

Ohio's Flexible Supports Waiver Proposal – 6/29/10

ADMINISTRATION AND OPERATION

- The Ohio Department of Job and Family Services (ODJFS), in its role as the single state Medicaid agency, would allow for the Ohio Department of Developmental Disabilities (DODD) to operate the Flexible Supports Waiver, the duties of which will be detailed in the interagency agreement that exists between ODJFS and DODD. In addition, ODJFS will provide oversight of this waiver through its “Ongoing Review Strategy”.
- The Ohio Department of Developmental Disabilities (DODD) will be the operating agency for this waiver.
- County Boards of Developmental Disabilities (CBDD) will be the administering local entity; the responsibilities of county boards in relation to this waiver will be detailed in the Medicaid Waiver Administration Agreement each of the 88 county boards hold with DODD.
- The waiver will offer a participant-directed model of services and supports.

PARTICIPANT ACCESS & ELIGIBILITY

- **The waiver will not have a minimum or maximum age limit**
- **This waiver will require individuals to have ICF/MR Level of Care (LOC) to be enrolled**
 - The same ICF/MR LOC criteria that exists for DODD's current waivers, Individual Options (IO) and Level One, will apply to the Flexible Supports Waiver.
 - The LOC process will work as it does now – County Boards of the Developmental Disabilities' Service and Support Administrators (SSAs) will recommend to DODD for approval.
- **Overall cost limit for the waiver will be: \$25,000/year for children; \$40,000/year for adults ¹**
 - Since waiver has an overall cost limit applies to all services under this waiver, there will be no additional cost limitation tool applied to the entirety of the waiver.
 - The cost categories currently associated with the Acuity Assessment Instrument (AAI) will be applied to the Adult Day Waiver Services, but unlike our other 2 waivers, the costs for ADWS will be within the overall cost limit.
 - Individuals enrolled on this waiver whose needs later exceed the cost cap may be offered any of the following options: enrollment on the Individual Options waiver; placement in an ICF/MR facility; or services financed by local, non-Medicaid funds.
- **The number of individuals to be served on the waiver is yet to be determined**
 - However, DODD proposes to set aside Reserve Capacity for 100 Children with Intensive Behavioral Needs; those 100 slots will be funded by DODD.
- **Current process for selection of entrants to the waiver (as used for IO and Level One) will apply**

SERVICE PACKAGE (Please see Attachment A for full description of waiver services)

1. SUPPORT BROKERAGE²

2. FUNCTIONAL BEHAVIORAL ASSESSMENT

3. PSYCHOSOCIAL SERVICES³

¹ “Adults” are defined as individuals who are 22 years of age, unless no longer receiving Special Education services and/or are eligible for Adult Day Waiver Services.

² Support Brokerage will be a required service for (at a minimum) the first year of being on this waiver.

4. RESIDENTAL RESPITE**5. COMMUNITY INCLUSION****6. PARTICIPANT-DIRECTED
GOODS AND SERVICES****7. INFORMAL
RESPITE****8. PARTICIPANT/FAMILY
STABILITY ASSISTANCE****9. COMMUNITY RESPITE****10. REMOTE
MONITORING****11. REMOTE MONITORING
EQUIPMENT****12. ADULT
DAY WAIVER SERVICES⁴
(5 Total)****PERSON-CENTERED PLANNING AND SERVICE DELIVERY**

- **The Support Broker will assist the individual with choosing services and selecting providers.**
 - As Support Broker is a waiver service, once the individual is approved to be enrolled on this waiver, the County Board SSA will assist the individual in finding a Support Broker.
 - The Support Broker will then work with the individual to create an Individual Service Plan (ISP) and to develop a budget. The Support Broker will also assist with ensuring the services the individual selects are provided in accordance with what is outlined in their plan.

PARTICIPANT DIRECTION

- This waiver is designed to support only individuals who want to direct their services.
- The Participant Direction opportunities of Employer Authority and Budget Authority will be offered as indicated below for the services under this waiver:

| Participant-Directed Waiver Service | Employer Authority | Budget Authority |
|--|---------------------------|-------------------------|
| Support Brokerage | ■ | ■ |
| Functional Behavioral Assessment | □ | ■ |
| Psychosocial Services | □ | ■ |
| Residential Respite | □ | ■ |
| Community Inclusion | ■ | ■ |
| Participant-Directed Goods and Services | ■ | ■ |
| Informal Respite | ■ | ■ |
| Participant/Family Stability Assistance | ■ | ■ |
| Community Respite | □ | ■ |
| Remote Monitoring | □ | ■ |
| Remote Monitoring Equipment | □ | ■ |

³ Individual must have a functional behavioral assessment to access this service. Assessment may be pre-existing or paid for using the Functional Behavioral Assessment waiver service.

