \$1000 over the previously authorized amount of private duty nursing (PDN) or, if applicable, a combination of PDN and home health services for individuals who are newly enrolled on the Ohio Home Care Waiver.
- Any service authorization of \$14,000 or more in a month.
- Person-centered service plans that include more than 112 paid hours per week of personal care aide services, nursing or home care attendant services, adult day health, or any combination of these or other like services, regardless of funding source, authorized for more than four weeks.

As an additional safeguard to assure individuals have access to needed services in the event of an emergency, the previous description of prior authorization will not delay an individual's access to urgently needed services. The CMAs have the ability to approve temporary increases in services up to \$12,000 for no more than 21 calendar days. Emergency increases over \$12,000 must be prior-authorized by ODM. The CMAs submit reports of all emergency authorizations to ODM quarterly, of which ODM reviews a random sample.

Individuals receive a revised copy of the person-centered service plan anytime changes are made and they can access their current person-centered service plan at any time via the ODM-approved waiver webpage. Individuals are notified by the CMAs in writing of their hearing rights related to service changes which affect their cost limits. Hearing rights are also generated subsequent to denial of an individual's request for a change or increase in funding level.

The methodology for determining individuals' budget limits, based on level of support, is open for public inspection.

ODM does not provide special reimbursement based on an individual's geographic location, etc. The same waiver service rates are paid statewide for the same service. However, adjustments to the individual's approved services and cost limit can be made based on the individual's specific needs and circumstances using the process described above.

- Other Type of Limit.** The State employs another type of limit.

Describe the limit and furnish the information specified above.

Appendix C: Participant Services

C-5: Home and Community-Based Settings

Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Include:

1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.

2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.

Note instructions at Module 1, Attachment #2, HCBS Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.

Specific settings where individuals reside:

- * Individuals enrolled on this waiver reside either alone in a private residence or with families/friends in a private residence. Individuals are not permitted to be enrolled in this waiver if they reside in facilities subject to 1616(e) of the Social Security Act.

Specific settings where individuals receive services:

- * Individuals enrolled on this waiver may receive home and community-based services in residential and non-residential settings.

Process to assess and determine all waiver settings meet the home and community-based settings requirements:

- * Residential Settings: The State has determined the residential settings are compliant since all of the individuals enrolled in this waiver live alone in a private residence or with families/friends in a private residence. As a function of service planning and monitoring, the waiver case manager conducts home visits in accordance with Appendix D of the approved waiver application, to ensure individuals are residing in settings compliant with 42 CFR 441.301(c)(4)-(5). Attachment 2 describes the remediation strategies outlined in the statewide transition plan for determining the level of compliance.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (1 of 8)

State Participant-Centered Service Plan Title:

All Services Plan (ASP)

- a. **Responsibility for Service Plan Development.** Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals (*select each that applies*):

- Registered nurse, licensed to practice in the State**
- Licensed practical or vocational nurse, acting within the scope of practice under State law**
- Licensed physician (M.D. or D.O)**
- Case Manager** (qualifications specified in Appendix C-1/C-3)
- Case Manager** (qualifications not specified in Appendix C-1/C-3).

Specify qualifications:

- Social Worker**

Specify qualifications:

*LSW or LISW licensed to practice in the State of Ohio

- Other**

Specify the individuals and their qualifications:

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (2 of 8)

b. Service Plan Development Safeguards.*Select one:*

- Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.**
- Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.**

The State has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. *Specify:*

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (3 of 8)

c. Supporting the Participant in Service Plan Development.*Specify:* (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.

Individuals have choice and control over the provision of waiver services they need as determined during the person-centered service planning process. Individuals also have choice and control over who participates in the person-centered service planning process, as well as over the selection and direction of waiver service providers. Services and supports are planned and implemented in accordance with each individual's unique needs, expressed preferences and decisions concerning his/her life in the community. To that end,

* Individuals and/or their authorized representatives participate in, and wherever possible lead the person-centered planning process, participate in the development of plans of care and/or select and dismiss ODM-administered waiver service providers. The individual's authorized representative may have a participatory role, as needed and as defined by the individual, unless Ohio law confers decision-making authority to a legal representative. The person-centered planning process:

- Includes a team of people chosen by the individual.
- Provides necessary information and support to ensure that the individual directs the process to the maximum extent possible, and is enabled to make informed choices and decisions.
- Is timely and occurs at times and locations of convenience to the individual.
- Reflects the cultural considerations of the individual. The process is conducted by providing information in plain language and in a manner that is accessible to persons with disabilities and persons who are LEP.
- Includes strategies for solving conflict or disagreement within the process.
- Ensures that providers of Ohio Home Care Waiver services for the individual, or those who have an interest in or are employed by an Ohio Home Care Waiver service provider, shall not provide case management, provider oversight or develop the person-centered service plan.
- Offers informed choices to the individual regarding the services and supports the individual receives and from whom.
- Includes a method for the individual to request updates to the plan as needed. The individual may request a person-centered plan review at any time.
- Records the alternative HCBS settings that were considered by the individual.

Providers include traditional agency providers such as Medicare-certified HHAs, Joint Commission-, ACHC- and CHAP-accredited agencies, and otherwise approved ODM-administered waiver service providers. They also include non-traditional, non-agency providers such as RNs, LPNs at the direction of an RN, non-legally responsible family members, and other non-agency providers approved by ODM.

*If an individual and/or authorized representative elects to receive all or a portion of their waiver services from non-agency providers, the CMA must assure that the individual/representative trains the providers to meet the individual's health care needs, and/or specifies additional training the provider must successfully complete prior to furnishing

waiver services; establishes a CMA-approved back-up plan to be followed when the provider is unable to furnish services at the scheduled time and location; and approve timesheets after waiver services have been furnished, and prior to the provider's submission of a claim to ODM.

*The CMA must assure the health and welfare of the individual, and the competency of the individual/representative if an individual elects to receive all or a portion of waiver services from non-agency providers. The CMA must verify that the individual/representative can successfully demonstrate the ability to communicate an understanding of their health care needs, advocate on their own behalf, report provider performance issues, complaints and/or problems to the CMA and/or ODM, and understand and implement problem-solving techniques to resolve conflicts with non-agency providers.

*If an individual elects to receive services from a non-agency provider, but the CMA determines the individual/representative cannot successfully demonstrate the skills identified in the preceding paragraph, the CMA may provide or arrange for training in order for the individual/representative to develop those skills. If, upon completion of that training, the CMA still cannot assure the individual's health and welfare, and the individual and/or representative's competency to direct waiver services provided by a non-agency provider, then the CMA may require that the individual only receive services from agency providers.

*Individuals have the right to request a state hearing anytime they disagree with an action that has been taken by a county department of job and family services, a state agency or the CMA.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (4 of 8)

- d. Service Plan Development Process.** In four pages or less, describe the process that is used to develop the participant-centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

Person-Centered Service Planning Process Overview--Person-centered service planning under the Ohio Home Care Waiver is a multi-dimensional, participant-centered function that involves the ongoing coordination of Medicaid and other formal and informal supports and services an individual receives. It includes authorizing and arranging for waiver services that support and enhance, but do not replace what is already furnished by the family and/or informal caregivers. Person-centered service planning addresses the changing circumstances and medical and physical conditions of an individual over time. Inherent in the process is the desired outcome that services and supports are planned and effectively implemented in accordance with each individual's unique needs, expressed preferences and decisions concerning his or her life in the community. The CMAs are designated by ODM as the entity responsible for person-centered service planning and ongoing case management. ODM monitors and oversees the CMA's activities.

The person-centered service plan describes the person-centered goals, objectives and interventions selected by the individual and the team to support him or her in his or her community of choice. The plan addresses the assessed needs of the individual by identifying medically-necessary services and supports provided by natural supports, medical and professional staff and community resources. The plan documents all of the services necessary to prevent the individual's institutionalization, regardless of funding source, as well providers, and the frequency and timeframes for service delivery. It also serves as payment authorization for Ohio Home Care Waiver services. It is intended to prevent the provision of unnecessary or inappropriate services and supports to the individual.

The person-centered service plan must:

- Identify the setting in which the individual resides is chosen by the individual.
- Reflect the individual's strengths and preferences.
- Reflect clinical and support needs as identified through the assessment process.
- Includes the individual's identified goals and desired outcomes.
- Identify the services and supports (paid and unpaid) that will assist the individual to achieve identified goals, and the

providers of those services and supports, including natural supports and those services the individual elects to self-direct.

- Address any risk factors and measures in place to minimize them, when needed.
- Include back-up plans that meet the needs of the individual.
- Be distributed to the individual and other people involved in the plan.

The CMAs must also ensure that the person-centered service plan is understandable to the individual, and the people important in supporting him or her. At a minimum, it must be written in plain language and in a manner that is accessible to persons with disabilities and persons who are limited English proficient. It must identify the person and/or entity responsible for monitoring the plan. It must be finalized and agreed to, with the informed consent of the individual in writing, and signed by all people and providers responsible for its implementation. Acceptable signatures include, but are not limited to a handwritten signature, initials, a stamp or mark, or an electronic signature. Any accommodations to the individual's or authorized representative's signature must be documented on the plan.

The person-centered service plan is updated at the time of reassessment, or when events dictate the necessity to reassess individual needs and reevaluate the appropriateness of the person-centered service plan, along with the goals and outcomes of the individual. ODM's quality management strategy establishes monitoring measures to track the timeliness of the person-centered service planning process and the thoroughness of the person-centered service plan.

Individuals are informed whenever there is a proposed change in the person-centered service plan. They are given notice using ODM-approved forms and are informed of their right to request a state hearing regarding the changes. Similarly, the CMAs are required to notify providers of changes in the individual's person-centered service plan. The provider can obtain a copy of the person-centered plan through the ODM-approved assessment and case management system and the case manager may furnish a copy of the updated plan to them upon their request within ten days of when the revised person-centered service plan is executed.

Individuals work with their case manager to make changes to the person-centered service plan. Changes to the plan that result in a decrease in services, or changes that result in an increase in the cost of services within the individual's funding range are approved by the CMAs. Changes to the plan that result in an increase in the cost of individual's services in excess of their funding range are approved by ODM. This process of approval of service plans is referred to as the prior authorization process. In addition to monitoring person-centered service plans via the prior authorization process, ODM monitors person-centered service planning activity through the ongoing review process.

At a minimum, the person-centered service plan must include: goals, objectives and outcomes; the name, phone number, service responsibilities and funding sources of all paid/unpaid providers and caregivers; the scope, frequency and duration of services (including start/stop dates); the total number of approved units of each service and the total projected monthly cost for Ohio Home Care Waiver services and other Medicaid-covered services for a 12-month period; individual-specific emergency back-up plan; medical patient liability; and the signature of the individual or the individual's authorized representative.

Home and Community-Based Setting Requirements --The CMAs must ensure that person-centered service plan documents that any modification of the additional conditions required for provider-owned or controlled home and community-based settings are supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan:

- Identification of a specific and individualized assessed need.
- Documentation of the positive interventions and supports used prior to any modifications to the plan.
- Documentation of less intrusive methods of meeting the need that have been tried, but did not work.
- A clear description of the condition that is directly proportionate to the specific assessed need.
- A regular collection and review of data to measure the ongoing effectiveness of the modification.
- Established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
- Informed consent of the individual.
- An assurance that interventions and supports will cause no harm to the individual.

The CMAs must ensure that the setting chosen by the individual is integrated in, and supports the full access of individuals receiving Ohio Home Care Waiver services to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources and receive services in the community to the same degree of access as people not receiving Ohio Home Care Waiver services.

Person-Centered Service Planning Process Under the Ohio Home Care Waiver

1) Assessment Process--Assessments are conducted initially as part of the Ohio Home Care Waiver eligibility determination process, annually thereafter, and at any other time if there is a significant change in the individual's life. A significant change is a variation in the health, care or needs of an individual that warrants further evaluation to determine if changes to the type, amount or scope of services are needed. Significant changes include, but are not limited to, differences in health status, caregiver status, residence/location of service delivery, and service delivery that result in the individual not receiving waiver services for thirty days.

A CMA-employed RN, LSW or LISW contacts the waiver applicant/individual to schedule a face-to-face interview. The applicant/individual can include other parties of their choosing in the meeting. Using the ODM-approved assessment and case management system, and the assessment tools described in Appendix B-6-e of this waiver application, an assessment is conducted to establish or maintain program eligibility. The assessment evaluates living arrangements/household composition, medical and acute/long term care history, medical interventions and treatment regimens, medication profile, functional ability, psycho-social status, safety and cognition, environmental situation, current usage of adaptive and assistive equipment, informal supports, caregiver involvement and formal supports, and results in a level of care recommendation. As needed, the assessor contacts health care providers (e.g., physicians, psychiatrist, etc.) for additional supporting information.

2) Informing the Individual about Available Services-- Once eligibility is established, the case manager arranges a visit with the individual and the individual's team of medical and social service professionals, formal/informal caregivers, family members and anyone else the individual identifies as contributing to their ability to remain safely in the home. Information is provided to the individual about the broad range of services available under the Ohio Home Care Waiver, and the service provider options available (i.e., they can receive services through traditional agency providers as well as other non-agency providers including RNs/LPNs, neighbors, friends, and non-legally responsible family members).

3) Meeting Individual Goals/Needs/Preferences through the Person-Centered Service Plan Development Process--The individual can have as much or as little involvement in the development of his/her person-centered service plan as he/she prefers. The person-centered service plan takes into consideration the individual's strengths, health status and capacities, identified risk factors, needs, and expressed personal preferences, establishes specific goals, objectives and outcomes related to the individual's plan of care, and identifies the specific tasks and activities that are to be carried out by each Medicaid service provider. Person-centered goals, objectives and outcomes must be prepared for each need identified during the assessment.

The person-centered service plan is also the tool for identifying and documenting the need for additional assessments that may be necessary.

4) Assignment of Responsibilities for Implementing the Person-Centered Service Plan--During the person-centered service planning process, the CMA reviews the individual's existing informal/formal supports and how they might meet the identified goals, objectives and outcomes. The CMA also explores additional informal/formal supports that can be added. Appropriate referrals and linkages will be established to initiate service. Thereafter, the CMA discusses the availability of waiver services to meet the individual's remaining unmet needs. It is the CMA's responsibility to monitor on an ongoing basis the individual's person-centered service plan to assure that all formal/informal, Medicaid and non-Medicaid services are being provided.

