**OPRA Summary and Analysis of DODD Proposed Rules**

On June 2nd, 2016 the Ohio Department of Developmental Disabilities (DODD) posted eight proposed new or revised rules concerning Adult Day/Employment services for public review. Comments are due June 17, 2016.

The eight proposed rules cover:

1. Employment First
2. Career Planning
3. Vocational Habilitation
4. Individual Employment Support
5. Group Employment Support
6. Adult Day Support
7. On-Medical Transportation
8. General Requirements

**5123:2-2-05 Employment First**

Notable Changes to Rule:

* “*Employment services” means ….Career planning…Group employment support…Individual employment support…Vocational habilitation”*
* *“Informed choice means a documented written agreement to allow a proposed action, treatment, or service after full disclosure provided in a manner the individual or his or her guardian understands, of the relevant facts necessary to make the decision. Relevant facts include the risks and benefits of the action, treatment, or service; the risks and benefits of the alternatives to the action, treatment, or service; and the right to refuse the action, treatment, or service. The individual or his or her guardian, as applicable, may revoke informed consent at any time.”*
* “*The person-centered planning process shall include….the individual’s desired community employment outcome*”
* “*The person-centered planning process shall include… the activities that will occur to advance the individual on his or her path to community employment”*
* *“The written progress report shall identify the anticipated time-frame and tangible progress made toward achievement of each desired outcome of the services provided as set forth in the individual plan…. If no progress is reported, the ….plan shall be amended to identify the barriers toward achieving desired outcomes and the action steps to overcome the identified barriers”*

*Comments:* OPRA fully supports competitive employment as the preferred outcome for adults with I/DD and the proposed DODD revisions to rule 5123:2-2-05

**5123:2-9-13 Home and community-based waiver – career planning under the individual options, level one, and self-empowered life funding waivers.**

Notables:

* *"Career planning" means individualized, person-centered, comprehensive employment planning and support that provides assistance for individuals to attain or advance in competitive integrated employment. Career planning is a focused and time-limited engagement of an individual in identification of a career direction and development of a plan for achieving competitive integrated employment and the supports needed to achieve that employment. Components of career planning include: (a) Assistive technology assessment…(b) Benefits education and analysis…Career discovery…Career exploration…Employment/self-employment plan…Job development…(g) Self-employment launch…(h) Situational observation and assessment…(i) Worksite accessibility…”*
* *“The expected outcome of career planning is the individual's attainment of competitive integrated employment and/or career advancement in competitive integrated employment.”*
* *“Career planning may be provided in a variety of settings but shall not be furnished in the individual's residence or other residential living arrangement except for a home visit conducted as part of career discovery component of career planning or when the individual is self-employed and the residence is the site of self-employment.”*
* *“Career planning shall be provided at a ratio of one staff to one individual.”*
* *“Career planning services may extend to those times when the individual is not physically present while the provider is performing career planning activities on behalf of the individual.”*
* *“A provider of career planning shall complete reports and collect and submit data via the department's employment tracking system in accordance with rule 5123:2-2-05 of the Administrative Code.”*
* *“The behavioral support rate modification shall be paid during all times when the career exploration, job development, self-employment launch, and worksite accessibility components of career planning are provided to an individual who qualifies for the modification...”*
* *“In order for an individual to receive the behavioral 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 behavioral support strategy 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 behavioral 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 behavioral 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…”*
* “The medical assistance rate modification shall be paid during all times when the career exploration, job development, self-employment launch, and worksite accessibility components of career planning are provided to an individual who qualifies for the modification…”
* *“The county board shall apply the medical assistance rate modification when the following criteria have been met: (i) An individual requires routine feeding and/or the administration of prescribed medications through gastrostomy and/or jejunostomy tubes, and/or requires the administration of routine doses of insulin through subcutaneous injections and insulin pumps; or (ii) An individual requires oxygen administration that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code; or (iii) An individual requires a nursing procedure or nursing task that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code, which is provided in accordance with section 5123.42 of the Revised Code, and when such procedure or nursing task is not the administration of oral prescribed medication or topical prescribed medication or a health-related activity as defined in rule 5123:2-6-01 of the Administrative Code.”*