⁴ For this waiver, DODD intends to implement an “Employment First” requirement whereby a justification must be given for an individual to utilize Adult Day Support/Vocational Habilitation services in lieu of Supported Employment.

- Both Employer Authority options (Participant/Common Law Employer and Participant/Co-Employer) will exist under this waiver.
- The individual will be allowed to move up to 20% of their total individual budget (cumulative over the individual's waiver eligibility span) without requiring approval from the SSA.
- **Financial Management Services**
 - DODD plans to partner with Ohio's statewide Financial Management Services entity to provide this function, which will be billed as an Administrative Activity. This entity was selected via a competitive bidding process that DODD participated in.
 - The FMS entity will provide a monthly report of the individual's expenditures to the individual, the Support Broker, the County Board, DODD and ODJFS.
- **Information and Assistance in Support of Participant Direction**
 - For purposes of the Flexible Supports Waiver, DODD proposes to use the Support Broker to fulfill the waiver requirements of Information and Assistance in Support of Participant Direction:
 - **Support Broker Training**
 - DODD will submit a Request for Proposals (RFP) to select a vendor to provide statewide Support Broker (SB) Training.
 - The RFP will require that entities submitting a proposal have experience in training and/or providing Support Brokerage for HCBS Waivers approved by CMS.
 - The entity that is awarded this contract will do statewide SB training for those interested in being a Support Broker.
 - Additional training on the elements and responsibilities of participant direction will be provided to SSAs, as well as to individuals and families.

FINANCIAL ACCOUNTABILITY

- **Rate Determination Methods** – For those services that exist under another DODD-operated waiver, DODD proposes to use the rates already associated with that service. However, DODD would like to explore the possibility of having negotiated rates for the following proposed new services:
 - Community Inclusion
 - Participant-Directed Goods and Services
 - Participant/Family Stability Assistance
 - Support Brokerage
 - Psychosocial Services
 - Functional Behavioral Assessment
- **Flow of Billings** - Claims will be submitted to the FMS from all types and classes of waiver providers. The FMS will then submit claims to DODD. DODD compiles all claims received from the FMS into one billing file, which is submitted to ODJFS for processing and adjudication through the state's claims payment system.

- Billing Validation Process - Provider billings will be validated at the FMS level through a process which delineates those waiver services that are identified on each waiver enrollee's Individual Service Plan (ISP), the provider(s) authorized to deliver each service, and the frequency and duration of each service. There will be a post review process that compares the claims to the actual ISP to assure that the services identified through the ISP process are accurately reflected in the billing system.
- Non-Federal Matching Funds
 - DODD provides a portion of the non-federal share of computable waiver costs through funds appropriated in its budget. These funds are not transferred to the State Medicaid Agency, as DODD makes the requests for provider payment to the Auditor and Treasurer of State. In addition, County boards of DD provide a portion of the non-federal share of computable waiver costs; DODD will maintain the administrative control of the non-federal share, regardless of source. The non-federal share will be comprised of various funds appropriated through the state legislation and funds generated through local levies.
 - DODD attests to ODJFS that expenditures included in Intra-State Transfer Vouchers (ISTVs) are based on the state's accounting of actual recorded expenditures. Ohio utilizes a CPE arrangement for the non-federal share when county boards are the providers.

ATTACHMENT A – SERVICE PACKAGE FOR FLEXIBLE SUPPORTS WAIVER

1. SUPPORT BROKER

A Support Broker is responsible, on a continuing basis, for providing the individual with representation, advocacy, advice and assistance related to the day-to-day coordination of services (particularly those associated with participant direction) in accordance with the ISP. The Support Broker is to assist the individual with the individual's responsibilities around participant direction, including understanding Employer Authority and Budget Authority, and keeping the focus of the services and support delivery on the individual and his/her desired outcomes. The Support Broker will assist the individual with creating the Individual Service Plan (ISP), developing the budget, locating providers, and doing day-to-day monitoring of the provision of services as specified in the ISP.

Proposed Cost Limitation for this service: \$8,000/year

Service Limitation: This service cannot be provided by any of the following entities or any of their employees:

- a county board,
- a contractor of a county board,
- a provider of another Flexible Supports Waiver service, or any related entities affiliated with that provider.

In addition, this waiver service cannot be provided on a paid basis by the parents of a minor child or a legal guardian.

Provider Qualifications for Support Broker:

All providers of Support Brokerage are required to successfully complete the Support Broker training established by DODD prior to providing SB services.

Participants determine the provider's qualifications as part of the planning process and identify such qualifications in the Individual Service Plan. Participant-specific qualifications must be commensurate with the generic standards for the Support Broker service.

