

# **Residential Resources Meeting**

## **Resource List (10/15/2025)**

The following document includes resources listed, mentioned, or dropped in the chat during the OPRA Residential Resources meeting on October 15, 2025. It includes resources specific to:

- EVV (slide 2)
- HCBS Settings Reviews (slides 3-6)
- DODD Proposed Rule re: Use of Audio/Visual Devices for ICFs and HCBS (slides 8-13)
- DRO Visits (slide 14)

# **EVV Resources**

## **DODD Staff and Email:**

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## **Sandata Zoom Office Hours**

[Office Hour Zoom Link](#)

You must first register with the zoom Office Hours link and a representative from Sandata will speak with you.

## **OPRA Great Provider Playbook**

The latest edition of the [OPRA Great Provider Playbook](#) is completely dedicated to EVV resources.

# Settings Review Resources

## [Medicaid.gov HCBS Settings Compliance Toolkit](#)

CMS toolkits designed to assist states and providers with compliance of the HCBS Settings Rule.

## [HCBS Settings Evaluation Tool](#)

An assessment instrument used to review and measure whether service settings comply with the federal HCBS Settings Rule.

## Common Questions Asked by ODM Reviewers

- How do we handle medical issues?
- How are individuals trained on their rights?
- Do individuals have an opportunity to volunteer?
- Do individuals have the right to lock their bedroom door?
- Community Integration questions (how, how often, choice)
- How do you handle choice of provider (therapists, specialists, other programs)

## **HCBS Services Setting Checklist**

The next 3 slides (slides) are the HCBS Services Setting Checklist. Please note that this document is from the Department of Aging and is currently being utilized as DD does not currently have their own specific checklist.

More information can also be found at the [the Ohio Dept of Medicaid website](#).

**Home and Community-Based Services Settings Checklist**

This guide (not all inclusive) will help ensure requirements of the Home and Community-Based Services (HCBS) settings rule are met for adult day (ADS) and assisted living (AL) providers.

**Community Integration OAC 5160-44-01(B)(1) (ADS and AL)**

Considerations: Are individuals regularly coming/going from the setting to attend lunch, activities, etc.? Staff interviews demonstrate they encourage/communicate opportunities about community events outside the setting. Are employment/volunteer opportunities posted? Does the setting have a computer for individuals to use?

3 months of activity calendars. Scheduled outings in the community to be reflected on calendars.

Regular posting of community events occurring outside the setting are posted in an area accessible to individuals (i.e., festivals, car shows, fairs, etc.).

Employment/volunteer policy or written statement identifying how the setting supports those who wish to work/volunteer outside the setting (i.e., pack a lunch, assist with scheduling transportation, cueing, etc.).

Written statement or policy that individuals can control their personal resources, including business office hours (AL only).

Transportation policy is posted in an area accessible to individuals. It must include phone numbers for each transportation option and the setting's staff member who can assist with scheduling transportation.

**Rights of Privacy, Dignity and Respect, and Freedom from Coercion and Restraint OAC 5160-44-01(B)(3) (ADS and AL)**

Considerations: Do staff interact with individuals in a respectful way that preserves the individual's dignity? Do staff call individuals "hon", "sweetie", "baby", etc.? Are individuals comfortable bringing concerns to the attention of staff? Individual names are not posted (food allergy lists, medication lists, names on tables, etc.) Individuals are administered medications in private (otherwise the preference of each individual to have medications administered in public must be documented in the person-centered service plan (PCSP)).

Abuse Policy.

Grievance Policy.

Grievance committee meeting notes for previous year.

Resident council meeting notes for previous year.

Ombudsman office contact information is posted in an area accessible to individuals.

**Optimizes Individual Initiative, Autonomy, and Independence OAC 5160-44-01(B)(4) (ADS and AL)**

Considerations: Do staff interactions with individuals appear to support/encourage individual autonomy and independence?

Overall does the setting makes every attempt (i.e., based on staff trainings, observations, setting philosophy, etc.) to better enhance, cultivate, and help individuals make decisions independently, self-direct their own care, and using their own strengths/capabilities to maintain and meet goals? No policy or written statement required but rather is this concept reflected throughout?

**Choice of Services and Supports OAC 5160-44-01(B)(5) (ADS and AL)**

Written statement or policy that individuals have a choice in who provides services/supports such as pharmacy, physician, PT, OT, hospice, etc.

**Privacy in Living Unit or When Receiving Personal Care OAC 5160-44-01(C)(2) (ADS and AL)**

Considerations: Do staff close the door to provide personal care? Do they draw the window curtains? Do staff knock before entering? Do staff ask permission to enter?

