

5123:2-3-24

Participation of individuals in day activities.**(A) Purpose**

The purpose of this rule is to ensure that individuals who live in an ICF/MR are able to maximize community participation by being afforded the opportunity to participate in day activities.

(B) Definitions

(1) "Day activities" means participation in activities delivered by the ICF/MR that include, but are not limited to, any of the following:

(a) Activities in the community available to the general public;

(b) Activity centers, adult day care, sheltered work programs, or other programs.

(2) "Off-site" means a location where day activities are delivered that is:

(a) Not in the same building as the ICF/MR; and/or

(b) Not in any residential facility; and/or

(c) Not within two hundred feet of the building housing the ICF/MR.

(C) Notwithstanding paragraph (B)(2) of this rule, the ICF/MR may provide day activities on-site when the individual's service plan indicates the reasons why delivering day activities off-site would be contraindicated for the individual. The determination shall be supported by the evaluations and assessments in the individual's plan and by the condition and/or behavior of the individual. The individual's plan shall be consented to by the individual or the individual's guardian acting on behalf of the individual.

(D) Any ICF/MR that was delivering day activities on the property of the ICF/MR prior to July 1, 2005, is not subject to the restriction in paragraph (B)(2) of this rule and may continue to provide day activities at that same location.

(E) In cases where the entity that provided day activities prior to July 1, 2005 is unwilling or unable to provide day activities after July 1, 2005 for the add-on rate (inclusive of transportation), the ICF/MR may provide day activities to those affected individuals, notwithstanding the requirements in paragraph (B)(2) of this rule, for eighteen months from the date the ICF/MR is notified by the day activity provider that he or she is unwilling or unable to provide the day activity or the effective date of this rule, whichever is later.

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CERTIFIED ELECTRONICALLY

Certification

02/10/2006

Date

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