*Proposed Rates:*

|  |  |  |  |
| --- | --- | --- | --- |
| *Service* | *Billing Unit* | *Rate* | *Current OOD rate for similar services* |
| Benefits Education and Analysis | Outcome-based (report required for payment) | $ 285.00 | $ 285.00 |
| Career Discovery | Outcome-based (report required for payment) | Proposed Acuity A: $ 1,084.20 Proposed Acuity B: $ 1,626.30 Proposed Acuity C: $ 2,168.40 | ($70.00 an hour) |
| Career Exploration | *15 minutes* | Agency Provider: $ 13.55 ($54.20 an hour)Independent Provider: $ 8.50 ($34.00 an hour) | ($66.00 an hour) |
| Employment/Self-Employment Plan | Outcome-based (report required for payment) | $ 813.15 |  |
| Job Development | *15 minutes* | Agency Provider: $ 13.55 ($54.20 an hour)Independent Provider: $ 8.50 ($34.00 an hour) | ($70.00 an hour) |
| Self-Employment Launch | *15 minutes* | Agency Provider: $ 13.55 ($54.20 an hour)Independent Provider: $ 8.50 ($34.00 an hour) |  |
| Situational Observation and Assessment | Outcome-based (report required for payment) | $ 813.15 |  |
| Worksite Accessibility | *15 minutes* | Agency Provider: $ 13.55 ($54.20 an hour)Independent Provider: $ 8.50 ($34.00 an hour) |  |
| Behavioral Support Rate Modification | *15 minutes* | $ 0.63 | Not applicable  |
| Medical Assistance Rate Modification | *15 minutes* | $ 0.12 | Not applicable |

*Comments:* OPRA supports the addition of rule 5123:2-9-13. The addition of Career Planning will assist individuals to forward on the path to employment. **OPRA does not support the low rates proposed by DODD for this important service. DODD rates for Career Planning, at a minimum, should match the current OOD fee schedule for similar services.**

**5123:2-9-14 Home and community-based waiver-vocational habilitation under the individual options, level one, and self-empowered life funding waivers.**

Notable Changes to Rule:

* “*vocational habilitation means services that provide learning and work experiences, including volunteer work, where the individual develops general skills that lead to competitive integrated employment…ability to communicate effectively… workplace conduct and dress…follow directions…attend to tasks…problem-solve…workplace safety and mobility…”*
* “*services …occur over a defined period of time with specific outcomes…”*
* the rule *“that an acuity assessment instrument is completed, the individual is assigned to a staff intensity group….”* has been removed
* *“A provider of vocational habilitation shall complete reports and collect and submit data via the department's employment tracking system in accordance with rule 5123:2-2-05 of the Administrative Code.”*
* *“A provider of vocational habilitation shall ensure that appropriate staff are knowledgeable about the Workforce Innovation and Opportunity Act, wage and hour laws, benefits, work incentives, and employer tax credits for individuals with developmental disabilities and ensure that individuals served receive this information.”*
* *“Payment rates for vocational habilitation may be modified to reflect the needs of individuals requiring behavioral support and/or medical assistance in accordance with paragraphs (F)(3)(a) and (F)(3)(b) of this rule…”*
* *“In order for an individual to receive the behavioral 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 behavioral support strategy 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 behavioral 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 behavioral 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…”*
* *“The county board shall apply the medical assistance rate modification when the following criteria have been met: (i) An individual requires routine feeding and/or the administration of prescribed medications through gastrostomy and/or jejunostomy tubes, and/or requires the administration of routine doses of insulin through subcutaneous injections and insulin pumps; or (ii) An individual requires oxygen administration that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code; or (iii) An individual requires a nursing procedure or nursing task that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code, which is provided in accordance with section 5123.42 of the Revised Code, and when such procedure or nursing task is not the administration of oral prescribed medication or topical prescribed medication or a health-related activity as defined in rule 5123:2-6-01 of the Administrative Code.”*
* *“Payment rates for vocational habilitation shall be modified when the service is provided in integrated settings in groups of four or fewer individuals and the staff providing the service have demonstrated enhanced competency by successfully completing a department-administered program of instruction.”*

*Rate Changes:*

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| --- | --- |
| **Current Voc Hab Rates** | **Proposed Voc Hab Rates** |
| Billing Units: Fifteen minutesDaily and combo codeCODB adjustments | Billing Units: Fifteen minutes plus modification add-onsCODB adjustments |
| $1.19 to $5.07 per unit  | $1.19 to $5.07 per unit |
| $29.56 to $126.75 per day | Not applicable |
| Combo Code for Voc Hab & Adult Day | Not applicable |
| Not applicable | Behavioral Support Rate Modification $.63 per unit add-on |
| Not applicable | Medical Assistance Rate Modification $.12 per unit add-on |
| Not applicable | Community Integration Rate Modification $.52 per unit add-on |