Written statement or policy that individuals have privacy when receiving personal care, have privacy in their living unit, have privacy when receiving medications, have privacy when using the phone, etc.

**Freedom to Control Schedule/Activities and Access to Food and Snacks at Any Time OAC 5160-44-01(C)(4) (ADS and AL)**

Considerations: No assigned seats for activities/meals. Snacks are accessible 24/7 without assistance from staff. Are individuals choosing their daily schedule/activities or are they forced to wake up at a certain time?

Written statement or policy that individuals have the freedom and choice on how to spend their time (i.e., not forced to attend activities, choice of when to eat, choice in when to wake up, choice with whom to interact, etc.).

Written statement or policy that individuals have access to food/snacks at any time and that individuals can keep food in their living unit. If applicable, a modification in the PCSP is required.

Current food menus are posted in an area accessible to individuals.

Alternative/substitute menu is posted in an area accessible to individuals.

**Physically Accessible OAC 5160-44-01(C)(6) (ADS and AL)**

Considerations: If the setting is locked from the inside and is not a secured unit, how do individuals leave the setting? If there is a keypad code, are the individuals given the code in the resident agreement, resident handbook, etc.?

Exterior signage identifying the main AL/ADS entrance and interior signage (directional signage to AL/ADS, signage identifying floor numbers).

Ability for individuals to leave the setting without assistance from staff (i.e. individuals have a keypad code to leave the building at any time). If applicable, a modification in the PCSP is required.

Grab bars in bathroom, showers, etc.

No restrictions on accessing any part of setting (i.e., laundry room, restricted access based on payer source, etc.).

**Right to Visitors at Any Time OAC 5160-44-01(C)(5) (ADS and AL)**

Considerations: Is there a keypad/key fob to access the setting when exterior doors are locked? Is a phone number posted to call the setting to gain access? Is there a sign identifying the times when the doors are locked/unlocked?

24-hour visitation policy which includes how individuals and visitors access the setting when the AL/ADS main entrance doors are locked. Policy must include times the doors are locked/unlocked and how access to the setting occurs (i.e. key fob, calling the front desk, etc.). If applicable, a modification in the PCSP is required.

Written statement or policy describing how the setting accommodates overnight visitors (AL only).

**Lease/Resident Agreement OAC 5160-44-01(C)(1) and OAC 5160-44-01(C)(3) (AL only)**

Entire resident agreement or resident lease which includes protections that address the eviction process and appeals process and specifically states that individuals have the freedom to furnish and decorate their living unit.

Contact information for ODH and Ombudsman must be included in the eviction and appeals section.

Agreement must specify circumstances which the individual would be required to relocate, resulting in the termination of the agreement.

**Control Personal Resources OAC 5160-44-01(B)(1) (AL only)**

Written statement or policy allowing individuals to control personal resources.

**Living Unit Door has Lock OAC 5160-44-01(C)(2)(a) and OAC 173-39-02.16(C)(2)(c)(ii) (AL only)**

*Considerations:* Each living unit door has a lock.

Master key policy for living units. Policy must include that each living unit has a lockable door, each individual has a key, and how individuals are made aware of when staff plan to be in the living unit for non-emergency/maintenance tasks. If an individual isn't present at that time, they must have the option to request these tasks be done at a different time. Policy must include where master key is located, and which staff have access to a master key. If applicable, a modification in the PCSP is required.

Written statement or policy that staff are trained to knock and wait for verbal permission to enter an individual's unit prior to entering. This can be incorporated into the master key policy or a staff training document.

**Choice of Roommate OAC 5160-44-01(C)(2)(b) and OAC 173-39-02.16(C)(2)(c)(i)(b) (AL only)**

Written statement or policy that individuals have a choice of who their roommate is, that the individual must request to share the living unit, the individual has an existing relationship with the roommate, and is documented/approved in the PCSP.

**Freedom to Furnish and Decorate OAC 5160-44-01(C)(3) (AL only)**

*Considerations:* Are rooms furnished or decorated? Were individuals encouraged to bring items from their home?

Resident agreement must include they can decorate and furnish their living unit to their preference.

**Other Information Requested (ADS and AL)**

Resident/individual handbook.

If the setting has cameras (refer to [Provider Memo](#)) there must be a policy, informed consent, and signage (OAC 5160-44-01(B)(3)).

Evidence of staff training for HCBS settings including any shared NF staff have received HCBS training ([HCBS Settings Training](#), OAC 173-39-03(D)).

Floor plans.

Table of organization.

Copy of resident rights.

