

# \*\*\* Proposed New Rule – June 2, 2011 \*\*\*

5123:2-9-22      **Home and community-based services waivers - institutional respite under the level one waiver.** [This rule will replace existing rule 5123:2-8-04.]

## (A) Purpose

The purpose of this rule is to define institutional respite and set forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

## (B) Definitions

- (1) "Department" means the Ohio department of developmental disabilities.
- (2) "Homemaker/personal care" has the same meaning as in rule 5123:2-9-30 of the Administrative Code.
- (3) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, his or her guardian in accordance with section 5126.043 of the Revised Code.
- (4) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (5) "Informal respite" has the same meaning as in rule 5123:2-9-21 of the Administrative Code.
- (6) "Institutional respite" means services provided to individuals unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide the care for the individuals. Institutional respite shall only be provided in the following locations:
  - (a) An intermediate care facility for the mentally retarded; or
  - (b) A residential facility, other than an intermediate care facility for the mentally retarded, licensed by the department under section 5123.19 of the Revised Code.
- (7) "Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded certified by the Ohio department of health.
- (8) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic software programs, created and maintained contemporaneously with the delivery of services, and kept in a manner as to fully disclose the nature and extent of

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services delivered that shall include the items delineated in paragraph (E)(2) of this rule to validate payment for medicaid services.

- (9) "Transportation" has the same meaning as in rule 5123:2-9-24 of the Administrative Code.
- (10) "Waiver eligibility span" means the twelve-month period following either an individual's initial enrollment date or a subsequent eligibility re-determination date.

### (C) Provider qualifications

- (1) Institutional respite shall be provided by one of the following entities that meets the requirements of this rule and that has a medicaid provider agreement with the Ohio department of job and family services:
  - (a) An intermediate care facility for the mentally retarded; or
  - (b) A residential facility licensed by the department under section 5123.19 of the Revised Code.
- (2) An applicant seeking approval to provide institutional respite shall meet the requirements of this rule and complete and submit an application and adhere to the requirements of rule 5123:2-3-19 of the Administrative Code.
- (3) Failure to comply with this rule or Chapter 5123:2-3 of the Administrative Code may result in the denial, suspension, or revocation of the provider's license.

### (D) Requirements for service delivery

- (1) Institutional respite shall be provided pursuant to an individual service plan that conforms to the requirements of paragraph (H) of rule 5101:3-42-01 of the Administrative Code.
- (2) The individual service plan shall address all emergency and replacement coverage should the individual unexpectedly need to leave the institutional respite service delivery location.
- (3) Institutional respite shall not be provided to an individual at the same time as homemaker/personal care.

### (E) Documentation of services

- (1) The requirements of paragraph (B) of rule 5123:2-9-05 of the Administrative Code do not apply to service documentation for institutional respite.

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(2) Service documentation for institutional respite shall include each of the following to validate payment for medicaid services:

- (a) Type of service.
- (b) Date of service.
- (c) Place of service.
- (d) Name of individual receiving service.
- (e) Medicaid identification number of individual receiving service.
- (f) Name of provider.
- (g) Provider identifier/contract number.
- (h) Written or electronic signature of the person delivering the service, or initials of the person delivering the service if a signature and corresponding initials are on file with the provider.
- (i) Description and details of the services delivered that directly relate to the services specified in the approved individual service plan as the services to be provided.

### (F) Payment standards

- (1) The billing units, service codes, and payment rates for institutional respite are contained in the appendix to this rule.
- (2) Only one provider shall bill institutional respite for the same individual on any given day.
- (3) Payment for institutional respite shall not include payment for room and board.
- (4) Payment for homemaker/personal care, informal respite, institutional respite, and transportation, alone or in combination, shall not exceed five thousand dollars per waiver eligibility span.

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Replaces: 5123:2-8-04

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R.C. 119.032 review dates: XX/XX/XXXX

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Statutory Authority: 5111.871, 5111.873, 5123.04, 5123.045,  
5123.049, 5123.16

Rule Amplifies: 5111.871, 5111.873, 5123.04, 5123.045,  
5123.049, 5123.16

Prior Effective Dates: 04/28/2003, 07/01/2006

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APPENDIX

BILLING UNITS, SERVICE CODES, AND PAYMENT RATES  
FOR INSTITUTIONAL RESPITE

Institutional Respite at an Intermediate Care Facility for the Mentally Retarded (ICFMR)

Billing Unit: Per day, based on a 24-hour period during which service is provided

Service Code: FIR

Payment Rate: \$200.00

Institutional Respite at a Facility, Other Than an ICFMR, Licensed by the Department Under  
Section 5123.19 of the Revised Code

Billing Unit: Per day, based on a 24-hour period during which service is provided

Service Code: FIL

Payment Rate: \$130.00