2. FUNCTIONAL BEHAVIORAL ASSESSMENT

Functional Behavioral Assessment is the process of determining why an individual engages in challenging behavior and how the individual's behavior relates to the environment. Functional Behavioral Assessments describe the relationship between a skill or performance problem and variables that contribute to its occurrence. Functional Behavioral Assessments can provide information to develop a hypothesis as to:

- why the individual engages in the behavior;
- when the individual is most likely to demonstrate the behavior; and
- situations in which the behavior is least likely to occur.

Functional Behavioral Assessment services are services not otherwise available under the State Plan.

Service Limitation: Limit of 1 Functional Behavioral Assessment per year.

Provider Qualifications for Functional Behavioral Assessment:

Providers of the Functional Behavioral Assessment service must be clinicians licensed by the State of Ohio to perform psychometric tests that assess an individual's functional behavioral level.

Providers of the Functional Behavioral Assessment are prohibited from billing the Flexible Supports Waiver for this service at the same time as billing the Medicaid State Plan for their time to complete the Functional Behavioral Assessment.

3. PSYCHOSOCIAL SERVICES

"Psychosocial Services" means medical or remedial services recommended by a physician, or other licensed practitioner of the healing arts under State law, for the maximum reduction of physical or mental disability and the establishment of maximum functional level. These services may be provided in the home or in the community. Specific services include, but are not limited, to:

- facilitation in development of daily living skills;
- social skills training;
- development of appropriate personal support networks, therapeutic recreational services (which are focused on therapeutic intervention rather than diversion);
- technical assistance and counseling services; and
- positive behavior intervention strategies.

Psychosocial Services are services not otherwise available under the State Plan.

Service Limitation: This service must be deemed necessary to reduce an individual's intensive behaviors. A determination of whether or not this service will provide the desired benefit will be determined on an individual basis by a licensed clinician. Psychosocial Services Direct Support Staff must work under supervision of a licensed practitioner.

Provider Qualifications for Psychosocial Services:

| | | |
|---|--|--|
| <u>Senior Level Specialized Interventionist:</u> <ul style="list-style-type: none">○ <u>Licensure:</u> Doctoral degree in psychology, education, medicine, or related discipline; and any related state licensure required for the discipline<u>OR</u>○ <u>Certification:</u><ul style="list-style-type: none">- Master's degree in psychology, education, or related field; and any related licensure required for the discipline; plus- Two years of relevant | <u>Specialized Interventionist:</u> <ul style="list-style-type: none">○ <u>Certification:</u><ul style="list-style-type: none">- Master's degree in psychology, education, or related field; and any related licensure required for the discipline; plus- Three months' worth of experience and/or training with implementation and oversight of comprehensive interventions for individuals with intellectual and/or developmental disabilities who need significant behaviorally focused interventions<u>OR</u>○ <u>Certification:</u><ul style="list-style-type: none">- Bachelor's degree in psychology, | <u>Psychosocial Services Direct Support Staff:</u> <ul style="list-style-type: none">○ <u>Certification:</u> Bachelor's degree, High School diploma, or GED (at least 18 years old); plus▪ Direct experience providing one-to-one care for an individual with intellectual and or developmental disabilities who needs significant behaviorally focused interventions; |
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| experience and/or training in the design and implementation of comprehensive interventions for individuals with intellectual and/or developmental disabilities who need significant behaviorally focused interventions | education, or related field; plus - Six months' worth of experience and/or training with implementation and oversight of comprehensive interventions for individuals with intellectual and/or developmental disabilities who need significant behaviorally focused interventions | <ul style="list-style-type: none"> ▪ Two sessions of supervised initial home visits OR <ul style="list-style-type: none"> ○ <u>Certification</u>: Holds current certification as an independent provider pursuant to 5123:2-2-01 |
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4. RESIDENTIAL RESPITE

"Residential respite" means services provided to individuals unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide care for the individuals. Residential respite shall only be provided in the following locations:

- (a) An intermediate care facility for the mentally retarded; or
- (b) A residential facility, other than an intermediate care facility for the mentally retarded, licensed by the department under section 5123.19 of the Revised Code; or
- (c) A residence, other than an intermediate care facility for the mentally retarded or a facility licensed by the department under section 5123.19 of the Revised Code, where residential respite is provided by an agency provider;

Service Limitation: The cost for residential respite services does not include room and board. Residential Respite is limited to 90 calendar days. Only one provider of Residential Respite or Community Respite shall use a daily billing unit on any given day.