**Notes**

# **DODD Proposed Rule – A/V Devices**

Slides 8-13 include DODD's Proposed Rule regarding the use of audio or video devices in ICFs and residences of individuals who receive Home and Community-Based Services. The proposed rule discusses the following:

- Requirements and procedures
- Use is Need Based; not to be utilized for staff convenience
- Human Rights Committee review
- Consents and safeguards
- Ongoing review and effectiveness

## **\*\*\*Proposed New Rule - August 12, 2025\*\*\***

### **5123-2-XX Use of audio or video devices in intermediate care facilities for individuals with intellectual disabilities and residences of individuals who receive home and community-based services.**

#### **(A) Purpose**

This rule sets forth general parameters regarding use of audio or video devices as well as requirements and procedures to be followed when an audio or video device is being considered and/or installed in an individual's residence. This rule applies when:

##### **(1) The individual:**

- (a) Receives home and community-based services in the residence;**
- (b) Receives home and community-based services in a family home where an audio or video device is used while any person is being paid to provide home and community-based services; or**
- (c) Resides in an intermediate care facility for individuals with intellectual disabilities; and**

##### **(2) The audio or video device is:**

- (a) Located in a bedroom; and/or**
- (b) Installed for the purpose of implementing a rights restriction.**

#### **(B) Definitions**

For the purposes of this rule, the following definitions apply:

##### **(1) "Audio or video device" means equipment or technology with capability to capture, store, monitor, and/or record sound or a person's image. "Audio or video device" does not include:**

- (a) Simple sensors that do not rely on camera technology (e.g., a fall sensor or seizure mat).**
- (b) Alternative imaging technologies such as thermal detection, motion capture, or computer vision provided the generated images are non-identifiable representations.**
- (c) Equipment or technology such as a video doorbell or security camera used to protect outside areas of a residence.**

##### **(2) "Home and community-based services" has the same meaning as in section 5123.01 of**

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the Revised Code.

- (3) "Human rights committee" has the same meaning as in rule 5123-2-06 of the Administrative Code.
- (4) "Individual" means a person with a developmental disability.
- (5) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual and includes an "individual program plan" as that term is used in 42 C.F.R. 483.440.
- (6) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.
- (7) "Qualified intellectual disability professional" has the same meaning as in 42 C.F.R. 483.430.
- (8) "Rights restriction" has the same meaning as in rule 5123-2-06 of the Administrative Code.
- (9) "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 5123-5-02 of the Administrative Code.
- (10) "Team" has the same meaning as in rule 5123-4-02 of the Administrative Code or means an "interdisciplinary team" as that term is used in 42 C.F.R. 483.440.

### (C) General parameters regarding audio or video devices

- (1) Use of an audio or video device may be appropriate to address an individual's assessed needs in a manner that promotes the individual's autonomy and minimizes the individual's dependence on others.
- (2) An individual and the individual's team may consider use of an audio or video device after all other available strategies and options (including alternative equipment or technology) for ensuring the individual's health and welfare have been explored and determined to be ineffective at meeting the individual's assessed needs.
- (3) A team pursuing use of an audio or video device will consider and document:
  - (a) Alternative strategies and options explored and determined to be ineffective.
  - (b) How the audio or video device will meet the individual's assessed needs.
  - (c) How the audio or video device will increase the individual's independence.

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- (d) Where specifically in the residence the audio or video device will be installed, including when applicable, the recording range of the device.
  - (e) Times of day and/or types of activities when the audio or video device will be activated and methods for ensuring the audio or video device is not activated during other times or activities.
  - (f) Persons who will have access to live or preserved images, recordings, or information captured by the audio or video device.
  - (g) Measures necessary to respect and ensure the individual's privacy.
- (4) An audio or video device will not be used for convenience of providers.
  - (5) An audio or video device will not be used in a bathroom.
  - (6) At an intermediate care facility for individuals with intellectual disabilities, an audio or video device will not be used for any reason in areas where there are the highest expectations of privacy such as areas for private visitation or private phone calls.
  - (7) The fact that a physician or other licensed practitioner recommends, approves, certifies, orders, or prescribes use of an audio or video device does not, in and of itself, make the audio or video device medically necessary and does not guarantee approval.
- (D) Review of use of an audio or video device by the human rights committee
- (1) When the criteria set forth in paragraphs (A)(1) and (A)(2) of this rule are met, a request to use an audio or video device will be submitted to the human rights committee in accordance with the process described in rule 5123-2-06 of the Administrative Code.
  - (2) When reviewing a request to use an audio or video device, the human rights committee will consider:
    - (a) The reasons for using the audio or video device.
    - (b) Documentation that demonstrates that other available strategies and options for ensuring the individual's health and welfare have been explored and determined to be ineffective.
    - (c) Where the audio or video device will be located in the residence.
    - (d) When applicable, steps that will be taken to mitigate an individual's objection to use of the audio or video device, including objection by an individual who is a minor child or an adult who has a guardian.