5) Identifying and Managing Risk and Back-up Planning--The CMAs are responsible for continually monitoring health and welfare and educating individuals, as appropriate. When significant risk of harm is identified, an assessment of the presenting information must be made to determine the most appropriate intervention. Aspects of that assessment include the individual's cognitive abilities, vulnerability and extent of dependence on others, support system, health and psychological status, the presence of negative and/or positive outcomes, the involvement of other providers or professionals, the request and preferences of the individual, and the degree of risk to self and others. The CMA identifies strategies to reduce risk, including individual education and referral to community resources, and adjustments to the person-centered service plan. They also determine if there are interventions that could contribute to reducing the risk for reoccurrence and maximizing the individual's health, safety and quality of life.

Individual responsibility for back-up planning is explained in the waiver handbook, and is supported in ODM's individual rights and responsibilities rule, OAC rule 5160-45-03. Back-up plans must be documented on the individual's person-centered service plan. Specifically, the CMAs work with individuals to assure the existence of back-up plans so as not to jeopardize individual health and welfare if providers do not arrive when

expected. Individuals are instructed to immediately call the provider and/or go to their back-up plan. In accordance with the conditions of participation for ODM-administered waiver service providers set forth in OAC rule 5160-45-10, if the provider is employed by an agency, the agency must assure that a back-up plan is in place and staff are available to provide services when the provider's regularly scheduled staff cannot or do not meet their obligation to provide services to the individual. If the individual receives services from a non-agency provider, the individual must be willing to develop a back-up plan for individual provider absences and emergencies. OAC rule 5160-45-10 also requires that the non-agency provider assist the individual, upon initiation of services, in developing a back-up plan in the event the regularly scheduled non-agency provider cannot or does not meet their obligation to provide services.

6) Addressing Participant Health Care Needs--It is the CMA's responsibility to assure that the individual's health care needs are being addressed. Coordination and consultation with the treating physician and other medical providers (e.g., nurses, OTs, dietitians, respiratory therapists, etc.) on the individual's team is necessary to keep the case manager accurately apprised of the individual's health status.

7) Coordination of Waiver and Non-waiver Services--On an ongoing basis, the CMA works with the individual, providers and team members to assure that the services identified on the person-centered service plan are coordinated and provided in a manner that matches individual need, meet age-appropriate health maintenance requirements and are provided at the lowest possible cost. Individuals are required to use services funded by non-Medicaid home care resources as much as feasible. Medicaid-covered services support, rather than supplant, the caregiver's role in caring for the individual. Medicaid is the payor of last resort.

8) Monitoring and Oversight of Person-Centered Service Plan Implementation--ODM and the CMAs undertake several monitoring and oversight activities to ensure that the individuals' goals, needs and preferences are included in person-centered service planning/care coordination, and are appropriate. The activities are performed in accordance with ODM/CMA quality management plans.

During their first full month of enrollment new individuals receive a minimum of two contacts, with no more than 14 calendar days between contacts, and one in-person visit within 20 calendar days of their waiver effective date. During months 2 and 3, individuals receive monthly contacts and visits with a maximum of 30 calendar days between visits. During months 4-6, they receive monthly contacts and a minimum of two visits, with a maximum of 45 calendar days between visits.

Thereafter, ongoing individual contact occurs in accordance with the individual's level of case management. The level is determined by the CMA using a tool that examines the individual's needs, complexity of medical issues and available informal supports. It is completed annually at the time of assessment/reassessment. Level 1 requires a maximum of 90 calendar days between contacts and a maximum of 180 calendar days between visits; and Level 2 requires a maximum of 30 calendar days between contacts and a minimum of three visits in six months and a maximum of 60 calendar days between visits. Additional visits can be made per individual request or based on clinical necessity. During the contact, an informal review of individual outcomes is conducted. The person-centered service plan is reviewed to determine if services are being rendered as intended, and individual satisfaction and changes in the individual's health, family and environmental situations are discussed.

Case management activities, including assessments, reassessments and person-centered service planning processes are monitored by ODM via the ongoing review process, the prior authorization process and through performance data that is reported by ODM to the CMAs as part of the quality management plan. In addition, ODM conducts retrospective reviews of clinical records to assure that assessments and person-centered service planning documents are complete, accurate and reflect the outcome of the assessment. The reviews also assure that the CMAs are compliant with all OAC relevant rules and policies.

CMA chart audits/clinical practice reviews are conducted to assure that case managers are practicing within their scope of practice and are applying sound clinical judgment. The program review also addresses the congruence of individual-assessed need, how those needs are being met, and case manager interventions, assurances of health and welfare and clinical documentation skills. Client satisfaction as it relates to the inclusion and decision-making/person-centered service planning processes, and satisfaction with the CMA and the individual case manager are measured as part of the ongoing review process.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (5 of 8)

- e. Risk Assessment and Mitigation.** Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

Participant risk and safety considerations are identified and with the informed involvement of the individual, potential interventions that promote independence and safety are considered. During assessments, reassessments, and anytime thereafter, any known or perceived risk and/or safety considerations are identified and noted on the person-centered service plan and in clinical documentation. Where necessary, the CMAs may initiate risk and safety planning via the implementation of an "Acknowledgement of Responsibility" form, or explore development of a behavior support plan by appropriate personnel.

With regard to back-up planning, individuals are encouraged to be prepared with service alternatives so as not to jeopardize their health and welfare if providers do not arrive when expected. Individuals are instructed to immediately call the provider and/or go to their back-up plan. If the provider is employed by an agency, the agency must either have back-up available or assist the individual in making other arrangements. If the individual receives services from a non-agency provider, then the individual must be willing to develop a back-up plan for individual provider absences and emergencies and submit it to the case manager. Back-up plans are documented on the person-centered service plan.

Additionally, the CMAs are available to individuals 24 hours-a-day, 365 days-a-year.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (6 of 8)

- f. Informed Choice of Providers.** Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.

The CMAs maintain an electronic listing of all available agency and non-agency Medicaid service providers, by county and by the service they are authorized to provide. That information is shared with individuals at the time of person-centered service planning, electronically and/or via hard copy, and the individual's choice of providers is respected and considered. The CMAs also maintain an active and private listing of individuals who are seeking particular types of providers. If the individual wants to hire a friend, neighbor, or non-legally responsible family member as a non-agency provider, they are encouraged to direct the potential service provider to ODM to help them enroll as a Medicaid provider.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (7 of 8)

- g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.** Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):

ODM has access to the CMA database through a computer portal and is alerted when assessments for enrollees are complete. ODM staff approve services on the person-centered service plans through the prior authorization process when projected costs exceed authorized levels, and on an as needed basis, provides instruction to the CMAs regarding service plan modifications. ODM monitors person-centered service planning through the ongoing review process. ODM also retains the right to review and modify person-centered service plans at any time.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (8 of 8)

- h. Service Plan Review and Update.** The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:

- Every three months or more frequently when necessary
- Every six months or more frequently when necessary
- Every twelve months or more frequently when necessary

Other schedule

Specify the other schedule:

- i. Maintenance of Service Plan Forms.** Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following (*check each that applies*):

- Medicaid agency**
 Operating agency
 Case manager
 Other

Specify:

Copies of the person-centered service plans are maintained by the CMAs.

Appendix D: Participant-Centered Planning and Service Delivery

D-2: Service Plan Implementation and Monitoring

- a. Service Plan Implementation and Monitoring.** Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

The CMAs are responsible for implementing the person-centered service plans. Among their primary responsibilities are the following:

- *To monitor and assure that individuals can exercise free choice of provider;
- *To monitor and assure the appropriateness of service delivery and the outcomes identified on the person-centered service plan using ODM' case management protocols and clinical standards that vary by individual need;
- *To monitor and assure that services meet the needs of the individual;
- *To monitor and assure that back-up plans are effective;
- *To assure that methods are in place for prompt follow-up and remediation of identified problems.

Case management and corresponding individual contact are divided into two levels.

***New Waiver Individuals**

Pursuant to Ohio's QMP, individuals receive a face-to-face visit within the first 20 calendar days of enrollment, as well as five face-to-face visits during the first six months of enrollment. New waiver individuals also receive two contacts (usually by phone or email) during their first full month of enrollment, and a minimum of one contact per month for months two through six. Individuals are seen or contacted more frequently as clinically indicated.

* Level 1 is provided to individuals who have been enrolled on the Ohio Home Care Waiver for more than six months and either can safely direct their own care or live with family or friends who are able to direct their care. Additional visits can be made per individual request or based on clinical necessity.

* Level 2 is provided to individuals whose needs are medically complex. The intent for this acuity level is to provide increased contacts and/or visits for individuals who would be isolated from outside resources and have increased risk for health and welfare issues that include, but are not be limited to: living alone; living with a paid provider; not participating in day programs, school or work, receiving services only from family members or non-agency providers; having a restraint, seclusion or restrictive intervention plan, or an "Acknowledgement of Responsibility" form is in effect; and/or the having been without services for any reason, for more than 30 days. Additional visits can be made per individual request or based on clinical necessity.

Upon discovery of a potentially significant change event, telephone contact must occur by the end of the next full calendar day. If it is determined through this telephone contact that a significant change occurred, a face-to-face visit must take place by the end of the third full day following discovery. The case manager will complete an event-based reassessment and update the person-centered service plan as needed.

At the state level, ODM monitors that services are furnished in accordance with the person-centered service plan, individuals have access to both waiver and non-waiver services identified on the person-centered service plan, needs identified during the assessment are addressed on the person-centered service plan, back-up plans are in place and effective, the individual is satisfied with service delivery, and there is prompt follow-up when problems are identified. ODM monitors and provides oversight through a variety of processes, including the ongoing review, review of quarterly data (e.g., information about the CMAs' quality management activities), the annual site review and the prior authorization process.

Remediation of problems identified through the State's monitoring of person-centered service planning occurs in a variety of ways, including but not limited to: the adverse outcome process, one-on-one technical assistance provided by ODM clinical staff to CMAs' clinical staff, practice directives issued by ODM to the CMAs, and the complaints process. ODM provides detailed information to the CMAs through the chart audit/clinical review processes. This data is reported to CMAs, and is semi-annually reviewed by ODM.

b. Monitoring Safeguards.*Select one:*

- Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.**
- Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.**

The State has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. *Specify:*

Appendix D: Participant-Centered Planning and Service Delivery

Quality Improvement: Service Plan

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. Methods for Discovery: Service Plan Assurance/Sub-assurances

The state demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.

i. Sub-Assurances:

- a. Sub-assurance: Service plans address all participants' assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.**

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(1) Number and percent of waiver individuals whose person-centered service plans include services and supports consistent with their assessed needs.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Ongoing Review

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Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% confidence within MOE +/- 5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(2) Number and percent of waiver individuals whose person-centered service plans reflect services and supports necessary to address their assessed risks.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Ongoing Review

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% Confidence within MOE +/- 5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(3) Number and percent of waiver individuals whose person-centered service plans address their personal goals.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Chart Audit

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input checked="" type="checkbox"/> Other Specify: Sampled by Region, 95% confidence within MOE 6%
	<input checked="" type="checkbox"/> Other Specify: Semi-Annually	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify: Semi-Annually

b. *Sub-assurance: The State monitors service plan development in accordance with its policies and procedures.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(4) Number and Percent of person-centered service plans that were developed in accordance with the approved waiver and current case management contracts.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Ongoing Review and Chart Audit

Responsible Party for data collection/generation (<i>check each that applies</i>):	Frequency of data collection/generation (<i>check each that applies</i>):	Sampling Approach (<i>check each that applies</i>):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>

<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- c. *Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participant’s needs.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(5)Number and percent of person-centered service plans that were completed within 12 months of the previously approved person-centered services plan.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(6) Number and percent of person-centered service plans reviewed that were updated when the waiver individual's needs changed.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

d. *Sub-assurance: Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(7) Number and percent of waiver individuals reviewed who received services in the type, scope, amount, duration and frequency specified in the person-centered service plan.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Ongoing Review

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% confidence within MOE of +/-5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify:

	<input type="checkbox"/> Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>

- e. *Sub-assurance: Participants are afforded choice: Between waiver services and institutional care; and between/among waiver services and providers.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(8) Number and percent of individuals enrolled on the waiver who were notified at least annually of their right to choose waiver services and providers.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM Ongoing Review

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):

<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% confidence within MOE +/- 5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

ODM maintains a system for reporting and tracking called Adverse Outcomes. These problems are primarily identified through the Ongoing Review and may include items related to service planning that need remediation. When an Adverse Outcome is reported on a care planning issue, ODM conducts additional investigation to determine the appropriate means to resolve the issue.

ODM relies on data gathered through Ongoing Review, monthly and quarterly reports of output and quality performance data by the CMAs as a means to identify systems compliance and performance problems associated with care planning.

ODM’s incident management process also includes a requirement to validate that a prevention plan was not only developed but also integrated into the person-centered services plan before the incident is closed. The helps to assure that individual’s need are addressed timely and risk factors are mitigated to reduce the risk of reoccurrence.

To address such systems problems: 1) ODM compiles the data showing evidence of the problem; 2) ODM presents the data to the CMAs in a Quality Briefing or monthly meeting; 3) ODM may conduct, or require the CMAs to conduct, further analysis to verify the finding and determine cause; 4) for verified findings, the CMA is required to develop a plan for improvement; 5) ODM approves the plan for improvement; and 6) the CMAs implement the plan for improvement; 7) in a subsequent monthly meeting or Quality Briefing, ODM follows up on implementation of the plan for improvement with the CMAs; 8) ODM monitors data from subsequent reviews to verify improvement; 9) if the compliance or performance issues remain, ODM works with the CMAs to identify other solutions; this may result in a new or altered plan for improvement; and 10) if the improvement plan requires a substantive change in operations, ODM may alter the Quality Management Improvement Plan in order to formalize or clarify ODM expectations for the CMAs.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input checked="" type="checkbox"/> Other Specify: Data will be compiled and reviewed at least twice per year

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix E: Participant Direction of Services

Applicability(from Application Section 3, Components of the Waiver Request):

- Yes. This waiver provides participant direction opportunities.** Complete the remainder of the Appendix.
- No. This waiver does not provide participant direction opportunities.** Do not complete the remainder of the Appendix.

CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.

Indicate whether Independence Plus designation is requested (select one):

- Yes. The State requests that this waiver be considered for Independence Plus designation.**
- No. Independence Plus designation is not requested.**

Appendix E: Participant Direction of Services

E-1: Overview (1 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (2 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (3 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (4 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (5 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (6 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (7 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (8 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (9 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (10 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (11 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (12 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-1: Overview (13 of 13)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant Direction (1 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (2 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (3 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (4 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (5 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (6 of 6)

Answers provided in Appendix E-0 indicate that you do not need to submit Appendix E.

Appendix F: Participant Rights

Appendix F-1: Opportunity to Request a Fair Hearing

The State provides an opportunity to request a Fair Hearing under 42 CFR Part 431, Subpart E to individuals: (a) who are not given the choice of home and community-based services as an alternative to the institutional care specified in Item 1-F of the request; (b) are denied the service(s) of their choice or the provider(s) of their choice; or, (c) whose services are denied, suspended, reduced or terminated. The State provides notice of action as required in 42 CFR §431.210.