*Comments:* **OPRA does not support the elimination of a daily rate and/or combo code in proposed rule 5123:2-9-14. Eliminating the daily rate and combo code is overly burdensome to providers and does not uphold the spirit of Ohio's Common Sense Initiative.**

Question to DODD: Does the following statement need to be added to this rule? “*The nature of group activities and the number of staff providing vocational habilitation to a group of individuals shall be appropriate to meet the needs and achieve the outcomes identified in each group member's person-centered individual service plan.”*

**5123:2-9-15 Home and community-based waiver-individual employment support under the individual options, level one, and self-empowered life funding waivers.**

Notable Changes to Rule:

* *“The expected outcome of individual employment support is competitive integrated employment in a job that is well-matched to the individual's interests, strengths, priorities, and abilities, and that meets the individual's personal and career goals.”*
* *“Activities that constitute individual employment support include but are not limited to: (a) Job coaching…(b) Training in assistive or other technology utilized by the individual while on the job…(c) Other workplace support services including services not specifically related to job skill training that enable the individual to be successful in integrating into the job setting…(d) Personal care and assistance, which may be a component of individual employment support but shall not comprise the entirety of the service.”*
* *“Individual employment support shall be provided at a ratio of one staff to one individual.”*
* *“Payment rates for individual employment support may be modified to reflect the needs of individuals requiring behavioral support and/or medical assistance …”*
* “A provider of group employment support shall complete reports and collect and submit data via the department's employment tracking system in accordance with rule 5123:2-2-05 of the Administrative Code.”
* *“In order for an individual to receive the behavioral 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 behavioral support strategy 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 behavioral 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 behavioral 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…”*
* *“The county board shall apply the medical assistance rate modification when the following criteria have been met: (i) An individual requires routine feeding and/or the administration of prescribed medications through gastrostomy and/or jejunostomy tubes, and/or requires the administration of routine doses of insulin through subcutaneous injections and insulin pumps; or (ii) An individual requires oxygen administration that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code; or (iii) An individual requires a nursing procedure or nursing task that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code, which is provided in accordance with section 5123.42 of the Revised Code, and when such procedure or nursing task is not the administration of oral prescribed medication or topical prescribed medication or a health-related activity as defined in rule 5123:2-6-01 of the Administrative Code.”*

*Rate Changes:*

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| --- | --- | --- |
| **Current Supported Employment Community Rates** | **Proposed Individual Employment Support Rates** | **OOD Current Rates** |
| Billing Units: Fifteen minutes*Flexibility in staff ratio**CODB adjustments* | Billing Units: Fifteen minutes plus modification add-ons*One on one staffing only**No CODB adjustments* | Billing Units: six minutes |
| $10.06 to $10.79 per unit for Agencies for one on one ratio$6.31 to $6.77 per unit for Independent Providers for one on one ratio | $ 10.96 for Agency Providers ($43.84 an hour)$ 6.87 for Independent Providers ($27.48 an hour) | $51.00 per hour |
| Not applicable | Behavioral Support Rate Modification $.63 per unit add-on | Not applicable |
| Not applicable | Medical Assistance Rate Modification $.12 per unit add-on | Not applicable |

*Comments:* OPRA supports the rescinding of Supported Employment Community and replacement with the new rule 5123:2-9-15for Individual Employment Support**. OPRA does not support the DODD proposed rates for this services. DODD rates for Individual Employment Support, at a minimum, should match the current OOD fee schedule for similar services.**

**5123:2-9-16 Home and community-based waiver-group employment support under the individual options, level one, and self-empowered life funding waivers.**

Notable Changes to Rule:

