



**Department of
Developmental Disabilities**

Division of Medicaid Development & Administration

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To: Superintendents, SSA Directors, Business Managers, COG Directors,
Providers, OPRA & OACBDD

From: Charles Flowers

Date: January 30, 2015

Subject: Guidance and Recommended Tool for Determining Eligibility of the
Behavior Rate Add-On

Recently, the Ohio Department of Developmental Disabilities announced the implementation of a new rule, 5123:2-2-06, Behavioral Support Strategies that Include Restrictive Measures. Since the new rule went into effect, there have been concerns expressed from counties and providers regarding the impact of the changes on the Behavior Rate Add-On. This guidance and the attached eligibility tool are intended to respond to those concerns and to provide helpful clarification to SSAs as they determine individuals' needs for the rate adjustment.

The rules for Homemaker/Personal Care and Community Respite state:

In order for an individual to receive the behavior support rate modification, the following conditions shall be met:

- (a) The individual has been assessed within the last twelve months to present a danger to self or others or have the potential to present a danger to self or others; and*
- (b) A behavior support plan that is a component of the individual service plan has been developed in accordance with the requirements in rules established by the department; and*
- (c) The individual receives ongoing behavior support services from a licensed, certified, or other specially trained professional to address the identified behavior; and*
- (d) The individual either:*
 - (i) Has a response of "yes" to at least four items in question thirty-two of the behavior domain of the Ohio developmental disabilities profile; or*
 - (ii) Requires a structured environment that, if removed, will result in the individual's engagement in behavior destructive to self or others.*
 - (iii) When determined through the individual service plan development process that the conditions specified in paragraph (F)(4)(a)(ii) of this rule have been met, the county board shall apply the behavior support rate modification for routine homemaker/personal care.*

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The language in (b) above refers to a behavior support plan that is a part of the ISP. DODD recognizes it is possible to meet this requirement without the need for restrictive measures as defined in 5123:2-2-06. For example, a person-centered ISP will indicate supports that are *Important For* the person to reduce danger to self or others. Danger to self can include self-destructive actions related to self-injury, pica, suicide attempts and/or other actions to harm self. Examples of supports that are *Important For* a person may include environmental modification, one-on-one supervision to prevent destructive actions to self, physical intervention to protect from danger. These strategies need to be spelled out but need not be restrictive in nature.

In addition to support strategies that are integrated in the ISP, to be eligible for the Behavior Rate Add-on an individual must meet the requirements for (a), (c), and (d) above AND must have supports in place that address the behaviors referenced in items (a) and (d) as a component of the ISP. Again, these strategies may or may not be restrictive in nature and the Department encourages the use of positive, non-restrictive measures.

The recommended eligibility tool has been updated and is available to counties and providers to assist them in their understanding