Procedures for Offering Opportunity to Request a Fair Hearing. Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Individuals receive support and guidance from ODM and the CMAs regarding how to exercise their rights and accept personal responsibility. For example, at the time of their enrollment on the Ohio Home Care Waiver, and annually, thereafter, individuals receive relevant ODM publications and a waiver handbook informing them of their right to freely exercise their constitutional and federal/state statutory rights, including their right to choose HCBS as an alternative to institutional care, and their right to appeal any decision regarding their benefits (e.g., failure to be given a choice of HCBS as an alternative to institutional care, denial of choice of services and/or providers, and/or denial, suspension, reduction of benefits, etc.). Individuals are also informed that if they file appeals in a timely manner (i.e., 15 days after the issuance of the notice) then services will continue during the period of time during which their appeals are under consideration.

Additionally, individuals receive notice regarding proposed adverse action on the ODJFS 04065 "Prior Notice of Right to a State Hearing," and an explanation of state hearing procedures on the ODJFS 04059 "Explanation of State Hearing Procedures." If they do not agree with the proposed action outlined in the notice, they have a right to a state hearing within 90 days of the mailing date of the prior notice. If someone other than an individual submits a written hearing request, it must include a written statement signed by the individual authorizing the person to act on the individual's behalf. While the individual has 90 days from the date the notice was mailed to request a hearing, in accordance with OAC Chapter 5101:6, the individual must request a hearing within 15 days of the date the notice was mailed in order to continue benefits during the appeal process.

The Ohio Department of Job and Family Services (ODJFS) Bureau of State Hearings handles state hearings for ODM. It notifies the individual of the date, time and location of their hearing at least ten days in advance. Individuals are entitled to have representation during their hearing as well as access to their case file and any rules being applied to their case. Essential documentation can be subpoenaed, if necessary. Hearing decisions are rendered no later than 30 days after a hearing is held and within 90 days of the hearing request. Individuals whose appeal is overruled are informed about how to ask for an administrative appeal. In all circumstances where the hearing is sustained, ODM must take the action ordered by the decision within 15 days of the date the decision is issued.

ODM leads all hearings related to disenrollment from the Ohio Home Care Waiver. This includes hearings related to waiver disenrollment due to a change in eligibility criteria including level of care. In addition, ODM leads hearings related to service

denials that are a result of decisions made by ODM as a result of the prior authorization process. The CMAs lead hearings related to eligibility denials and service-level denials, including home modifications and supplemental adaptive and assistive device service requests, proposed decreases in or discontinuation of services, increases in services when an individual disagrees, and proposed termination of an individual's option to use non-agency providers. Case management agencies represent ODM in assigned hearings.

All case managers receive training regarding issuing hearing rights and due process procedures during their case management orientation. Case managers' direct role in state hearings is limited, thus preserving their advocacy role with individuals. The CMAs have a hearing manual that is available to assist case managers and supervisors. In addition, the CMAs have a hearing manager who provides ongoing technical assistance to case management staff as needed.

Hearing rights are specified in OAC division 5101:6. The Ohio Home Care waiver handbook is available upon request.

Notices of adverse actions and the opportunity to request a fair hearing are kept at the designated CMAs and are maintained in the ODM-approved assessment and case management system.

Appendix F: Participant-Rights

Appendix F-2: Additional Dispute Resolution Process

- a. Availability of Additional Dispute Resolution Process.** Indicate whether the State operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. *Select one:*

- No. This Appendix does not apply**
 Yes. The State operates an additional dispute resolution process

- b. Description of Additional Dispute Resolution Process.** Describe the additional dispute resolution process, including: (a) the State agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Appendix F: Participant-Rights

Appendix F-3: State Grievance/Complaint System

- a. Operation of Grievance/Complaint System.***Select one:*

- No. This Appendix does not apply**
 Yes. The State operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver

- b. Operational Responsibility.** Specify the State agency that is responsible for the operation of the grievance/complaint system:

The CMAs under contract with ODM have responsibility for operating the Ohio Home Care Waiver grievance/complaint system.

- c. Description of System.** Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Types of Complaints that Individuals May Register: Individuals are informed by the CMAs of their right to voice dissatisfaction and/or register a complaint any time they feel a Medicaid service provider or the CMA or any of its

employees have been unresponsive to their requests, or have been inconsistent in efforts to help the individual reach their home care goals, objectives or desired outcomes. They are also informed that a complaint is not a prerequisite to a fair hearing. This information, including individuals' rights and the process for addressing complaints, is found in the waiver handbook and on the CMAs' websites.

Process and Timelines for Addressing Complaints: Complaints can be made to the Case Management Contractor, Provider Oversight Contractor, or to ODM, and they can originate from a face-to-face conversation, phone call, email, ODM inquiry, or regular mail. If the Case Management Contractor receives a complaint about a provider, the complaint must be forwarded to PCG.

The CMAs must use the following protocol for complaints:

1. Categorize complaints, reference a department, and determine a resolution type.
2. Send a complaint acknowledgment letter to the complainant within one business day of the complaint. A copy of this letter is sent to the ODM contract manager
3. Investigate all complaints within three business days of the date of receiving the complaint and maintain a record of all investigatory notes.
4. Submit an action plan to ODM contract manager via email within seven days of receiving the complaint
5. Address and attempt to resolve all complaints within 15 calendar days and record the resolution
6. The CMA must send a follow-up letter to each complainant to confirm that resolution has taken place. A copy of this letter is sent to the contract manager.
7. If a complainant indicates to ODM that a satisfactory resolution was not obtained, and ODM agrees, the complaint will be re-opened and returned to the CMA for further investigation.

In addition, an individual may contact ODM at any time to register a complaint. Individuals also have the ability to contact the ODM Ohio Medicaid Hotline. These calls are referred to the ODM contract managers.

Mechanisms Used to Resolve Complaints: The CMAs have policies, procedures and reporting and tracking mechanisms in place that encourage individuals to express complaints. Data is collected by the CMAs to permit the analysis of patterns by case manager, type of complaint, time taken to resolve the complaint, implementation of corrective action, and region. The CMA Quality Management Team reviews all complaints at monthly meetings. The CMAs also provide ODM with their analysis as part of its monthly performance report.

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events or Incidents

- a. Critical Event or Incident Reporting and Management Process.** Indicate whether the State operates Critical Event or Incident Reporting and Management Process that enables the State to collect information on sentinel events occurring in the waiver program. *Select one:*

- Yes. The State operates a Critical Event or Incident Reporting and Management Process** (*complete Items b through e*)
- No. This Appendix does not apply** (*do not complete Items b through e*)
If the State does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the State uses to elicit information on the health and welfare of individuals served through the program.

- b. State Critical Event or Incident Reporting Requirements.** Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the State requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

ODM, the CMAs, the provider oversight contractor and all service providers must assure the health and welfare of the individuals to whom they provide Ohio Home Care Waiver services. All waiver service providers, case managers and employees of home health agencies are required to report incidents in accordance with applicable Ohio Administrative Code rules, including OAC rule 5160-45-05 governing incident management under the Ohio Home Care Waiver, and

as outlined in this section. Ohio law also requires to report abuse, neglect, and exploitation to law enforcement, child or adult protective service entities and county boards of developmental disabilities, as appropriate. When such an entity is concurrently investigating an alleged incident, the provider oversight contractor is expected to work collaboratively with the entity so as to not jeopardize the investigation and health and welfare of the individual.

ODM has oversight responsibility and, through its provider oversight contractor, works closely and collaboratively with the CMAs to ensure a seamless, cohesive and consistent approach to incident reporting, investigation and follow up.

As a condition of participation per their executed contract or provider agreement, and applicable state laws and Administrative Code rules, Ohio Home Care Waiver contractors and service providers are responsible for having policies in place to assure individuals are protected from abuse, neglect, exploitation, mistreatment and other threats to their health, safety and well-being, and to quickly and appropriately report, respond to, investigate and remediate the effects of such incidents when they occur. Every contractor and service provider must attest, in writing, to receipt of training on how to recognize and report abuse, neglect, exploitation and other threats, and their obligation and intent to promote and protect individual health and welfare. Additionally, upon an individual's enrollment in the Ohio Home Care Waiver, and at the time of each reassessment, the CMA shall provide the individual and his or her authorized representative with written information and education about how to report abuse, neglect, exploitation and other incidents. The CMA shall secure written confirmation of receipt of education and written materials from the individual/authorized representative and it shall be maintained in the individual's case record.

The ODM-approved assessment and case management system includes a system for incident reporting, investigation and management. ODM also contracts with a provider oversight contractor that reports, responds to, investigates and remediates incidents of abuse, neglect, exploitation, misappropriation and death involving individuals enrolled on the Ohio Home Care Waiver in accordance with state-established policies and procedures.

Each waiver agency provider furnishing services through the Ohio Home Care Waiver must have a written procedure for documenting individual incidents with evidence of notification to ODM or their designee that meets State requirements outlined in contract, policy and regulation.

Incidents are alleged, suspected, attempted or actual events that are not consistent with the routine care of and service delivery to an individual enrolled on the Ohio Home Care Waiver. Incidents may involve individuals, caregivers (to the extent the event impacts the individual), providers, facilities, provider or facility staff, ODM staff, contractors and other administrative authorities. Incidents include but are not limited to the following:

- Abuse: the injury, confinement, control, intimidation or punishment of an individual by another person that has resulted, or could reasonably be expected to result, in physical harm, pain, fear or mental anguish. Abuse includes, but is not limited to physical, emotional, verbal and/or sexual abuse, and use of restraint, seclusion or restrictive intervention that results in, or could reasonably be expected to result in, physical harm, pain, fear or mental anguish to the individual.
- Neglect: when there is a duty to do so, the failure to provide goods, services and/or treatment necessary to assure the health and welfare of an individual.
- Exploitation: the unlawful or improper act of using an individual or an individual's resources for monetary or personal benefit, profit or gain.
- Misappropriation: depriving, defrauding or otherwise obtaining the money, or real or personal property (including medication) of an individual by any means prohibited by law.
- Death of an individual.
- Hospitalization or emergency department visit (including observation) as a result of:
 - Accident, injury or fall;
 - Injury or illness of an unknown cause or origin; and
 - Reoccurrence of an illness or medical condition within seven calendar days of the individual's discharge from a hospital.
- Unauthorized use of restraint, seclusion and/or restrictive intervention that does not result in, or cannot reasonably be expected to result in, injury to the individual.
- An unexpected crisis in the individual's family or environment that results in an inability to assure the individual's health and welfare in his or her primary place of residence;
- Inappropriate service delivery to an individual including, but not limited to:
 - A provider's violation of conditions of participation set forth in rule 5160-45-10 of the Administrative Code;
 - Services provided to an individual that are beyond the provider's scope of practice;
 - Services delivered to the individual without or not in accordance with physician orders, and

- Medication administration errors involving, the individual.
- Actions on the part of the individual that place the health and welfare of the individual or others at risk including, but not limited to:
 - The individual cannot be located;
 - Activities that involve law enforcement;
 - Misuse of medications; and
 - Use of illegal substances.

Incident management occurs on four different levels, i.e., individual enrolled on the Ohio Home Care Waiver, provider, CMA and ODM/provider oversight contractor. It includes coordination, communication and seamless interaction to ensure that the State has the ability to provide effective oversight and assure the health and welfare of individuals served.

- **Individual Enrolled on the Ohio Home Care Waiver:** The individual, authorized representative and/or family members shall report alleged incidents to the CMA.
- **Provider:** The provider is required to take immediate action to ensure the individual's health and welfare (which may include, but is not limited to, seeking or providing medical attention), report the allegation to the proper authorities and file a report with the CMA.
- **CMA:** The CMA is required to assure that immediate action has been taken to ensure the individual's health and welfare, and file a report with the provider oversight contractor within 24 hours of discovery. The CMA must notify ODM of any incident meeting the criteria for an alert, as described below. Upon completion of the investigation by the provider oversight contractor, the CMA must develop a prevention plan that ensures the individual's health and welfare and submit it to the provider oversight contractor for review and approval. Once approved by the provider oversight contractor, the CMA must document the plan in the person-centered service plan within 10 days.
- **ODM/Provider Oversight Contractor:** It is both ODM's and the provider oversight contractor's responsibility to assure that immediate action has been taken to ensure the individual's health and welfare, and to initiate an investigation of the alleged incident. If the provider oversight contractor is conducting the investigation, upon its conclusion, the contractor must collaborate with the CMA to develop a prevention plan to assure the individual's health and welfare. Additionally, the provider oversight contractor shall be responsible for reviewing those prevention plans submitted by the CMA to assure they address all causes and contributing factors to minimize the risk of reoccurrence of the incident.

The provider oversight contractor is also required to assure ODM has been notified within 24 hours of the incident submission in the event of:

- . Suspicious deaths in which there is no reasonable explanation for the individual's death because the circumstances or the cause of death are not related to any known medical condition, and/or in which someone's action or inaction may have caused or contributed to the individual's death (Please note: ODM will investigate all suspicious deaths.);
- . Abuse or neglect that resulted in the individual requiring emergency room treatment, hospital admission or emergency removal from the home;
- . Allegations involving an employee of the CMA or provider oversight contractor;
- . Incidents generated from correspondence received from the Ohio Attorney General, Office of the Governor, CMS or the Office of Civil Rights;
- . Injury of an individual with an unknown cause resulting in a hospital admission;
- . Harm to multiple persons as a result of an incident;
- . Injury resulting from the use of a restraint, seclusion or restrictive intervention;
- . Alleged misappropriation that is valued at \$500 or more; and
- . Incidents identified by a public media source.

Incident reports are maintained in the ODM-approved assessment and case management system. However, incidents that have an effect on the individual must be recorded in the progress notes of the individual record, as would any other specific care information.

- c. Participant Training and Education.** Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

Individuals participating in the Ohio Home Care Waiver will receive a waiver handbook from their CMA at the time of enrollment and at the time of reassessment. The handbook will include information about individuals' rights, protections against and how to report alleged incidents. It also contains information about the advocacy agencies that can educate and assist individuals. The CMAs, through the case manager, verbally will review the content of the handbook with individuals/family members/caregivers. They will sign a form that documents receipt of this information at least annually. The signed form is maintained in the ODM-approved assessment and case management system.

The CMAs will provide individual instruction to individuals, caregivers, and authorized representatives about how to notify the authorities in the event health and welfare may be in jeopardy. The CMAs will reinforce the training on incidents during each contact and/or in-person visits. The CMAs will also assist individuals and/or their informal caregivers with any formal notification necessary.