* *“The expected outcome of group employment support is paid employment and work experience leading to further career development and competitive integrated employment."*
* *“"Group employment support" means services and training activities provided in regular business, industry, and community settings for groups of two or more workers with disabilities.”*
* *“Activities that constitute group employment support include… (i) Person-centered employment planning; (ii) Work adjustment; (iii) Job analysis; (iv) Training and systematic instruction; (v) Job coaching; and (vi) Training in independent planning, arranging, and using transportation.”*
* *“Group employment support is provided in two distinct service arrangements: (i) Dispersed enclaves in which individuals work in a self-contained unit within a company or service site in the community or perform multiple jobs in the company, but ae not integrated with non-disabled employees of the company. (ii) Mobile work crews comprised solely of individuals operating as distinct units and/or self-contained business working in several locations within the community.”*
* *“Group employment support shall be provided in an integrated setting and support individuals' access to the greater community, including opportunities to seek competitive integrated employment, to engage in community life, and to have control over earned income.”*
* *“Group employment support may be provided in a variety of settings in the community but shall not be furnished in the individual's residence or other residential living arrangement.” A provider of group employment support shall ensure that appropriate staff are knowledgeable about the Workforce Innovation and Opportunity Act, wage and hour laws, benefits, work incentives, and employer tax credits for individuals with developmental disabilities and ensure that individuals served receive this information.”*
* *“A provider of group employment support shall provide the service in a manner that presumes all participants are capable of working in competitive integrated employment. The provider shall encourage individuals receiving the service, on an ongoing basis, and as part of the annual person-centered planning process, to explore their interests, strengths, and abilities relating to competitive integrated employment. The provider shall, as a component of this service, assist individuals to explore, identify, and pursue opportunities that advance them toward competitive integrated employment with individual employment support as necessary.”*
* *“A provider of group employment support shall complete reports and collect and submit data via the department's employment tracking system in accordance with rule 5123:2-2-05 of the Administrative Code.”*
* *“In order for an individual to receive the behavioral 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 behavioral support strategy 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 behavioral 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 behavioral 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…”*
* *“The county board shall apply the medical assistance rate modification when the following criteria have been met: (i) An individual requires routine feeding and/or the administration of prescribed medications through gastrostomy and/or jejunostomy tubes, and/or requires the administration of routine doses of insulin through subcutaneous injections and insulin pumps; or (ii) An individual requires oxygen administration that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code; or (iii) An individual requires a nursing procedure or nursing task that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code, which is provided in accordance with section 5123.42 of the Revised Code, and when such procedure or nursing task is not the administration of oral prescribed medication or topical prescribed medication or a health-related activity as defined in rule 5123:2-6-01 of the Administrative Code.”*

*Rate Changes:*

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| --- | --- | --- |
| **Current Supported Employment Enclave Rates** | **Proposed Group Employment Support Rates** | **Proposed OOD Rates for Group Job Coaching** |
| Billing Units: Fifteen minutes*CODB adjustment**Daily Rate* | Billing Units: Fifteen minutes plus modification add-ons*CODB adjustments**No Daily Rate* | Billing Units: 6 minutes |
| $1.04 to $4.45 per unit  | $1.04 to $4.45 per unit per person ($4.16 to $17.80 per hour per person)  | Group of two per hour per person $27.40 Group of three per hour per person $21.30Group of four per hour per person $18.00Group of five per hour per person $15.80Group of six per hour per person $10.36 |
| $25.94 to $106.86 per day  | Not applicable | Not applicable |
| Not applicable | Behavioral Support Rate Modification $.63 per unit add-on | Not applicable |
| Not applicable | Medical Assistance Rate Modification $.12 per unit add-on | Not applicable |

*Comments:* OPRA supports the rescinding of Supported Employment Enclave and replacement with the new rule 5123:2-9-16for Group Employment Support. **OPRA does not support the DODD proposed rates for this services. DODD rates for Group Employment Support, at a minimum, should match the current OOD fee schedule for similar services.**

**5123:2-9-17 Home and community-based waiver-adult day support under the individual options, level one, and self-empowered life funding waivers.**

Notable Changes to Rule:

