

# \*\*\* DRAFT - September 21, 2010 \*\*\*

## 5123:X -X-XX **Home and community-based services waivers – integrated employment under the self-empowered life funding waiver.**

### (A) Purpose

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

### (B) Definitions

- (1) "Agency provider" means an entity that employs persons for the purpose of providing services.
- (2) "Department" means the Ohio department of developmental disabilities.
- (3) "GED" means general educational development, a diploma equivalent to a high school diploma issued by the Ohio department of education.
- (4) "Guardian" means a guardian appointed by the probate court under Chapter 2111. of the Revised Code. If the individual is a minor for whom no guardian has been appointed under that chapter, "guardian" means the individual's parent. If no guardian has been appointed for a minor and the minor is in the legal or permanent custody of a government agency or person other than the minor's natural or adoptive parent, "guardian" means that government agency or person.
- (5) "Independent provider" means a person who provides services and does not employ, either directly or through contract, anyone else to provide the services.
- (6) "Individual" means a person with a developmental disability. A guardian or non-legal representative may take any action on behalf of the individual, may make choices for the individual, or may receive notice on behalf of the individual to the extent permitted by applicable law.
- (7) "Individual service plan" (ISP) means the written description of services, supports, and activities to be provided to an individual.
- (8) "Integrated Employment" means the initial and ongoing supports an individual needs to acquire and maintain a job in the general workforce at or above the state's minimum wage. The intended outcome of this service is sustained paid employment in an integrated setting in the general workforce and a job that meets an individual's personal and career goals. Integrated employment includes, but is not limited to, the following:
  - (a) Person-centered employment planning, job development, and job placement,

# \*\*\* DRAFT - September 21, 2010 \*\*\*

- (b) Training and systematic instruction,
- (c) Job coaching,
- (d) Supports an individual needs to acquire and maintain an internship or apprenticeship of limited duration, and
- (e) Supports an individual needs to achieve self-employment through the operation of a business, but not including funding for start-up costs or ongoing business operation expenses.

Integrated employment may be provided by a co-worker or other job site personnel provided that the services that are furnished are not part of that person's normal duties and the person meets the qualifications established in this rule for independent providers. Integrated employment does not include sheltered work or other types of vocational services furnished in specialized facilities. Integrated employment is individual-specific and may not be provided to two or more individuals working in an enclave. Integrated employment services are available to individuals who are no longer eligible for educational services based on their graduation and/or receipt of a diploma or GED and/or their permanent discontinuation of educational services within parameters established by the Ohio department of education. Integrated employment does not include services that are available under a program funded by the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq., as amended, and in effect on the effective date of this waiver.

- (9) "Non-legal representative" means a person who is freely chosen and designated in writing by an adult individual and who unless otherwise limited by the individual, has direction over the ISP, the budget, selection of residence and providers, and negotiation of payment rates for services. If the individual objects to a decision made by the non-legal representative, the individual's decision prevails. The individual may revoke the designation at any time; the revocation must be in writing. The representative may not be employed by a county board or a provider, or a contractor of either. The representative also may not be a paid provider. The ISP process, along with the involvement of the service support administrator and support broker, will provide the mechanism for ensuring decisions are made in the best interests of the individual.
- (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 and who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.
- (11) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic

# \*\*\* DRAFT - September 21, 2010 \*\*\*

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

(12) "Supported employment services" has the same meaning as defined in rule 5123:2-9-16 of the Administrative Code.

## (C) Provider qualifications

(1) Integrated employment shall be provided by either of the following:

- (a) An independent provider or an agency provider that:
    - (i) Meets the requirements of this rule;
    - (ii) Has a medicaid provider agreement with the Ohio department of job and family services; and
    - (iii) Has completed and submitted an application and adheres to the requirements of rule 5123:2-2-01 of the Administrative Code; or
  - (b) An independent provider or agency provider that:
    - (i) Meets the requirements of this rule; and
    - (ii) Has contracted with a financial management services entity under contract with the state to submit claims for integrated employment on the independent provider's or agency provider's behalf and that entity operates as an organized health care delivery system.
- (2) Integrated employment shall be provided by persons who have at least one year of paid experience providing supported employment services or have successfully completed thirty hours of department-approved training in integrated employment or related services. In addition, if a provider of integrated employment is described in paragraph (C)(1)(b) of this rule, the financial management services entity under contract with the state shall ensure that the provider meets the requirements of paragraphs [insert applicable paragraphs] of rule 5123:2-2-01 of the Administrative Code. [We are still reviewing 5123:2-2-01 to determine which requirements should apply.]
- (3) Failure to comply with the requirements of this rule and rule 5123:2-2-01 of the Administrative Code, as applicable, may result in denial, suspension, or revocation of the provider's certification or in the case of a provider of integrated employment described in paragraph (C)(1)(b) of this rule, loss of the provider's approval to provide services under the self-empowered life funding waiver.

# \*\*\* DRAFT - September 21, 2010 \*\*\*

## (D) Requirements for service delivery

- (1) Integrated employment shall be provided pursuant to an ISP that conforms to the requirements of rule 5101:3-XX-XX of the Administrative Code. [Insert number of ODJFS authorization rule.]
- (2) A provider of integrated employment shall coordinate with the individual/guardian, family members, and designated persons including, but not limited to, the individual's service and support administrator and support broker, as applicable, to assist in the coordination of services.

## (E) Payment standards

- (1) The payment rates for integrated employment shall be determined by the individual and the provider subject to the minimum and maximum payment rates and billing units contained in appendix A to this rule and be identified in the individual's ISP. [We are still working on Appendix A.]
- (2) The service codes for integrated employment are contained in appendix A to this rule. [We are still working on Appendix A.]
- (3) Except for paragraphs [insert applicable paragraphs], rule 5123:2-9-06 of the Administrative Code does not apply to payment for integrated employment. [We are still reviewing 5123:2-9-06 to determine which of its provisions should apply.]

## (F) Documentation of services

- (1) Rule 5123:2-9-05 of the Administrative Code does not apply to service documentation for integrated employment. [We are still reviewing 5123:2-9-05 to determine which of its provisions should apply.]
- (2) Service documentation for integrated employment shall include each of the following to validate payment for medicaid services:
  - (a) Date of service.
  - (b) Place of service.
  - (c) Name of individual served.
  - (d) Medicaid identification number of individual served.
  - (e) Name of provider.

# \*\*\* DRAFT - September 21, 2010 \*\*\*

- (f) Provider identifier/contract number.
- (g) 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.
- (h) Forms that identify, for each individual served, the particular support(s) delivered as a component of integrated employment as specified in the individual's ISP. The forms shall be checked off and initialed by the provider for each date of service.
- (i) Number of units of the delivered service or continuous amount of uninterrupted time during which the service was provided.
- (j) Times the delivered service started and stopped.

Effective: XX/XX/XXXX

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

Promulgated Under: 119.03  
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