The CMAs will also operate toll-free care management lines where individuals can receive additional information or assistance, if needed. These lines will have the capacity to assist LEP members and/or who are hearing impaired.

- d. Responsibility for Review of and Response to Critical Events or Incidents.** Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.

As noted above, in Appendix G-1-b., the provider oversight contractor receive reports, and initiate investigations in accordance with statute, regulations and established policies. In addition, and in accordance with applicable laws, other entities within the state may simultaneously be notified (i.e., police, adult protective services, etc.).

CMA's are responsible for filing alerts as set forth in OAC rule 5160-45-05. These alerts are sent to ODM and ODM employs Protection from Harm managers who monitor the alerts to assure that the CMAs take immediate action to ensure the health and welfare of the individual. Subsequently, the Protection from Harm managers monitor the investigations to ensure that all necessary steps are taken during the investigation (i.e., implementation of the prevention plan, person-centered planning, and closing of the incident, etc.).

Once an incident report has been filed, the provider oversight contractor will also review the report to assure all immediate actions have been taken to ensure the health and welfare of the individual as they initiate an investigation. The investigation will be conducted in accordance with the incident management requirements set forth in OAC rule 5160-45-05.

Depending on the nature of the incident reported, investigations may be conducted jointly between ODM and the provider oversight contractor. In addition, depending on the nature of the incident, other agencies to which incidents can be reported may conduct investigations. As noted earlier, at a minimum, investigation of incidents will be conducted by the provider oversight contractor, unless referred to ODM by the provider oversight contractor. ODM/the provider oversight contractor will investigate incidents involving CMA staff, and any other incidents that are not investigated by another investigatory agency when the health and welfare of an individual may be in jeopardy. At its discretion, ODM may also conduct a separate, independent review or investigation of incidents that are under investigation.

The ODM-approved assessment and case management system allows the CMAs to transmit incidents to the provider oversight contractor. This enables ODM to track incidents and ensure appropriate and timely investigatory follow-up and prevention planning. This system allows ODM to analyze trends and patterns about incidents and providers. It is a source of information when ODM monitors each CMA's compliance with contractual responsibilities regarding reporting, investigation and follow-up of incidents.

In addition, each CMA will be required to submit data to ODM on a quarterly basis about the number and types of incidents reported. Incident reporting will be calculated on a statewide and regional basis. ODM will meet with the CMAs to provide technical assistance for planning prevention.

All investigations (i.e., the provider oversight contractor and/or ODM as appropriate) must be completed within 45 calendar days of discovery. Investigations may be extended upon request, and at ODM's discretion. The investigation protocol is not complete until all requirements are met. ODM will monitor timeliness of investigation through reports from the ODM-approved assessment and case management system. Prior to closing an investigation, the reporter shall be notified, unless the reporter is substantiated to be the violator. In such instances, the State shall notify the

appropriate authorities for investigation and follow-up. Notification can be made either verbally or in writing, but it will always be documented in the ODM-approved assessment and case management system.

Upon substantiation of an incident involving a provider, the CMA and the provider in question will be notified in writing, and a plan of correction will be required. The plan of correction must be implemented by the provider in question. Sanctions may be imposed against the provider and can include termination of the provider's Medicaid provider agreement.

- e. Responsibility for Oversight of Critical Incidents and Events.** Identify the State agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

ODM has responsibility for oversight of the reporting, investigation and follow-up of incidents and events involving individuals enrolled on the Ohio Home Care Waiver. ODM operates an incident management system within the current case management system. The system allows ODM, the CMAs and the provider oversight contractor to share live information, and track incidents and provider occurrences. The system ensures appropriate and timely investigatory follow-up and prevention planning. The system allows ODM to analyze trends and patterns about incidents and provider occurrences. It is a source of information when ODM is monitoring the CMAs and provider oversight contractor's compliance with contractual responsibilities regarding reporting, investigation and follow-up of alerted and non-alerted incidents. If a CMA and/or the provider oversight contractor is found to have deficiencies or systemic issues with incident management, the ODM contract manager will require them to submit a plan of correction to address how they will be corrected.

ODM also employs protection from harm managers who monitor alerted incidents. These managers have three responsibilities: to provide oversight of incident alerts, conduct data analysis of incidents and provide education and training related to incident management.

If an incident or a provider occurrence results in a substantiated finding against a provider, the provider oversight contractor will recommend sanctions to ODM's Provider Oversight unit. This unit reviews the recommendation and levies the appropriate sanction(s) on a provider via a Notice of Deficiency. If an incident is alleged against a CMA or the provider oversight contractor, the appropriate ODM contract manager or the ODM incident coordinator will complete the investigation.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (1 of 3)

- a. Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

- The State does not permit or prohibits the use of restraints**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

- The use of restraints is permitted during the course of the delivery of waiver services.** Complete Items G-2-a-i and G-2-a-ii.

- i. Safeguards Concerning the Use of Restraints.** Specify the safeguards that the State has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Restraint is used for behaviors that pose a serious risk of harm to the individual or to others. Such behaviors include, but are not limited to, aggression to others, objects, or self. Allowable restraints include:

- Physical restraint, i.e., the use of any hands-on or physical method that to restrict the movement or function of the individual's head, neck, torso, one or more limbs or the entire body; or
- Chemical restraint, i.e., the use of any sedative psychotropic drug exclusively to manage or control behavior; or
- Mechanical restraint, i.e., the use of any device to restrict an individual's movement or function for any purpose other than positioning and/or alignment.

Less restrictive measures such as verbal redirection/prompting and positive reinforcement are alternative strategies to avoid or reduce the use of restraints. They will always be explored and encouraged by the CMAs and the individual's team.

Restraints may not be used as a routine programmatic intervention, for punitive purposes or for staff convenience. The only restraint that may be used in an emergency is a protective hold which is the application of body pressure to an individual for the purpose of restricting or suppressing the person's movement. Any other use of prone restraints is prohibited.

If it is determined through the assessment and person-centered service planning processes that restraint is being considered by the individual's team, the CMA will work with the team to promote the least restrictive/intrusive, most positive intervention culture needed to keep the individual safe. Restraints must be authorized pursuant to a behavior support plan developed by a physician, licensed psychologist, county board of developmental disabilities, or another behavioral health treatment professional, in conjunction with the person-centered service plan and the individual's team. The behavior support plan is an addendum to the person-centered service plan. The plan will be coordinated to ensure an integrated approach to support individuals with complex behavioral challenges. Staff who are implementing restraints will be trained via a variety of methods including, but not limited to, training directly from the entity that is writing the plan.

When a plan for restraint is being developed, the CMA must assure that the following elements are addressed:

- Agreement from the individual's team that the use of restraint is appropriate.
- Promotion of the least restrictive/intrusive intervention, and the most positive intervention culture needed to keep the individual safe.
- Inclusion and requirement of the use of preventive and/or alternative and non-aversive measures to assure the safety and well-being of the individual.
- Verification of authorization of the use of restraint by the authorizing entity.
- Identification of an oversight entity responsible for ensuring that staff are appropriately trained regarding implementation of the behavior plan, including use of the restraint, as well as for ongoing monitoring of the use of restraint. The oversight entity can include a parent/guardian or authorized representative or a behavioral health provider. However, the person implementing the restraint cannot be the person responsible for monitoring the use of the restraint.
- Existence of a plan to assure, and identification of the party responsible for, training the staff who implement restraint.
- Documentation of the planned use of restraint in the individual's person-centered service plan and communication record.

Any use of an approved restraint must be documented by the provider and reviewed by the case manager during routine visits and team meetings. Any use of a restraint that is not approved or is implemented contrary to the plan must be reported as an incident via the ODM-approved assessment and case management system. The provider must contact the CMA and the CMA must contact the individual and his/her legal representative within 24 hours of receiving the incident report. Changes to the person-centered service plan or living situation may be considered to support the person's safety and well-being. Follow-up visits in response to the incident report and to complaints by the individual and his/her legal representative will be conducted and include questions about any actions taken by the service provider that may qualify as unauthorized use or misapplication of physical restraints.

Individuals who are also receiving services through a county board of developmental disabilities are eligible to access services through a behavior support plan. This includes the county board's oversight committees and processes. CMAs are expected to collaborate with county board staff to access this service

on behalf of the individual. CMAs should request to be added specifically to the list of those who receive status reports for individuals with an aversive plan, which would include those plans with restraint.

- ii. **State Oversight Responsibility.** Specify the State agency (or agencies) responsible for overseeing the use of restraints and ensuring that State safeguards concerning their use are followed and how such oversight is conducted and its frequency:

The CMAs report data to ODM on a quarterly basis regarding such things as the number of individuals for whom restraint is used; types of restraint being used; and authorizing entity.

The CMAs will identify any unauthorized or inappropriate use of restraint and report case-specific information through the incident management system. The provider oversight contractor will report this data to ODM.

Data is analyzed by both the provider oversight contractor and ODM, with appropriate follow-up as needed regarding identified trends and patterns to support improvement strategies. Follow-up includes, but is not limited to: additional ODM or provider oversight contractor training of CMA or provider staff, and/or changes in protocols and/or rules. Through this analysis, and through both the provider oversight contractor and the incident management system, if case-specific concerns are noted, follow-up will occur with the authorizing entity and the individual's team.

Any significant injuries which result from employment of a restraint must be carefully analyzed and immediately reported to ODM and the CMA in accordance with incident reporting requirements.

In addition, the CMA and an oversight entity (e.g., a parent/guardian or authorized representative or a behavioral health provider) will help to ensure that staff is appropriately trained and that restraint is used safely and appropriately. ODM must communicate with the case manager and verify documentation of the use of restraints in the person-centered service plan, and communication record.

The CMAs must develop an individual-specific annual report that will be sent to the physician who certified the plan if the physician is the authorizing entity. The report must include identification of the restraints used, frequency of use per month, and information regarding the outcome or response to the use of the restraints. The CMAs must assure the physician reauthorizes the use of the restraints at least annually.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (2 of 3)

b. Use of Restrictive Interventions. *(Select one):*

- The State does not permit or prohibits the use of restrictive interventions**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:

- The use of restrictive interventions is permitted during the course of the delivery of waiver services** Complete Items G-2-b-i and G-2-b-ii.

- i. Safeguards Concerning the Use of Restrictive Interventions.** Specify the safeguards that the State has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.

Restrictive interventions are used for behaviors that pose a serious risk of harm to the individual or to others. Such behaviors include, but are not limited to, aggression to others, objects, or self. Less restrictive

measures such as verbal redirection/prompting and positive reinforcement are alternative strategies to avoid or reduce the use of restrictive interventions. They will always be explored and encouraged by the CMA and the individual's team.

Restrictive interventions may be appropriate to address issues such as wandering in unsafe environments, risk of ingesting unsafe or unhealthy items or failing to complete necessary medical/personal care tasks. Interventions may include, but are not limited to manipulation of the environment or denying access to a wanted item or activity until completion of a certain task. Restrictive intervention may not be used as a routine programmatic intervention, for punitive purposes or for staff convenience.

Time away is a restrictive intervention during which the individual is directed away from a location or an activity using verbal prompting, only to address a specific behavior. The individual is able to return to the location or activity at his/her choosing. Time away shall never include the use of a physical prompt or an escort. Time away is considered a restrictive intervention as long as the intervention does not meet the definition of seclusion/time-out. The use of any physical prompt or required timeline for re-engaging in an activity shall elevate the restrictive intervention to "seclusion."

If it is determined through the assessment and care planning processes that restrictive intervention is being considered by the individual's team, the CMA will work with the team to promote the least restrictive/intrusive, most positive intervention culture needed to keep the individual safe. Restrictive interventions must be authorized pursuant to a behavior support plan developed by a physician, licensed psychologist, county board of developmental disabilities, or another behavioral health treatment professional, in conjunction with the CMA and the individual's team. The behavior support plan is an addendum to the person-centered service plan. Staff who are implementing restrictive interventions will be trained via a variety of methods including, but not limited to, training directly from the entity that is writing the plan.

When a plan for restrictive intervention is being developed, the CMA must assure that the following elements are addressed:

- Agreement from the individual's team that the use of restrictive interventions is appropriate.
- Promotion of the least restrictive/intrusive intervention, and the most positive intervention culture needed to keep the individual safe.
- Inclusion and requirement of the use of preventive and/or alternative measures to assure the safety and well-being of the individual.
- Verification of authorization of the use of restrictive interventions by the authorizing entity.
- Identification of an oversight entity responsible for ensuring that staff are appropriately trained regarding implementation of the behavior plan, including use of the restrictive interventions, as well as for ongoing monitoring of the use of the restrictive interventions. The oversight entity can include a parent/guardian or authorized representative or a behavioral health provider. However, the person implementing the restrictive interventions cannot be the person responsible for monitoring the use of the restrictive interventions.
- Existence of a plan to assure, and identification of the party responsible for, training the staff who implement the restrictive interventions.
- Documentation of the planned use of restrictive interventions in the individual's person-centered service plan and communication record.

Any use of an approved restrictive intervention must be documented by the provider and reviewed by the case manager during routine visits and team meetings. Any use of a restrictive intervention that is not approved or is implemented contrary to the plan must be reported as an incident via the ODM-approved assessment and case management system. The provider must contact the CMA. The CMA must contact the individual and his/her legal representatives within 24 hours of receiving the incident report. Changes to the person-centered service plan or living situation may be considered to support the person's safety and well-being. Follow-up visits in response to the incident report and to complaints by the individual and his/her legal representatives will be conducted and include questions about any actions taken by the service provider that may qualify as unauthorized use or misapplication of a restrictive intervention. Individuals who are also receiving services through a county board of developmental disabilities are eligible to access services through a behavior support plan. This includes the county board's oversight committees and processes. CMAs are expected to collaborate with county board staff to access this service on behalf of the individual. CMAs should request to be added specifically to the list of those who receive

status reports for individuals with an aversive plan, which would include those plans with restrictive intervention.

- ii. State Oversight Responsibility.** Specify the State agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:

The CMAs report data to ODM on a quarterly basis regarding such things as the number of individuals for whom restrictive interventions are used; types of restrictive interventions being used; and authorizing entity.

The CMA will identify any unauthorized or inappropriate use of restrictive intervention and report case-specific information through the incident management system. The provider oversight contractor will report this data to ODM.

Data is analyzed by both the provider oversight contractor and ODM, with appropriate follow-up as needed regarding identified trends and patterns to support improvement strategies. Follow-up includes, but is not limited to: additional ODM or provider oversight contractor training of CMA or provider staff, and/or changes in protocols and/or rules. Through this analysis and the incident management system, if case-specific concerns are noted, follow-up will occur with the authorizing entity and the individual's team.

Any significant injuries which result from employment of a restrictive intervention must be carefully analyzed and immediately reported to ODM and the CMA in accordance with critical incident reporting requirements.