* *“The expected outcome of adult day support is development of skills that lead to greater independence, community membership, relationship-building, self-direction, and self-advocacy. “*
* *“"Adult day support" means provision of regularly scheduled activities in a non-residential setting, such as assistance with acquisition, retention, or improvement of self-help, socialization, and adaptive skills that enhance the individual's social development and performance of daily community living. Adult day support shall be designed to foster the acquisition of skills, build community membership and independence, and expand personal choice. Adult day support enables the individual to attain and maintain his or her maximum potential.”*
* *“Activities that constitute adult day support include, but are not limited to: (a) Supports to participate in community activities and build community membership consistent with the individual's interests, preferences, goals, and outcomes. (b) Supports to develop and maintain a meaningful social life, including social skill development which offers opportunities for personal growth, independence, and natural supports through community involvement, participation, and relationships. (d) Personal care including supports and supervision in the areas of personal hygiene, eating, communication, mobility, toileting, and dressing to ensure an individual's ability to experience and participate in community living. (e) Skill reinforcement including the implementation of behavioral support strategies, assistance in the use of communication and mobility devices, and other activities that reinforce skills learned by the individual that are necessary to ensure his or her initial and continued participation in community life. (f) Training in self-determination which includes assisting the individual to develop self-advocacy skills; to exercise his or her civil rights; to exercise control and responsibility over the services he or she receives; and to acquire skills that enable him or her to become more independent, productive, and integrated within the community. (g) Recreation and leisure including supports identified in the person-centered individual service plan as being therapeutic in nature, rather than merely providing a diversion, and/or as being necessary to assist the individual to develop and/or maintain social relationships and family contacts. (h) Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities in accordance with Chapter 5123:2-6 of the Administrative Code.”*
* *“ Adult day support may be provided in a variety of settings in the community, but shall not be furnished in the individual's residence or other residential living arrangement.”*
* *“Adult day support includes both individual activities and group activities. The nature of group activities and the number of staff providing adult day support to a group of individuals shall be appropriate to meet the needs and achieve the outcomes identified in each group member's person-centered individual service plan.”*
* *“When meals are provided as part of adult day support, they shall not constitute a full nutritional regimen (i.e., three meals per day).”*
* *“Payment rates for vocational habilitation may be modified to reflect the needs of individuals requiring behavioral support and/or medical assistance in accordance with paragraphs (F)(3)(a) and (F)(3)(b) of this rule…”*
* *“In order for an individual to receive the behavioral 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 behavioral support strategy 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 behavioral 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 behavioral 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…”*
* *“The county board shall apply the medical assistance rate modification when the following criteria have been met: (i) An individual requires routine feeding and/or the administration of prescribed medications through gastrostomy and/or jejunostomy tubes, and/or requires the administration of routine doses of insulin through subcutaneous injections and insulin pumps; or (ii) An individual requires oxygen administration that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code; or (iii) An individual requires a nursing procedure or nursing task that a licensed nurse agrees to delegate in accordance with rules in Chapter 4723-13 of the Administrative Code, which is provided in accordance with section 5123.42 of the Revised Code, and when such procedure or nursing task is not the administration of oral prescribed medication or topical prescribed medication or a health-related activity as defined in rule 5123:2-6-01 of the Administrative Code.”*
* *“Payment rates for Adult Day Support shall be modified when the service is provided in integrated settings in groups of four or fewer individuals and the staff providing the service have demonstrated enhanced competency by successfully completing a department-administered program of instruction.”*

*Rate Changes:*

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| --- | --- |
| **Current Adult Day Support Rates** | **Proposed Adult Day Support Rates** |
| Billing Units: Fifteen minutesDaily and combo codeCODB adjustments | Billing Units: Fifteen minutes plus modification add-onsCODB adjustments |
| $1.19 to $5.07 per unit  | $1.19 to $5.07 per unit |
| $29.56 to $126.75 per day | Not applicable |
| Combo Code for Voc Hab & Adult Day | Not applicable |
| Not applicable | Behavioral Support Rate Modification $.63 per unit add-on |
| Not applicable | Medical Assistance Rate Modification $.12 per unit add-on |
| Not applicable | Community Integration Rate Modification $.52 per unit add-on |

*Comments:* **OPRA does not support the elimination of a daily rate and/or combo code in proposed rule 5123:2-9-17. Eliminating the daily rate and combo code is overly burdensome to providers and does not uphold the spirit of Ohio's Common Sense Initiative.**

 **5123:2-9-18 Home and community-based waiver-non-medical transportation under the individual options, level one, and self-empowered life funding waivers.**

Notable Changes to Rule:

* *“ "Agency provider" means an entity that directly employs persons at least one person in addition to the chief executive officer for the purpose of providing services for which the entity must be certified under rules adopted by the department in accordance with rule 5123:2-2-01 of the Administrative Code.”*
* *““Commercial vehicles" means buses, light rail transit, livery vehicles, and taxicabs that are available for public use.”*
* *“…Develop and maintain implement written policies and procedures regarding the requirements of its drivers vehicle accessibility, vehicle maintenance, and requirements for vehicle drivers.”*

*Rate Changes: None*

*Comments:* OPRA encourages DODD to develop transportation rules that offer individuals served safe, reliable, and flexible transportation that allows for frequent integration in the community. OPRA also encourages DODD to develop transportation rules and rates that allow providers flexibility in vehicles and compensates them at a fair rate.

