

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

5123:2-9-27 **Home and community-based services waivers - emergency assistance under the level one waiver.** [This rule will replace existing rule 5123:2-8-11.]

(A) Purpose

The purpose of this rule is to set forth the coverage and eligibility for emergency assistance under the level one waiver.

(B) Definitions

- (1) "County board" means a county board of developmental disabilities.
- (2) "Department" means the Ohio department of developmental disabilities.
- (3) "Emergency assistance" means an increased amount of environmental accessibility adaptations, homemaker/personal care, institutional respite, personal emergency response systems, specialized medical equipment and supplies, or transportation necessary to support an individual in an emergency situation.
- (4) "Environmental accessibility adaptations" has the same meaning as in rule 5123:2-9-23 of the Administrative Code.
- (5) "Homemaker/personal care" has the same meaning as in rule 5123:2-9-30 of the Administrative Code.
- (6) "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.
- (7) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (8) "Institutional respite" has the same meaning as in rule 5123:2-9-22 of the Administrative Code.
- (9) "Personal emergency response systems" has the same meaning as in rule 5123:2-9-26 of the Administrative Code.
- (10) "Service and support administrator" means a person, regardless of title, employed by or under contract with a county board to perform the functions of service and support administration who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.

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- (11) "Specialized medical equipment and supplies" has the same meaning as in rule 5123:2-9-25 the Administrative Code.
- (12) "Three-year period" means the three-year period beginning with the individual's initial enrollment date and ending three years later. Subsequent three-year periods begin with the ending date of the previous three-year period and end three years later.
- (13) "Transportation" has the same meaning as in rule 5123:2-9-24 of the Administrative Code.
- (14) "Waiver eligibility span" means the twelve-month period following either an individual's initial enrollment date or a subsequent eligibility re-determination date.

(C) Eligibility for emergency assistance

- (1) An individual enrolled in the level one waiver shall be eligible to receive emergency assistance if the individual:
 - (a) Has lost his or her present residence for any action including legal action;
 - (b) Has lost his or her present caregiver for any reason, including death of caregiver or change in caregiver's mental or physical status resulting in the caregiver's inability to perform effectively for the individual;
 - (c) Has been the victim of abuse, neglect, or exploitation;
 - (d) Has health and welfare conditions that pose a serious risk to the individual of immediate harm or death; or
 - (e) Has significant changes in his or her emotional or physical condition that necessitate substantial, expanded accommodations that cannot be reasonably provided by the individual's present caregiver.
- (2) Eligibility for emergency assistance shall be determined through the individual service plan development process.
- (3) If the individual is determined to be eligible for emergency assistance, the service and support administrator, through the individual service plan development process, shall recommend emergency assistance funds in an amount not to exceed eight thousand dollars within a three-year period.
- (4) If the individual's request is denied, the county board shall give the individual notice of the individual's due process and hearing rights under section 5101.35

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of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

(D) Requirements for service delivery

- (1) Emergency assistance shall only be used to support an individual on an interim basis until nonrecurring circumstances that present a threat to the individual's health and welfare are resolved.
- (2) Emergency assistance 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.
- (3) Environmental accessibility adaptations, homemaker/personal care, institutional respite, personal emergency response systems, specialized medical equipment and supplies, or transportation provided as emergency assistance shall be provided in accordance with Chapter 5123:2-9 of the Administrative Code.

(E) Payment standards

- (1) The service codes to be used for environmental accessibility adaptations, homemaker/personal care, institutional respite, personal emergency response systems, specialized medical equipment and supplies, and transportation when these services are provided as emergency assistance are contained in the appendix to this rule.
- (2) Emergency assistance shall not exceed eight thousand dollars within a three-year period.

Replaces:	5123:2-8-11
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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
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APPENDIX

SERVICE CODES FOR SERVICES PROVIDED AS EMERGENCY ASSISTANCE UNDER THE LEVEL ONE WAIVER

Environmental Accessibility Adaptations	EVN
Homemaker/Personal Care (Routine) – Independent Provider	EPC
Homemaker/Personal Care (Routine) – Agency Provider – One Staff	EPC
Homemaker/Personal Care (Routine) – Agency Provider – Two Staff	EMW
Homemaker/Personal Care (Routine) – Agency Provider – Three Staff	EMX
Homemaker/Personal Care (Routine) – Agency Provider – Four Staff	EMY
Homemaker/Personal Care (Routine) – Agency Provider – Five Staff	EMZ
Homemaker/Personal Care (On-Site/On-Call) – Independent Provider	EOC
Homemaker/Personal Care (On-Site/On-Call) – Agency Provider – One Staff	EOC
Homemaker/Personal Care (On-Site/On-Call) – Agency Provider – Two Staff	EOW
Homemaker/Personal Care (On-Site/On-Call) – Agency Provider – Three Staff	EOX
Homemaker/Personal Care (On-Site/On-Call) – Agency Provider – Four Staff	EOY
Homemaker/Personal Care (On-Site/On-Call) – Agency Provider – Five Staff	EOZ
Institutional Respite at an Intermediate Care Facility for the Mentally Retarded (ICFMR)	EIR
Institutional Respite at a Residential Facility, Other Than an ICFMR, Licensed by the Department Under Section 5123.19 of the Revised Code	EIL
Personal Emergency Response Systems – Installation	EPI
Personal Emergency Response Systems – Maintenance	EPM
Specialized Medical Equipment and Supplies	EAE
Transportation	ETN