In addition, the CMA and an oversight entity (e.g., a parent/guardian or authorized representative or a behavioral health provider) will help to ensure that staff is appropriately trained and that restrictive intervention is used safely and appropriately. The provider oversight contractor must communicate with the case manager and verify documentation of the use of restrictive intervention in the person-centered service plan, and communication record.

The CMAs must develop an individual-specific annual report that will be sent to the physician who certified the plan if the physician is the authorizing entity. The report must include identification of the restrictive interventions used, frequency of use per month, and information regarding the outcome or response to the use of the restrictive interventions. The CMAs must assure the physician reauthorizes the use of the restrictive interventions at least annually.

The CMAs must review status reports for approved plans at least monthly. This must include addressing any implementation concerns and assuring unauthorized restrictive interventions have been reported appropriately. The CMAs must review and discuss the use of restrictive interventions with the individual's team on an ongoing basis, and at least every 90 days. Additionally, the CMAs must review all incidents related to the use of restrictive interventions. They must also review the use of all restrictive interventions to ensure the use was appropriate and within prescribed guidelines.

Use of any unauthorized restrictive interventions is reported to the CMAs as an incident. Additionally, the use of any prohibited restrictive interventions is reported as an incident. Case managers are required to review these expectations with all persons authorizing and implementing a restrictive intervention.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (3 of 3)

- c. Use of Seclusion.** *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

- The State does not permit or prohibits the use of seclusion**

Specify the State agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

- The use of seclusion is permitted during the course of the delivery of waiver services.** Complete Items G-2-c-i and G-2-c-ii.

- i. Safeguards Concerning the Use of Seclusion.** Specify the safeguards that the State has established concerning the use of each type of seclusion. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Seclusion is used for behaviors that pose a serious risk of harm to the individual or to others. Such behaviors include, but are not limited to, aggression to others, objects, or self. Less restrictive measures such as verbal redirection/prompting and positive reinforcement are alternative strategies to avoid or reduce the use of seclusion. They will always be explored and encouraged by the CMAs and the individual's team.

Seclusion or Time Out is any restriction that is used to address a specified behavior that prevents the individual from leaving a location for any period of time. Seclusion may include preventing the individual from leaving an area until he or she is calm. Seclusion shall never include the use of locked doors and must always include constant visual supervision of the individual. It must only be used for behaviors that are physically harmful to the individual or other persons.

Seclusion may not be used as a routine programmatic intervention, for punitive purposes or for staff convenience. Time-out or seclusion will only be permitted if approved as a part of a behavior support plan.

If it is determined through the assessment and person-centered service planning processes that seclusion is being considered by the individual's team, the CMA will work with the team to promote the least restrictive/intrusive, most positive intervention culture needed to keep the individual safe. Seclusion must be authorized pursuant to a behavior support plan developed by a physician, licensed psychologist, county board of developmental disabilities, or another behavioral health treatment professional, in conjunction with the person-centered service plan and the individual's team. The behavior support plan is an addendum to the person-centered service plan. The plan will be coordinated to ensure an integrated approach to support individuals with complex behavioral challenges. Staff who are implementing seclusion will be trained via a variety of methods including, but not limited to, training directly from the entity that is writing the plan.

When a plan for seclusion is being developed, the CMA must assure that the following elements are addressed:

- Agreement from the individual's team that the use of seclusion is appropriate.
- Promotion of the least restrictive/intrusive intervention, and the most positive intervention culture needed to keep the individual safe.
- Inclusion and requirement of the use of preventive and/or alternative and non-aversive measures to assure the safety and well-being of the individual.
- Verification of authorization of the use of seclusion by the authorizing entity.
- Identification of an oversight entity responsible for ensuring that staff are appropriately trained regarding implementation of the behavior plan, including use of the seclusion, as well as for ongoing monitoring of the use of restraint. The oversight entity can include a parent/guardian or authorized representative or a behavioral health provider. However, the person implementing the seclusion cannot be the person responsible for monitoring the use of the seclusion.
- Existence of a plan to assure, and identification of the party responsible for, training the staff who implement seclusion.
- Documentation of the planned use of seclusion in the individual's person-centered service plan and communication record.

Any use of seclusion must be documented by the provider and reviewed by the case manager during routine visits and team meetings. Any use of seclusion that is not approved or is implemented contrary to the plan must be reported as an incident via the ODM-approved assessment and case management system.

If seclusion is utilized, direct care staff must report the incident and follow appropriate reporting

procedures. The provider must contact the CMA and the CMA must contact the individual and his/her legal representative within 24 hours of receiving the incident report. Changes to the person-centered service plan or living situation may be considered to support the person's safety and well-being. Follow-up visits in response to the incident report and to complaints by the individual and his/her legal representative will be conducted and include questions about any actions taken by the service provider that may qualify as unauthorized use or misapplication of seclusion.

Individuals who are also receiving services through a county board of developmental disabilities are eligible to access services through a behavior support plan. This includes the county board's oversight committees and processes. CMAs are expected to collaborate with county board staff to access this service on behalf of the individual. CMAs should request to be added specifically to the list of those who receive status reports for individuals with an aversive plan, which would include those plans with seclusion.

- ii. State Oversight Responsibility.** Specify the State agency (or agencies) responsible for overseeing the use of seclusion and ensuring that State safeguards concerning their use are followed and how such oversight is conducted and its frequency:

The CMAs report data to ODM on a quarterly basis regarding such things as the number of individuals for whom seclusion is used; types of seclusion being used; and authorizing entity.

The CMAs will identify any unauthorized or inappropriate use of seclusion and report case-specific information through the incident management system. The provider oversight contractor will report this data to ODM.

Data is analyzed by both the provider oversight contractor and ODM, with appropriate follow-up as needed regarding identified trends and patterns to support improvement strategies. Follow-up includes, but is not limited to: additional ODM or provider oversight contractor training of CMA or provider staff, and/or changes in protocols and/or rules. Through this analysis, and through both the provider oversight contractor and the incident management system, if case-specific concerns are noted, follow-up will occur with the authorizing entity and the individual's team.

Any significant injuries which result from employment of seclusion must be carefully analyzed and immediately reported to ODM and the CMA in accordance with incident reporting requirements.

In addition, the CMA and an oversight entity (e.g., a parent/guardian or authorized representative or a behavioral health provider) will help to ensure that staff is appropriately trained and that seclusion is used safely and appropriately. ODM must communicate with the case manager and verify documentation of the use of seclusion in the person-centered service plan, and communication record.

The CMAs must develop an individual-specific annual report that will be sent to the physician who certified the plan if the physician is the authorizing entity. The report must include identification of the seclusion used, frequency of use per month, and information regarding the outcome or response to the use of the seclusion. The CMAs must assure the physician reauthorizes the use of the seclusion at least annually.

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (1 of 2)

This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.

- a. Applicability.** Select one:

- No. This Appendix is not applicable** (do not complete the remaining items)
 Yes. This Appendix applies (complete the remaining items)

- b. Medication Management and Follow-Up**

- i. Responsibility.** Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.

The safe, effective and appropriate use of medications is an essential component to the Ohio Home Care Waiver, and to the assurance of the individual's ongoing health and welfare.

The CMA will complete a review of the individual's medications and utilization during the assessment/reassessment process. This includes all prescription, over-the-counter medications, nutritional supplements and herbal remedies. The person(s) responsible for administering medications will be identified and documented in the comprehensive assessment and on the person-centered service plan.

Administration of medication will be limited to medical personnel who are professionally licensed to do so in accordance with the Revised Code (e.g., a physician licensed to practice in the State of Ohio, and a nurse licensed to practice in Ohio in accordance with Section 4723. of the Revised Code, etc.). Providers who are responsible for medication administration will be required to record and report medication administration errors to the CMA for appropriate follow-up and referral (see incident reporting above). Medication errors will be included in the ODM-approved assessment and case management system and monitored through the incident management process. When errors are substantiated, referrals will be made to the physician, and when appropriate, the applicable state licensing authority.

Medical professionals who prescribe medication will have "first-line" responsibility for monitoring medication regimens. Ongoing monitoring of medication management will also take place during regular contacts and visits with the case manager.

In addition, each ICDS plan will be required to make available a medication therapy management program for all individuals participating in the ICDS demonstration. This person-centered approach will empower individuals to take an active role in their medication management, improve collaboration among pharmacists, physicians and other healthcare providers, enhance communication between individuals and their trans-disciplinary care team, and improve health outcomes. It will also pay specific attention to the use of narcotics, poly-pharmacy and providers with outlier prescribing patterns.

Upon request by the individual or upon referral by a provider or the individual's team, medication therapy management program pharmacists will meet face-to-face and/or consult by phone with individuals to:

- Ensure individuals receive the correct medications in the proper dosage and for the appropriate length of time;
- Ensure that individuals can access all of their medications, including filling prescriptions in a timely manner;
- Monitor prescription use to ensure the best possible health outcomes and to avoid or decrease the likelihood of adverse events;
- Provide individuals with education and counseling about their medications, including such things as why the medications are necessary, when they should be taken, risks and side effects, etc.; and
- Identify and alert prescribing physicians of any medication contraindications, and any other medication therapies that may be appropriate.

- ii. Methods of State Oversight and Follow-Up.** Describe: (a) the method(s) that the State uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the State agency (or agencies) that is responsible for follow-up and oversight.

Direct oversight of medication management is conducted by the CMAs; however, the State has methods to detect systemic issues. State rules and regulations outline the requirements for policies and procedural precautions that must be implemented for medication management, including prohibited practices. Case-specific situations where harmful practices are discovered receive remediation. Additionally, medication errors are reported and remediated through the incident management system. Data is reviewed and analyzed with trends and patterns noted, and follow-up as needed. Follow-up includes, but is not limited to requirements for additional staff training, and changes in protocol and rules. The CMAs must report any corrective action taken or technical assistance offered to staff.

Licensed provider agencies shall comply with appropriate licensing requirements governing medication management. Unlicensed provider agencies are required to have a pharmacist or physician complete quarterly medication/drug reviews for participants taking medications with potentially serious side effects. Individuals or

their authorized representatives who are employers of record are required to train or arrange for training of their employees in medication administration, if applicable.

Additionally, ODM operates a drug utilization review (DUR) program that is designed to educate providers across the Ohio Medicaid program about potentially inappropriate drug therapy. Beginning in May 2015, changes in the MITS system permitted pharmacy staff to generate and analyze waiver-specific pharmacy claims data to identify which waiver individuals, without a mental health diagnosis, have been prescribed a tranquilizer and/or an antipsychotic medication. They are also able to identify who the prescribing physician is. A pharmacist reviews each individual's history and determines if the prescriber should be contacted about a therapeutic problem. ODM then generates a letter to the prescriber stating the department identified a potential problem with the individual's drug therapy plan and requesting the prescriber review the plan. ODM requests a response from each prescriber to include any changes or corrections that are made as a result of the review. ODM pharmacy staff will follow up with the physician on the plans, if necessary.

Finally, the Ohio Automated Rx Reporting System (OARRS) is a web-based system operated by the Ohio State Board of Pharmacy that collects information on all outpatient prescriptions for controlled substances that are dispensed by Ohio licensed pharmacies and prescribed or personally furnished by licensed prescribers in Ohio. The information in OARRS is available to prescribers when they treat patients, pharmacist when presented with prescriptions from patients and law enforcement officers and health care regulatory boards during active investigations.

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (2 of 2)

c. Medication Administration by Waiver Providers

i. Provider Administration of Medications. *Select one:*

- Not applicable.** *(do not complete the remaining items)*
- Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications.** *(complete the remaining items)*

- ii. **State Policy.** Summarize the State policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Administration of medication is limited to medical personnel who are professionally licensed to do so in accordance with the Ohio Revised Code (e.g., a physician licensed to practice in the State of Ohio, and a nurse licensed to practice in the State of Ohio in accordance with Section 4723 of the Ohio Revised Code, etc.).

Personal care aides are not permitted to administer prescribed or over-the-counter medications to the individual, but pursuant to OAC Rule 4723-13-02 and unless otherwise prohibited by the provider's certification or accreditation status, may do only the following:

- (1) Remind an individual when to take the medication and observe to ensure that the individual follows the directions on the container;
- (2) Assist an individual in the self-administration of medication by taking the medication in its container from the area where it is stored and handing the container with the medication in it to the individual. If the individual is physically unable to open the container, the unlicensed person may open the container for the individual;
- (3) Assist upon request by or with the consent of, a physically impaired but mentally alert individual, in removing oral or topical medication from the container and in taking or applying the medication. If an individual is physically unable to place a dose of medicine in the individual's mouth without spilling or dropping it, an unlicensed person may place the dose in another container and place that container to the mouth of the individual ; or
- (4) Assisting an individual with self-administration does not mean that an unlicensed person can administer medication to an individual, whether orally, by injection, or by any other route.

Additionally, pursuant to Sections 5166.30 – 5166.3010 of the Ohio Revised Code, certain unlicensed providers are permitted to assist individuals with self-administration of medications as part of the home care attendant service.

iii. Medication Error Reporting. *Select one of the following:*

- Providers that are responsible for medication administration are required to both record and report medication errors to a State agency (or agencies).**

Complete the following three items:

- (a) Specify State agency (or agencies) to which errors are reported:

Providers are required to record the medication error and report to the CMAs through the incident reporting process.

The specific types of medication error that providers must record are:

- Administering the wrong drug, strength, or dose of medication;
- Missed dosage;
- Unauthorized dosage;
- Wrong time of administration (more than 1 hour);
- Incorrect route of administration;
- Medication refusals
- Wrong patient
- Adverse drug reactions

- (b) Specify the types of medication errors that providers are required to *record*:

See Appendix G-3(c)(iii)(c) below.

- (c) Specify the types of medication errors that providers must *report* to the State:

In accordance with OAC rule 5160-45-05 governing incident reporting, providers are required to record and report for further investigation incidents involving errors in the administration of medication to an individual.

In addition, in the case of home care attendant services, the individual who is receiving home care attendant services, the authorized representative or a provider shall report to ODM all instances in which a home care attendant appears to have provided nursing services, other than assistance with self-administration of medication or the performance of nursing tasks as authorized by state and rule, or provider services not in accordance with the authorizing health care professional's authorization. An investigation may be initiated based on the report and its findings reported to the Ohio Board of Nursing.

- Providers responsible for medication administration are required to record medication errors but make information about medication errors available only when requested by the State.**

Specify the types of medication errors that providers are required to record:

iv. State Oversight Responsibility. Specify the State agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.

ODM and the provider oversight contractor monitor CMAs' and providers' adherence to medication protocols. Providers who are responsible for medication administration will be required to record and report medication administration errors to the CMAs for appropriate follow-up and referral through the incident reporting process. When errors are substantiated, referrals will be made to the physician, and when appropriate, the applicable state licensing authority.