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- (e) Whether the audio or video device will be monitored and how the images, recordings, or information will be safeguarded.
- (f) The actions to be taken by caregivers based on images, recordings, or information captured by the audio or video device.
- (g) The impact of the audio or video device on other individuals in the residence.
- (h) Documentation developed by the individual and the individual's team that addresses:
  - (i) The procedure to be followed if the individual or the individual's guardian, as applicable, requests the audio or video device be turned off.
  - (ii) How long audio or video recordings will be retained
  - (iii) How audio or video recordings will be secured and stored in conformance with applicable federal and state laws, up to and including disposal or destruction.
  - (iv) Who will have access to the audio or video device and images, recordings, or information captured.
  - (v) Under what circumstances and to whom images, recordings, or information may be released.
- (3) In making its determination whether or not to approve a request for use of an audio or video device, the human rights committee will:
  - (a) Ensure all information and documentation required by paragraph (D)(2) of this rule has been provided.
  - (b) After consideration of the information and documentation required by paragraph (D)(2) of this rule, determine whether the proposed use of an audio or video device is the best solution to meet the individual's assessed needs and ensure the individual's health and welfare.
- (E) Installation of an audio or video recording device
  - (1) When an individual and the individual's team determine to proceed with installation of an audio or video device, and installation has been approved by the human rights committee as required in accordance with paragraph (D) of this rule, the individual's service and support administrator or qualified intellectual disability professional, as applicable, will:

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- (a) Document how the audio or video device will be used in the individual service plan. The individual service plan will specify the times of day and/or types of activities when the audio or video device will be activated and include the protocol to be followed should an individual or the individual's guardian, as applicable, request that the audio or video device be deactivated.
  - (b) Obtain written consent from the individual and other individuals who share the space being monitored or recorded by the audio or video device or the individuals' guardians, as applicable.
    - (i) The form used to obtain written consent will include a description of what use of the audio or video device entails, such as who will be able to observe activities and/or listen to conversations in the residence, where specifically in the residence the audio or video devices will be installed, and whether recordings will be made.
    - (ii) The service and support administrator or qualified intellectual disability professional, as applicable, will maintain a copy of each signed consent form.
- (1) Safeguards will be in place to ensure that:
- (a) Only designated persons have access to the audio or video device and images, recordings, or information captured.
  - (b) Images, recordings, and information are disposed of in a secure manner and in conformance with applicable federal and state laws.
- (2) If a major unusual incident as defined in rule 5123-17-02 of the Administrative Code occurs while an audio or video device is used, the provider of services will retain any audio and/or video recordings pertaining to the incident for at least seven years from the date of the incident.
- (F) Continued use of an audio or video device
- (1) On an annual basis, or more frequently as determined by an individual and the individual's team, the individual and the individual's team will determine if use of the audio or video device is effective and should continue.
  - (2) In making its determination, the individual and the individual's team will consider:
    - (a) The individual's experience in terms of achieving intended outcomes.
    - (b) Whether the audio or video device enhanced the individual's health or welfare.
    - (c) Whether the audio or video device reduced dependence on staff by increasing the

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individual's independence.

- (d) Whether the individual or guardian, as applicable, has a desire to continue to use the audio or video device.
- (e) Whether the audio or video device is the best solution to meet the individual's assessed needs and ensure the individual's health and welfare.

# DRO Visits

The following list includes topics of interest in recent DRO visits across several ICF providers:

- Questions regarding TBI
- Procedures for obtaining mental health services
- Complaint resolution process
- Positive Behavior Supports
- Trauma Informed Care
- OT/PT/Speech
- Counseling arrangements
- Non-English-speaking staff/residents
- Non-verbal
- Hearing aids
- G/J Tube; Oxygen
- Feeding tube qualified personnel
- Active pressure wounds
- Activities
- Community Integration
- Staffing incentives
- Resident Advisory Committee
- Vocational
- School
- LGPTQ+ inclusion training for staff
- Visitation
- Virtual Visits
- Outside time
- Wander Guard
- Door alarms
- Internet usage for residents
- Streaming apps
- Safety Committee – current trends
- Maintenance questions
  - Staffing
  - Safety drills
  - Bed bugs
  - Infestations
- Bariatric Wheelchairs
- Lifts
- Sensory Room