**5123:2-9-19 Home and community-based services waivers - general requirements for adult day support, group employment support, individual employment support, non-medical transportation, supported employment-community, supported employment-enclave, and vocational habilitation.**

Notable Changes to Rule:

* *"Agency provider" means an entity that directly employs persons at least one person in addition to the chief executive officer for the purpose of providing services for which the entity must be certified under rules adopted by the department in accordance with rule 5123:2-2-01 of the Administrative Code.”*
* All language concerning daily rates and staff intensity ratio has been removed
* *"Fifteen-minute billing unit" means a billing unit that equals fifteen minutes of service delivery time or is greater or equal to eight minutes and less than or equal to twenty-two minutes of service delivery time.”*
* This statement has been removed; *"Professional staff" includes licensed nurses, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, psychologists, speech therapists/audiologists, social workers, dietitians, and physicians.”*
* *“Information needed to complete the acuity assessment instrument shall be provided by the individual and informants who know the capabilities and needs of the individual outside of his or her residence, in the adult day service setting. Informants may include the individual, direct services providers, guardians, advocates, and family members. The service and support administrator shall review and approve information contained on the acuity assessment instrument. The service and support administrator and/or a person designated by the service and support administrator shall submit information in electronic format to the department. The information will be automatically scored.”*
* “*An acuity assessment score of eight to twenty-two results in assignment of the individual to group A or group A-1 based upon the staffing needs of the individual as identified in the individual service plan development process and reflected in the individual service plan… An acuity assessment score of twenty-three to thirty-four results in assignment of the individual to group B… An acuity assessment score of thirty-five to fifty-five results in assignment of the individual to group C.”*
* *“Billing for adult day support, group employment support, and vocational habilitation must correspond to the payment rates for the group assignment of individuals being served.”*
* “*Agency providers shall ensure and document that sufficient numbers of staff are engaged in provision of adult day support, group employment support, and vocational habilitation to ensure the health and safety and achievement of outcomes identified in the individual service plans of individuals being served. No more than sixteen individuals may receive services in one group, irrespective of the funding source for the services being provided to the individual participants.*
* This statement has been removed; *“For purposes of delivering adult day support, supported employment-community, supported employment-enclave, and/or vocational habilitation, no more than sixteen individuals may be combined into one program group, irrespective of the waiver enrollment/non-enrollment status or funding source of the individual participants.”*

*Rate Changes:*

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| --- | --- | --- | --- | --- |
| CODB Category  | Group A  | Group A-1  | Group B  | Group C  |
| 1  | $9,480  | $9,480  | $17,040  | $28,380  |
| 2  | $9,540  | $9,540  | $17,220  | $28,680  |
| 3  | $9,660  | $9,660  | $17,400  | $28,980  |
| 4  | $9,780  | $9,780  | $17,580  | $29,280  |
| 5  | $9,840  | $9,840  | $17,760  | $29,580  |
| 6  | $9,960  | $9,960  | $17,940  | $29,880  |
| 7  | $10,080  | $10,080  | $18,120  | $30,120  |
| 8  | $10,140  | $10,140  | $18,240  | $30,420  |

 **Current Budget Limitations:**

**Proposed Budget Limitations:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| CODB Category  | Group A  | Group A-1  | Group B  | Group C  |
| 1  | $12,480  | $12,480  | $18,040  | $36,000  |
| 2  | $12,540  | $12,540  | $18,220  | $36,300  |
| 3  | $12,660  | $12,660  | $18,400  | $36,600  |
| 4  | $12,780  | $12,780  | $18,580  | $36,900  |
| 5  | $12,840  | $12,840  | $18,760  | $37,200  |
| 6  | $12,960  | $12,960  | $18,940  | $37,500  |
| 7  | $13,080  | $13,080  | $19,120  | $37,740  |
| 8  | $13,140  | $13,140  | $19,240  | $38,040  |

*(NO budget limitation changes for non-medical transportation have been proposed by DODD)*

*Comments:* OPRA commends DODD on the proposed increased budget limitations for adult day support, group employment support, individual employment support, supported employment-community, supported employment-enclave, and vocational habilitation. OPRA strongly encourages DODD to raise the non-medical transportation budget limitations in a similar manner so that providers have adequate funding to transport individuals to and from the community.