The CMAs are responsible for reporting all medication errors to the provider oversight contractor. The CMAs and ODM will ensure that all applicable state requirements have been followed regarding medication errors as part of the incident report review process. Aggregate data reports will be used through the continuous quality improvement process to identify recurrent problems with providers and prevent reoccurrence.

Appendix G: Participant Safeguards

Quality Improvement: Health and Welfare

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. Methods for Discovery: Health and Welfare

The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare. (For waiver actions submitted before June 1, 2014, this assurance read "The State, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.")

i. Sub-Assurances:

- a. Sub-assurance: The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death.** (Performance measures in this sub-assurance include all Appendix G performance measures for waiver actions submitted before June 1, 2014.)

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(1) Number and percent of providers and case managers reviewed for whom there is evidence they reviewed the incident management rule at least annually.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Reports from the Provider Oversight Contractor and the Case Management Agencies

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified

Specify: CMAs and Provider Oversight Contractor		Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(2) Number and percent of investigations of incidents involving abuse, neglect, exploitation, and suspicious death that were completed as specified in the approved waiver.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	

		<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
		<input type="checkbox"/> Continuously and Ongoing
		<input type="checkbox"/> Other Specify: <input type="text"/>
		<input type="checkbox"/> Other Specify: <input type="text"/>

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- b. *Sub-assurance: The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the

method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(3) Number and percent of participants who had a prevention plan developed as a result of the incident.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify:	<input type="checkbox"/> Annually

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="text"/>	
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

c. **Sub-assurance: The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.**

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(4) Number and percent of incidents involving the unauthorized use of restraint, seclusion or other restrictive interventions with a prevention plan developed as a result of the incident.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>

	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- d. *Sub-assurance: The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(5) Number and percent of individuals enrolled on the waiver with an identified need for assistance with medication administration, whose person-centered service plan addresses that need.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

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Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(6) Number and percent of suspicious deaths for which an investigation was initiated within the required timeframe.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):

Performance Measure:

(7) Number and percent of suspicious deaths that were determined to be preventable. Numerator: Number of suspicious deaths that were determined to be preventable.

Data Source (Select one):

Other

If 'Other' is selected, specify:

ODM-approved assessment and case management system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input checked="" type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input type="checkbox"/> Representative Sample Confidence Interval = <input type="text"/>
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
Activities by ODM for addressing individual problems include:

Adverse Outcomes Reporting and Tracking - During the course of any review conducted by ODM, when staff encounter a situation in which a waiver recipient’s health or welfare may be at risk, or when case management deficiencies are identified, the staff follow a protocol to report these observations. Adverse outcomes are prioritized based upon seven reporting levels: Imminent, Serious, Moderate, Failure to Report, Level of Care, Care Planning and Complaint. Depending on the severity of the situation, the staff will take immediate action, coordinate intervention with providers or case managers, or report the finding to ODM managers. ODM communicates findings to the CMA for further review and appropriate intervention, and with explicit variable timeframes within which a report back to ODM is expected. ODM logs and tracks all such findings and referrals to assure appropriate case-specific resolution. ODM convenes an internal Adverse Outcomes committee to determine when an Adverse Outcome is fully resolved and can be closed.

Incident Management and Provider Occurrence Reporting - ODM maintains explicit reporting requirements for individual incidents and provider occurrences in administrative rules and monitors the compliance. If an incident or occurrence is substantiated, and a provider is the violator, then a Notice of Operational Deficiency. Notices of Operational Deficiency are used for more severe violations, such as when ODM or the provider oversight contractor substantiates provider occurrences such as allegations of provider billing violations, substandard provider performance such as sleeping on the job, provider theft, etc., and serious and immediate threats to the health and welfare of the individual.

The provider must develop and submit a plan of correction. If the violation is extreme, there are repeat violations, or if a provider fails to implement corrective actions, ODM can impose sanctions, including termination of the provider's Medicaid agreement. ODM also relays information related to incidents and occurrences to licensing boards, to other entities that accredit or certify particular types of providers, and to other state agencies that operate Medicaid waivers, as appropriate.

Death and Mortality Review – ODM is notified and reviews deaths of every individual enrolled on the Ohio Home Care Waiver. A committee meets weekly to review the details of the deaths in order to determine if any are suspicious and require investigation by ODM. ODM works with law enforcement and other entities and

evaluates each death investigated at a mortality review committee upon completion of its investigation. The mortality review committee is a multi-disciplinary group of ODM staff, including ODM’s Medical Director, who meet monthly and determine the need for necessary follow-up and corrective action by providers or contractors.

As described elsewhere in this application, ODM relies on data gathered through Ongoing Review, Annual CMA Review, Quarterly and Monthly Reporting by the CMA, and the multi-agency Quality Steering Committee (QSC), as a means to identify systemic compliance and performance problems. Forums and processes through which general problems are addressed include formal corrective action planning, bi-annual Quality Briefings, and the QSC.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Health and Welfare that are currently non-operational.

- No
- Yes

Please provide a detailed strategy for assuring Health and Welfare, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix H: Quality Improvement Strategy (1 of 2)

Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the State has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the State specifies how it has designed the waiver’s critical processes, structures and operational features in order to meet these assurances.

- Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.

CMS recognizes that a state’s waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver’s relationship to other public programs, and will extend beyond regulatory

requirements. However, for the purpose of this application, the State is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.

Quality Improvement Strategy: Minimum Components

The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I), a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances;
- The *remediation* activities followed to correct individual problems identified in the implementation of each of the assurances;

In Appendix H of the application, a State describes (1) the *system improvement* activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent *roles/responsibilities* of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously *assess the effectiveness of the OIS* and revise it as necessary and appropriate.

If the State's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the State plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid State plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the State must be able to stratify information that is related to each approved waiver program. Unless the State has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the State must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

Appendix H: Quality Improvement Strategy (2 of 2)

H-1: Systems Improvement

a. System Improvements

- i. Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.

Background

Over the past year, the State examined the quality oversight strategy in place for all of Ohio's 1915(c) HCBS waivers. The State has worked on the development of an updated framework, which the State plans to implement for each of Ohio's HCBS waivers. This is largely the same proposed oversight strategy which was submitted to CMS as part of the PASSPORT renewal. It also includes specific oversight activities that are unique to the Ohio Home Care Waiver.

Medicaid Oversight Strategy

The State's quality oversight strategy for the Ohio Home Care Waiver relies on the collaborative efforts of staff at the Ohio Department of Medicaid and its case management and provider management contractors to generate and analyze both data and other performance-related information to measure compliance with federal waiver assurances and to assure the health of welfare of waiver participants.

Role of the State Medicaid Agency

Ohio Medicaid has crafted a broad quality strategy that creates a framework for the program to achieve the following aims:

- **Better Care:** Improve the overall quality, by making health care more patient-centered, reliable, accessible and safe.
- **Healthy People/Healthy Communities:** Improve the health of the Ohio Medicaid population by supporting proven interventions to address behavioral, social and environmental determinants of health; and
- **Practice Best Evidence Medicaid:** Facilitate the implementation of best clinical practices to Medicaid providers through collaboration and improvement science approaches.

Within this framework, the State is pursuing program and process changes intended to make care safer, improve care coordination, promote evidence-based prevention and treatment practices, support person and family-centered care and ensure effective and efficient administration. For Ohio's HCBS waivers, this approach to quality builds upon the processes and infrastructure currently in place to measure compliance with federal waiver assurances.

ODM Oversight of Case Management Agencies and the Provider Oversight Contractor

ODM has operational responsibility for the Ohio Home Care Waiver. As part of that responsibility, ODM delegates certain functions to case management agencies that operate around the state and a single provider oversight contractor. Contracts between ODM and these entities include language authorizing ODM to perform oversight activities that help to establish the program's compliance with federal and state laws and regulations, as well as auditing and fiscal compliance. In the Ohio Home Care Waiver, Ohio integrates the State's Medicaid quality strategy by aligning ODM's waiver quality processes with that work. ODM employs a multi-faceted monitoring and oversight process that includes the following:

Monthly and Quarterly Reporting – Case management agencies and the provider oversight contractor are obligated to submit a series of reports to ODM that include operational output and quality performance data.

Ongoing Review – Every year, ODM conducts interviews with approximately 400 randomly selected waiver participants to measure compliance with performance regarding waiver assurances, including service planning, care management, free choice of provider, level of care, health and welfare, hearing rights, participant satisfaction and validation of service delivery.

Targeted Review – ODM places a priority on maintaining a presence in the community to monitor individual health outcomes and to identify opportunities for program improvement. ODM conducts a series of targeted reviews of individuals enrolled on HCBS waivers across populations. These reviews are performed on a subset of individuals enrolled on all of the State's HCBS waivers. Ohio uses claims data and other criteria to identify a target group on the basis of, for example, diagnosis, service utilization (over or under), medications and care management. The goal of these targeted reviews is to locate "hot spots" within the program and identify at-risk individuals who, with the assistance of our partners (i.e., sister agencies, case managers and providers, etc.), the State can help to avoid or mitigate negative health outcomes. Targeted reviews may be structured to focus on individual health and safety which may include individuals who meet a certain clinical profile, such as those with uncontrolled diabetes or avoidable hospitalizations and/or the State may focus on oversight of delegated administrative functions and compliance with waiver assurances, etc. Through this process, ODM may identify opportunities for program improvement and/or increased oversight. Should ODM have findings from the targeted review, the department may require contractors and/or providers to develop and implement corrective action, as needed.

Annual Contractor Reviews – ODM conducts an annual review of each CMA and the provider oversight contractor in order to ensure compliance with all contract terms. The annual reviews include desk reviews and an on-site visit. ODM issues an annual review report and the CMAs and the provider oversight contractor are required to develop and submit a plan of correction related to all identified deficiencies. ODM continues to monitor their compliance with the plan of correction.

Quality Briefings – ODM meets with each contracted agency on a quarterly basis to dialogue about data generated through the departments' respective quality processes. In these meetings, the departments will review performance data generated through targeted reviews and discuss remediation and/or corrective action. These quality briefings are also informed by data presented by ODM on the oversight activities

conducted by the agency, including but not limited to, problems detected, corrective measures taken and how such measures were are/were verified. The quality briefings serve as the forum for ODM and contractors to share and review performance metrics.

Quarterly Performance Data and Multi-Agency Quality Forums – ODM convenes a multi-agency HCBS waiver Quality Steering Committee (QSC). The committee collects, compiles and reports aggregate waiver-specific performance data. The QSC uses this data as a means to assess and compare performance across Ohio’s Medicaid waiver systems to identify such things as cross-waiver structural weaknesses, support collaborative efforts to improve waiver systems and to help move Ohio toward a more unified quality management system.

Case-Specific Resolution – ODM assures case-specific resolution through “Alert Monitoring” and the “Adverse Outcomes” process.

Fiscal Reviews – ODM staff perform regular desk reviews of administrative costs, with A-133 Audits being performed every one to three years based on risk. Additional detail about Ohio’s practice for maintaining fiscal oversight of the Ohio Home Care Waiver can be found in Appendix I.

Open lines of Communications – ODM regularly communicates with case management agencies and the provider oversight contractor about case-specific matters and other issues related to program operations, provides technical assistance and responds to inquiries. Topics include, but are not limited to, individual health and welfare, program administration, budgeting, enrollment, providers and provider enrollment, provider reimbursement, issues pertaining to Medicaid state plan services, pending legislation, statutory and rule changes, etc. ODM also conducts a monthly “all contractors meeting” as well as monthly “one-on-one” meetings with each contractor. Contractors are also represented on the Quality Steering Committee, Protection from Harm workgroup and various stakeholder groups.

ii. System Improvement Activities

Responsible Party <i>(check each that applies):</i>	Frequency of Monitoring and Analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
<input type="checkbox"/> Quality Improvement Committee	<input checked="" type="checkbox"/> Annually
<input checked="" type="checkbox"/> Other Specify: CMAs and the Provider Oversight Contractor	<input checked="" type="checkbox"/> Other Specify: Quality briefings in which performance data is reviewed in depth occur at least twice a year

b. System Design Changes

- i.** Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the State's targeted standards for systems improvement.

As a result of instituting several new means for ongoing oversight and monitoring of the Ohio Home Care Waiver, which generate a steady stream of performance data, ODM is in an improved position to detect the impact of system design changes and to assess and compare performance over time, across systems, and across counties. Depending on the nature of a particular change, ODM may conduct, or direct the CMAs to conduct, targeted reviews to evaluate the impact or the effectiveness of that change.

Now that key measures and the means to gather data are more established, the critical next steps for data- driven systems improvement are: 1) to formalize venues for regular and sustained attention to specific performance data, 2) to improve our capacity to discover trend failures and successes, 3) to effectively communicate to all levels of the service delivery system that there will be sustained attention to particular measures, and 4) to

effectively communicate to all levels of the service delivery system that under- performance in these areas must necessarily be followed-up with further investigation and active remediation.

- ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.

Ohio has refined and implemented several elements of a new Quality Improvement Strategy. As a result of instituting several new means for ongoing oversight and monitoring of all Ohio Medicaid waivers, Ohio will have access to a steady stream of performance data which should provide a basis to evaluate the overall effectiveness of that strategy.

Appendix I: Financial Accountability

I-1: Financial Integrity and Accountability

Financial Integrity. Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

The Auditor of the State of Ohio conducts an annual Single Audit of the State of Ohio of ODM in accordance with the requirements of the Single Audit Act (31 U.S.C. 7501-7507), as amended by the Single Audit Act Amendments of 1996 (P.L. 104-146).

In accordance with Rule 5160-1-29 of the Administrative Code, ODM is required to have in effect a program to prevent and detect fraud, waste and abuse in the Medicaid program. The definition of fraud, waste and abuse incorporates the concept of payment integrity. ODM, the Auditor of State and/or the Ohio Attorney General may recoup any amount in excess of that legitimately due to the provider-based review or audit.

ODM's provider oversight contractor also conducts yearly structural reviews on all waiver approved independent providers. These structural reviews contain unit of service verifications that verify the provider's billing along with the service authorization and documentation. Providers are required to complete adjustments for any overpayments identified. If the provider does not do the adjustments, referrals are made to ODM. ODM will issue a notice of deficiency. If in the end the provider fails to do the adjustments a referral will be made to ODM's Surveillance and Utilization Review Section (SURS) to issue the overpayment. SURS' primary function is to conduct audit and review activities to assure the allowability of claims paid to Medicaid providers. These activities is intended to assure that claims paid to providers for Medicaid services are valid and appropriate.

At any point, if the provider oversight contractor suspects Medicaid fraud a referral is made directly the Ohio Attorney General's Medicaid Fraud Control Unit (AGMFCU). AGMFCU has statewide criminal jurisdiction over Medicaid provider fraud investigations. Common types of fraud include billing for services not provided, billing for a higher level of service than rendered, billing for services not medically necessary, and offering or receiving cash to obtain business. ODM staff meet with AGMFCU bi-weekly to share information about suspected cases of Medicaid fraud in the State's waiver programs and home health populations and to discuss related to referrals, indictments and convictions. If the Attorney General's Office is unable to prosecute a case, they refer it back to ODM to collect any associate overpayments.

Appendix I: Financial Accountability

Quality Improvement: Financial Accountability

As a distinct component of the State's quality improvement strategy, provide information in the following fields to detail the State's methods for discovery and remediation.

a. Methods for Discovery: Financial Accountability

State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver. (For waiver actions submitted before June 1, 2014, this assurance read "State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.")

i. Sub-Assurances:

- a. **Sub-assurance: The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.**
 (Performance measures in this sub-assurance include all Appendix I performance measures for waiver actions submitted before June 1, 2014.)

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(1) Number and percent of paid claims for waiver services reviewed that were authorized.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Claims Review

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% with confidence within MOE +/- 5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

Performance Measure:

(2) Percent of paid claims that were properly coded and reimbursed in accordance with the authorized fee schedule.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Claims Review

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% with confidence MOE +/- 5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>

	<input type="checkbox"/> Other Specify: <input style="width: 100%;" type="text"/>
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Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input style="width: 100%;" type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input style="width: 100%;" type="text"/>

- b. *Sub-assurance: The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

(3) Number and percent of waiver claims reviewed that were paid using the correct rate as specified in Chapter 5160-46 of the Ohio Administrative Code.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Claims Review

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review

<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% with confidence MOE +/- 5%
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually	<input type="checkbox"/> Stratified Describe Group: <input type="text"/>
	<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Other Specify: <input type="text"/>
	<input type="checkbox"/> Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.
 MITS edits prevent providers from being paid more than the approved rate for each waiver service. The amount paid is calculated by MITS, according to the approved methodology and based on the number of units billed, etc.

The ODM Office of Fiscal and Monitoring Service, Surveillance Utilization Review Section (SURS), conducts post-payment auditing. This involves data-mining to discover claims paid for dates of services subsequent to a waiver participant’s date of death, or for waiver services paid on the same date of service for which ODM paid a claim for inpatient hospital care. When payment for non-allowable services is discovered, SURS initiates collection of the apparent overpayment from the provider.

As part of its monitoring process, ODM and the provider oversight contractor conduct face-to-face structural reviews with providers. Included in the structural review is a unit of service verification audit that compares services authorized, delivered and billed as they relate to the individual's person-centered service plan. ODM reports all provider overpayments to SURS, and the Ohio Attorney General's Medicaid Fraud Control Unit, as appropriate, and providers are instructed to return overpayments to ODM. ODM forwards CMS the federal share of any recovered overpayment.

ii. Remediation Data Aggregation
Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
<input checked="" type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
<input type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
<input type="checkbox"/> Sub-State Entity	<input type="checkbox"/> Quarterly
<input type="checkbox"/> Other Specify: <input type="text"/>	<input checked="" type="checkbox"/> Annually
	<input type="checkbox"/> Continuously and Ongoing
	<input type="checkbox"/> Other Specify: <input type="text"/>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

- No**
- Yes**

Please provide a detailed strategy for assuring Financial Accountability, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (1 of 3)

- a. **Rate Determination Methods.** In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the

description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

Provider payment rates for waiver services are outlined in Ohio Administrative Code 5160-46-06. ODM staff review provider payment rates for waiver services on an ongoing basis, looking at comparable services being provided in the Ohio health care industry, community services environment, and Medicare. ODM Bureau of Long Term Care Services and Supports and the Bureau of Health Plan Policy review rates and recommend rate changes. ODM also works with actuaries to assure that rates are reasonable. The availability of funding in the state's biennial budget also impacts ODM' ability to adjust provider rates.

ODM staff meet with stakeholders including, but not limited to the Ohio Council for Home Care and Hospice (OCHCH) and the Midwest Care Alliance, Ohio's home health agency trade organizations, monthly. Provider reimbursement rates are one of the topics discussed with these stakeholders. Annually, OCHCH meets with the Director of ODM to discuss health plan direction and specific concerns/issues, which may include reimbursement rates.

ODM regularly informs individuals, providers and stakeholders of administrative policy changes through its stakeholder process, including, but not limited to, dedicated workgroups, as well as internal and external review processes. They are afforded opportunities to discuss their concerns prior to and during public hearings. Notices for the public hearings for all rate-related policy or rate changes are made in accordance with 42 CFR 447.205. Notices of rule changes are also communicated through the remittance advices that providers receive when they are reimbursed by Medicaid.

- b. Flow of Billings.** Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the State's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:

ODM operates an electronic claims processing system (MITS). Approved ODM-administered HCBS waiver service providers submit claims through ODM' MITS system, which then processes and adjudicates the claims. MITS submits the claims/reimbursement data to the Ohio Auditor of State, who processes reimbursement warrants to the providers. Providers have the ability to utilize the services of contracted billing agencies (tape vendors) during the billing/reimbursement process.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (2 of 3)

- c. Certifying Public Expenditures**(*select one*):

- No. State or local government agencies do not certify expenditures for waiver services.**
- Yes. State or local government agencies directly expend funds for part or all of the cost of waiver services and certify their State government expenditures (CPE) in lieu of billing that amount to Medicaid.**

Select at least one:

- Certified Public Expenditures (CPE) of State Public Agencies.**

Specify: (a) the State government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b).(Indicate source of revenue for CPEs in Item I-4-a.)

- Certified Public Expenditures (CPE) of Local Government Agencies.**

Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the State verifies

that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (*Indicate source of revenue for CPEs in Item I-4-b.*)

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (3 of 3)

- d. Billing Validation Process.** Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:

Claims for the Ohio Home Care Waiver services are processed through ODM's Medicaid Information Technology System (MITS). As part of claims processing, MITS edits to assure that:

- The claim is for the service provided to an individual who was enrolled on a Medicaid waiver and was eligible on the date of service.
- The claim amount does not exceed the maximum rate approved for the service.
- The service was rendered by a provider that holds a valid Medicaid provider agreement on the date of service.
- There is no evidence of third party insurance that is responsible for covering the cost of service.

MITS also exerts controls to ensure that waiver participants are eligible to receive certain types of waiver services, that total costs don't exceed pre-established limits for a given time period, and that providers are eligible to provide, and to receive payment for, particular services.

ODM program staff and the provider oversight contractor follow a structured process to confirm and investigate provider occurrences, including occurrences that relate to inappropriate billing. This process includes issuing notices of deficiencies and requesting plans of correction. ODM and the provider oversight contractor also review the services provided, the services identified in the individual's person-centered service plan, and the provider's billing as a means of discovering overpayments.

The State is able to identify and track issues (e.g. non-agency providers exceeding 40 hours/week across all services and all claims are identified) through MITS and additional management reports.

The new ODM-approved assessment and case management system, will implement the functionality of a validation processes as well as inter-operate with the MITS system. While direct linking of participant's approved person-centered service plan costs with provider billings is anticipated to be possible in late 2015, the validation business process anticipates an indirect linkage of these business processes to accomplish the appropriate approvals, alerts, and workflows of pre-approval, billing, payment, and analysis. This functionality will be available in a latter phase of implementation anticipated for no later than 2016.

In addition, the State conducts retrospective reviews and audits to assure the accuracy of provider billing to the participant's Person-centered service plan, e.g., structural reviews and unit of service verification activities as set forth in OAC rule 5160-45-06. SURS has overall responsibility for auditing all Medicaid billing. Federal and state audits also verify billing accuracy.

- e. Billing and Claims Record Maintenance Requirement.** Records documenting the audit trail of adjudicated claims (including supporting documentation) are maintained by the Medicaid agency, the operating agency (if applicable), and providers of waiver services for a minimum period of 3 years as required in 45 CFR §92.42.

Appendix I: Financial Accountability

I-3: Payment (1 of 7)

- a. Method of payments -- MMIS (*select one*):**

- Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).**
- Payments for some, but not all, waiver services are made through an approved MMIS.**

Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

- Payments for waiver services are not made through an approved MMIS.**

Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

- Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.**

Describe how payments are made to the managed care entity or entities:

Appendix I: Financial Accountability

I-3: Payment (2 of 7)

- b. Direct payment.** In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (*select at least one*):

- The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.**
- The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.**
- The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.**

Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:

- Providers are paid by a managed care entity or entities for services that are included in the State's contract with the entity.**

Specify how providers are paid for the services (if any) not included in the State's contract with managed care entities.

Appendix I: Financial Accountability

I-3: Payment (3 of 7)

- c. Supplemental or Enhanced Payments.** Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to States for expenditures for services under an approved State plan/waiver. Specify whether supplemental or enhanced payments are made. *Select one:*

- No. The State does not make supplemental or enhanced payments for waiver services.**
- Yes. The State makes supplemental or enhanced payments for waiver services.**

Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the State to CMS. Upon request, the State will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.

Appendix I: Financial Accountability

I-3: Payment (4 of 7)

- d. Payments to State or Local Government Providers.** *Specify whether State or local government providers receive payment for the provision of waiver services.*

- No. State or local government providers do not receive payment for waiver services.** Do not complete Item I-3-e.
- Yes. State or local government providers receive payment for waiver services.** Complete Item I-3-e.

Specify the types of State or local government providers that receive payment for waiver services and the services that the State or local government providers furnish:

Less than 1% of Ohio Home Care Waiver providers are public providers. Types of public providers that receive payment for waiver services include city and county health departments with HHA services, and public ICFs-IID providing Out-of-Home Respite Services. Public providers furnish the same services that private providers furnish. Reimbursement rates are established in the Ohio Administrative Code and are the same rates paid to private providers of the same services.

Appendix I: Financial Accountability

I-3: Payment (5 of 7)

- e. Amount of Payment to State or Local Government Providers.**

Specify whether any State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the State recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. *Select one:*

- The amount paid to State or local government providers is the same as the amount paid to private providers of the same service.**
- The amount paid to State or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.**

- The amount paid to State or local government providers differs from the amount paid to private providers of the same service. When a State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the State recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.**

Describe the recoupment process:

Appendix I: Financial Accountability

I-3: Payment (6 of 7)

f. Provider Retention of Payments. Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. *Select one:*

- Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.**
- Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.**

Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the State.

Appendix I: Financial Accountability

I-3: Payment (7 of 7)

g. Additional Payment Arrangements

i. Voluntary Reassignment of Payments to a Governmental Agency.*Select one:*

- No. The State does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.**
- Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e).**

Specify the governmental agency (or agencies) to which reassignment may be made.

ii. Organized Health Care Delivery System.*Select one:*

- No. The State does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.**
- Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.**

Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is

assured that OHCDs contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDs arrangement is used:

iii. **Contracts with MCOs, PIHPs or PAHPs.***Select one:*

- The State does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.**
- The State contracts with a Managed Care Organization(s) (MCO) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the State Medicaid agency.**

Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

- This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.**

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (1 of 3)

- a. **State Level Source(s) of the Non-Federal Share of Computable Waiver Costs.** Specify the State source or sources of the non-federal share of computable waiver costs. *Select at least one:*

- Appropriation of State Tax Revenues to the State Medicaid agency**
- Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.**

If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the State entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

- Other State Level Source(s) of Funds.**

Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (2 of 3)

b. Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. *Select One:*

Not Applicable. There are no local government level sources of funds utilized as the non-federal share.

Applicable

Check each that applies:

Appropriation of Local Government Revenues.

Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

Other Local Government Level Source(s) of Funds.

Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the State Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (3 of 3)

c. Information Concerning Certain Sources of Funds. Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. *Select one:*

None of the specified sources of funds contribute to the non-federal share of computable waiver costs

The following source(s) are used

Check each that applies:

Health care-related taxes or fees

Provider-related donations

Federal funds

For each source of funds indicated above, describe the source of the funds in detail:

Appendix I: Financial Accountability

I-5: Exclusion of Medicaid Payment for Room and Board

a. Services Furnished in Residential Settings.*Select one:*

No services under this waiver are furnished in residential settings other than the private residence of the individual.

As specified in Appendix C, the State furnishes waiver services in residential settings other than the personal home of the individual.

b. Method for Excluding the Cost of Room and Board Furnished in Residential Settings.The following describes the methodology that the State uses to exclude Medicaid payment for room and board in residential settings:

Only one Ohio Home Care Waiver service is offered in a residential setting. Out-of-Home Respite Services falls under the exception listed in 42 CFR 441.310 (a)(2). It is reimbursed at a daily rate and the rate includes room and board.

Appendix I: Financial Accountability

I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver

Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver. *Select one:*

- No. The State does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.**
- Yes. Per 42 CFR §441.310(a)(2)(ii), the State will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The State describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.**

The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)

a. Co-Payment Requirements. Specify whether the State imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. *Select one:*

- No. The State does not impose a co-payment or similar charge upon participants for waiver services.**
- Yes. The State imposes a co-payment or similar charge upon participants for one or more waiver services.**

i. Co-Pay Arrangement.

Specify the types of co-pay arrangements that are imposed on waiver participants (*check each that applies*):

Charges Associated with the Provision of Waiver Services (*if any are checked, complete Items I-7-a-ii through I-7-a-iv*):

- Nominal deductible**
- Coinsurance**
- Co-Payment**
- Other charge**

Specify:

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)

a. Co-Payment Requirements.**ii. Participants Subject to Co-pay Charges for Waiver Services.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability**I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)****a. Co-Payment Requirements.****iii. Amount of Co-Pay Charges for Waiver Services.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability**I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)****a. Co-Payment Requirements.****iv. Cumulative Maximum Charges.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability**I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)****b. Other State Requirement for Cost Sharing.** Specify whether the State imposes a premium, enrollment fee or similar cost sharing on waiver participants. *Select one:*

- No. The State does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.**
- Yes. The State imposes a premium, enrollment fee or similar cost-sharing arrangement.**

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

Appendix J: Cost Neutrality Demonstration**J-1: Composite Overview and Demonstration of Cost-Neutrality Formula**

Composite Overview. Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.

Level(s) of Care: Hospital, Nursing Facility

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
1	22174.84	28638.00	50812.84	61895.00	13785.00	75680.00	24867.16
2	21910.81		50977.81			77376.00	26398.19

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
		29067.00		63282.00	14094.00		
3	18964.16	30328.00	49292.16	64699.00	14410.00	79109.00	29816.84
4	18902.83	42268.00	61170.83	61919.00	18906.00	80825.00	19654.17
5	18902.74	43536.00	62438.74	63777.00	19473.00	83250.00	20811.26

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (1 of 9)

- a. **Number Of Unduplicated Participants Served.** Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

Table: J-2-a: Unduplicated Participants

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	Level of Care:
		Hospital	Nursing Facility
Year 1	11450*	573	10877
Year 2	11900	595	11305
Year 3	12350	618	11732
Year 4	7200	360	6840
Year 5	8000	400	7600

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (2 of 9)

- b. **Average Length of Stay.** Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

The average length of stay was estimated based on the actual historical length of stay of consumers on the Ohio Home Care waiver during state fiscal year 2010.

Individuals enrolled in the Ohio Home Care Waiver who meet the eligibility criteria for MyCare Ohio will transition to this waiver during the months of March through June of 2014. In waiver year three, a slight adjustment to the length of stay was made to account for this. The average length of stay for waiver years four and five is based on the length of stay of those Ohio Home Care Waiver individuals who are not dually-eligible. It also takes into account that some consumers will be enrolled on the Ohio Home Care Waiver for a period of up to 90 days before they are transferred to MyCare Ohio.

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (3 of 9)

- c. **Derivation of Estimates for Each Factor.** Provide a narrative description for the derivation of the estimates of the following factors.

- i. **Factor D Derivation.** The estimates of Factor D for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:

The number of unduplicated users takes into account the number of users in state fiscal years 2009 and 2010, the enrollment and disenrollment rates during state fiscal year 2010, the projected number of Ohio Home Care individuals who will be enrolled in the Home Choice program, and the number of projected transfers from the Ohio Home Care Waiver to the Transitions II Aging Carve-Out Waiver. Until July 1, 2015, ODM transferred

Ohio Home Care Waiver individuals age 60 and older to the Transitions II Aging Carve-Out Waiver. Following the elimination of the Transitions II Aging Carve-Out Waiver on June 30, 2015, ODM will disenroll individuals from the Ohio Home Care Waiver upon assessment following their 60th birthday. The case manager's discharge planning responsibilities include assisting the individual with enrollment on another NF-LOC waiver. Projected waiver service utilization is based on actual utilization of the Ohio Home Care Waiver during state fiscal years 2009 and 2010.

The estimated number of units per user reflect the estimated ALOS, which is based on historical actual figures.

The utilization figures were updated based on figures from state fiscal year 2012. The figures in waiver year three take into account those individuals who will be transitioning to MyCare Ohio beginning in March of 2014. The projected utilization for waiver years four and five is based on the historical utilization (during state fiscal year 2012) of those Ohio Home Care Waiver individuals who are not eligible for the MyCare Ohio program.

- ii. Factor D' Derivation.** The estimates of Factor D' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

Projected service utilization for non-waiver services is based on actual utilization of the Ohio Home Care Waiver population during state fiscal years 2009 and 2010. An annual inflation factor of 1.5% was applied to the historical expenditures to project costs for future waiver years.

Eligibility data was used to identify dual eligibles. Drug expenditures were then removed for the dual eligible waiver individuals.

The D' amount was updated based on figures from state fiscal year 2012 and takes into account those individuals who will be transitioning to MyCare Ohio beginning in March of 2014. The projected expenditures for waiver years four and five are based on the historical expenditures (during state fiscal year 2012) of those Ohio Home Care Waiver individuals who are not eligible for the MyCare Ohio program. The figures reflect a 3% rate of inflation.

- iii. Factor G Derivation.** The estimates of Factor G for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The control group includes the following two subgroups: (1) individuals age 59 and younger who had an inpatient stay of 30 days or more during state fiscal year 2010 with one of the DRGs listed below; and (2) individuals age 59 and younger who were institutionalized in a nursing facility for 260 or more days during state fiscal year 2010. In the earlier application, the control group included: (1) individuals age 59 and younger who had an inpatient stay of 30 days or more with one of the DRGs listed below; and (2) individuals age 59 and younger who were institutionalized in a nursing facility for 180 or more days. After conducting research, we found that 73% of the individuals on this waiver had a length of stay of at least 260 days. To ensure that the control group is as similar as possible to the individuals on the waiver, the length of stay for the nursing facility component of the control group was changed from 180 to 260 days.

DRG List for Hospital Control Group

DRG 9 Spinal Disorders & Injuries
 DRG 13 Multiple Sclerosis & Cerebral Ataxia
 DRG 27 Traumatic Stupor & Coma
 DRG 31 Concussion age > 17 w cc
 DRG 32 Concussion age > 17 w/o cc
 DRG 33 Concussion 0 - 17
 DRG 34 Other Disorders of Nervous System w cc
 DRG 35 Other Disorders of Nervous System w/o cc
 DRG 88 Chronic Obstructive Pulmonary Disease
 DRG 101 Other Respiratory System Diagnosis w cc
 DRG 102 Other Respiratory System Diagnosis w/o cc
 DRG 385 neonates transferred to another facility
 DRG 386 Extreme immaturity/respiratory distress
 DRG 387 Prematurity w major problems
 DRG 388 Prematurity w/o major problems
 DRG 389 Full term neonate w major problems
 DRG 467 Other factors influencing health status

DRG 475 Respiratory system diagnosis w vent. support

Institutional costs were projected using state fiscal year 2010 expenditures as the baseline and applying an annual inflation factor of approximately 2.2%.

The control group has been modified to exclude individuals who are eligible for MyCare Ohio. The expenditures for waiver years 4 and 5 are based on historical expenditures for state fiscal year 2012 and assume a rate of inflation of 2.9%.

- iv. **Factor G' Derivation.** The estimates of Factor G' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The control group for the NF and hospital levels of care is specified in c-iii. G prime estimates are based on an analysis of non-institutional claims for dates of service during state fiscal years 2009 and 2010. An annual inflation factor of approximately 2.2% was applied to the historical expenditures to project costs for future waiver years.

Eligibility data was used to identify dual eligibles. Drug expenditures were then removed for the dual eligible control group individuals.

The control group has been modified to exclude consumers who are eligible for MyCare Ohio. The expenditures for waiver years 4 and 5 are based on historical expenditures for state fiscal year 2012 and assume a rate of inflation of 3.0%.

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (4 of 9)

Component management for waiver services. If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select “*manage components*” to add these components.

Waiver Services	
Adult Day Health Center Services	
Personal Care Aide Services	
Emergency Response Services	
Home Care Attendant Services	
Home Delivered Meal Services	
Home Modification Services	
Out-of-Home Respite Services	
Supplemental Adaptive and Assistive Device Services	
Supplemental Transportation Services	
Waiver Nursing Services	

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (5 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 1

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Health Center Services Total:						1551958.38
Adult Day Health Center Services	1 day	245	102.60	61.74	1551958.38	
Personal Care Aide Services Total:						199834937.62
Personal Care Aide Services	15 minutes	9716	5697.40	3.61	199834937.62	
Emergency Response Services Total:						2994126.21
Emergency Response Services	1 month	6395	11.10	42.18	2994126.21	
Home Care Attendant Services Total:						138520.80
Home Care Attendant Services	15 minutes	40	594.00	5.83	138520.80	
Home Delivered Meal Services Total:						7877101.06
Home Delivered Meal Services	1 meal	3288	340.30	7.04	7877101.06	
Home Modification Services Total:						5306264.23
Home Modification Services	1 item	1303	1.20	3393.62	5306264.23	
Out-of-Home Respite Services Total:						127314.77
Out-of-Home Respite Services	1 day	34	18.60	201.32	127314.77	
Supplemental Adaptive and Assistive Device Services Total:						2813636.57
Supplemental Adaptive and Assistive Device Services	1 item	2309	1.20	1015.46	2813636.57	
Supplemental Transportation Services Total:						1090.75
Supplemental Transportation Services	1 mile	6	478.40	0.38	1090.75	
Waiver Nursing Services Total:						33256953.84
Waiver Nursing Services	15 minutes	3911	966.30	8.80	33256953.84	
GRAND TOTAL:						253901904.23
Total Estimated Unduplicated Participants:						11450
Factor D (Divide total by number of participants):						22174.84
Average Length of Stay on the Waiver:						317

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (6 of 9)

d. Estimate of Factor D.

i. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to

automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 2

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Health Center Services Total:						1615303.62
Adult Day Health Center Services	1 day	255	102.60	61.74	1615303.62	
Personal Care Aide Services Total:						205965795.82
Personal Care Aide Services	15 minutes	10098	5697.40	3.58	205965795.82	
Emergency Response Services Total:						3111643.91
Emergency Response Services	1 month	6646	11.10	42.18	3111643.91	
Home Care Attendant Services Total:						171963.00
Home Care Attendant Services	15 minutes	50	594.00	5.79	171963.00	
Home Delivered Meal Services Total:						8186147.90
Home Delivered Meal Services	1 meal	3417	340.30	7.04	8186147.90	
Home Modification Services Total:						5518026.12
Home Modification Services	1 item	1355	1.20	3393.62	5518026.12	
Out-of-Home Respite Services Total:						131059.32
Out-of-Home Respite Services	1 day	35	18.60	201.32	131059.32	
Supplemental Adaptive and Assistive Device Services Total:						2924524.80
Supplemental Adaptive and Assistive Device Services	1 item	2400	1.20	1015.46	2924524.80	
Supplemental Transportation Services Total:						1090.75
Supplemental Transportation Services	1 mile	6	478.40	0.38	1090.75	
Waiver Nursing Services Total:						33113120.09
Waiver Nursing Services	15 minutes	4065	966.30	8.43	33113120.08	
GRAND TOTAL:						260738675.33
Total Estimated Unduplicated Participants:						11900
Factor D (Divide total by number of participants):						21910.81
Average Length of Stay on the Waiver:						317

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (7 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 3

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Health Center Services Total:						1482150.24
Adult Day Health Center Services	1 day	281	83.30	63.32	1482150.24	
Personal Care Aide Services Total:						185648610.82
Personal Care Aide Services	15 minutes	10592	4951.20	3.54	185648610.82	
Emergency Response Services Total:						2555093.11
Emergency Response Services	1 month	6413	10.40	38.31	2555093.11	
Home Care Attendant Services Total:						299831.40
Home Care Attendant Services	15 minutes	25	2630.10	4.56	299831.40	
Home Delivered Meal Services Total:						5911700.20
Home Delivered Meal Services	1 meal	3010	283.00	6.94	5911700.20	
Home Modification Services Total:						5943659.65
Home Modification Services	1 item	1351	1.20	3666.21	5943659.65	
Out-of-Home Respite Services Total:						81367.56
Out-of-Home Respite Services	1 day	31	13.80	190.20	81367.56	
Supplemental Adaptive and Assistive Device Services Total:						2816877.05
Supplemental Adaptive and Assistive Device Services	1 item	2270	1.30	954.55	2816877.05	
Supplemental Transportation Services Total:						341.62
Supplemental Transportation Services	1 mile	5	179.80	0.38	341.62	
GRAND TOTAL:						234207322.21
Total Estimated Unduplicated Participants:						12350
Factor D (Divide total by number of participants):						18964.16
Average Length of Stay on the Waiver:						277

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Waiver Nursing Services Total:						29467690.56
Waiver Nursing Services	15 minutes	3920	811.80	9.26	29467690.56	
GRAND TOTAL:						234207322.21
Total Estimated Unduplicated Participants:						12350
Factor D (Divide total by number of participants):						18964.16
Average Length of Stay on the Waiver:						277

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (8 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 4

Waiver Service/Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Health Center Services Total:						590438.38
Adult Day Health Center Services	1 day	121	78.30	62.32	590438.38	
Personal Care Aide Services Total:						106097685.50
Personal Care Aide Services	15 minutes	5888	5090.20	3.54	106097685.50	
Emergency Response Services Total:						1397866.82
Emergency Response Services	1 month	3340	11.90	35.17	1397866.82	
Home Care Attendant Services Total:						80480.64
Home Care Attendant Services	15 minutes	8	2004.00	5.02	80480.64	
Home Delivered Meal Services Total:						3189335.30
Home Delivered Meal Services	1 meal	1561	294.40	6.94	3189335.30	
Home Modification Services Total:						3555080.93
Home Modification Services	1 item	756	1.20	3918.74	3555080.93	
Out-of-Home Respite Services Total:						66454.17
Out-of-Home Respite Services	1 day		15.80	191.18	66454.17	
GRAND TOTAL:						136100399.47
Total Estimated Unduplicated Participants:						7200
Factor D (Divide total by number of participants):						18902.83
Average Length of Stay on the Waiver:						288

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
		22				
Supplemental Adaptive and Assistive Device Services Total:						1681233.29
Supplemental Adaptive and Assistive Device Services	1 item	1261	1.30	1025.58	1681233.29	
Supplemental Transportation Services Total:						4.00
Supplemental Transportation Services	1 mile	2	5.00	0.40	4.00	
Waiver Nursing Services Total:						19441820.45
Waiver Nursing Services	15 minutes	2518	878.40	8.79	19441820.45	
GRAND TOTAL:						136100399.47
Total Estimated Unduplicated Participants:						7200
Factor D (Divide total by number of participants):						18902.83
Average Length of Stay on the Waiver:						288

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (9 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 5

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Health Center Services Total:						653873.90
Adult Day Health Center Services	1 day	134	78.30	62.32	653873.90	
Personal Care Aide Services Total:						117882312.94
Personal Care Aide Services	15 minutes	6542	5090.20	3.54	117882312.94	
Emergency Response Services Total:						1553138.85
Emergency Response Services	1 month	3711	11.90	35.17	1553138.85	
Home Care Attendant Services Total:						90540.72
Home Care Attendant Services	15 minutes	9	2004.00	5.02	90540.72	
GRAND TOTAL:						151221946.78
Total Estimated Unduplicated Participants:						8000
Factor D (Divide total by number of participants):						18902.74
Average Length of Stay on the Waiver:						288

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Home Delivered Meal Services Total:						3544840.96
Home Delivered Meal Services	1 meal	1735	294.40	6.94	3544840.96	
Home Modification Services Total:						3950089.92
Home Modification Services	1 item	840	1.20	3918.74	3950089.92	
Out-of-Home Respite Services Total:						75516.10
Out-of-Home Respite Services	1 day	25	15.80	191.18	75516.10	
Supplemental Adaptive and Assistive Device Services Total:						1867888.85
Supplemental Adaptive and Assistive Device Services	1 item	1401	1.30	1025.58	1867888.85	
Supplemental Transportation Services Total:						6.00
Supplemental Transportation Services	1 mile	3	5.00	0.40	6.00	
Waiver Nursing Services Total:						21603738.53
Waiver Nursing Services	15 minutes	2798	878.40	8.79	21603738.53	
GRAND TOTAL:						151221946.78
Total Estimated Unduplicated Participants:						8000
Factor D (Divide total by number of participants):						18902.74
Average Length of Stay on the Waiver:						288