5. COMMUNITY INCLUSION

"Community Inclusion" means supports that promote the individual's participation in his/her community. The service includes opportunities and experiences that focus on socialization and/or therapeutic recreational activities, as well as personal growth in his/her home and/or community. This service, alone or in combination with other waiver and non-waiver services, are necessary to provide a feasible alternative to institutional placement. The assistance may be hands-on, cueing, or indirect.

- Community Inclusion includes, but is not limited to, such developmental, corrective, and other supportive services above and beyond the state plan as may be required to assist an individual with a disability.
- Community Inclusion also includes peer support activities and organization of self-advocacy events.
- The following components define the scope of this service:
 - Personal Care - Personal assistance, in the home, at work sites, and at community sites, with life activities.
 - Transportation - Transportation services include, but are not limited to, accessible transportation fees, livery charges, bus fares, light rail transit, or mileage up to the Federal reimbursable mileage rate.

- General – Services provided to an individual by vendors used by the general public and/or for the purpose of increasing an individual's involvement in his/her community.

Experimental and prohibitive treatments are excluded.

Provider Qualifications for Community Inclusion:

- Community Inclusion – Personal Care
Providers must adhere to the certification requirements listed in Ohio Administrative Code 5123: 2-2-01.
- Community Inclusion - Transportation
Providers must adhere to the certification requirements listed in Ohio Administrative Code 5123: 2-2-01.
- Community Inclusion - General:
Participants determine the provider's qualifications as part of the planning process and identify such qualifications in the Individual Service Plan with the provider. Participant-specific qualifications must be commensurate with the generic standards for the specific component of the Community Inclusion service. Services and supports in this category of service do not require professional license, professional certification, or other professional credentialing, unless required by law for the state of Ohio.

6. PARTICIPANT-DIRECTED GOODS AND SERVICES

Services, equipment, or supplies not otherwise provided through this waiver or through the Medicaid State Plan that address an identified need on the ISP (including improving and maintaining the participant's opportunity for membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; and/or promote inclusion in the community; and/or increase the participant's safety in the home environment; and the participant does not have the funds to purchase the item or service, or the item or service is not available through another resource.

Goods are required to meet the identified needs and outcomes in the individual's Individual Service Plan; assure the health and welfare of the individual; are the least costly alternative that reasonably meets the individual's assessed needs; and are for the direct benefit of the individual in achieving at least one of the following consumer outcomes:

- Improve cognitive, social or behavioral functioning
- Maintain the ability of the individual to remain in the community
- Enhance community inclusion and family involvement
- Develop or maintain personal, social, or physical skills
- Decrease dependency on formal support services
- Increase independence of the individual

Experimental and prohibitive treatments are excluded. Services are typically for one-time use.

Provider Qualifications for Participant-Directed Goods and Services:

Participants determine the provider's qualifications as part of the planning process and identify such qualifications in the Individual Service Plan. Participant-specific qualifications must be commensurate with the generic standards for the specific component of the Participant-Directed

Goods and Services service. Services and supports in this category of service do not require professional license, professional certification, or other professional credentialing, unless required by law for the state of Ohio.

7. INFORMAL RESPITE

“Informal Respite” means services provided to individuals unable to care for themselves, furnished on a short-term basis because of the absence or need for relief of those persons normally providing the care. Informal respite may be provided in the individual's home or place of residence, home of a friend or family member or trips into the community.

Provider Qualifications for Informal Respite: A person who is known to the individual, as selected by the individual or the individual's guardian. Participants determine the provider's qualifications as part of the planning process and identify such qualifications in the Individual Service Plan. Participant-specific qualifications must be commensurate with the generic standards for the specific component of the Informal Respite service. Services and supports in this category of service do not require professional license, professional certification, or other professional credentialing, unless required by law for the state of Ohio.

8. PARTICIPANT/FAMILY STABILITY ASSISTANCE

“Participant/Family Stability Assistance” means services that enable the participant/family to understand how best to support the individual in their home and/or to enhance the individual's ability to direct their own services. The service can only be utilized by the individual or by family members who reside with the individual. Participant/family stability assistance is intended to support both the participant and the family to live as much like other families as possible in order to prevent or delay unwanted out-of-home placement. The service must be outcomes-based, meaning that there must be a goal for the service which is listed in the individual's ISP.

Participant/Family Stability Assistance may include counseling and/or training services to the participant/family to accommodate the participant's disability in the home and to access supports offered in the community. These supports consist of:

1. Instruction, consultation and counseling for the participant/family members in effectively supporting the participant to be fully engaged in the life of the family.
2. Training and education in supporting the unique needs of the participant.

This service also consists of enrollment fees, materials, and training expenses but will not cover travel expenses.

Service Limitation:

The service can only be utilized by family members who reside with the participant. Experimental and prohibitive treatments are excluded.

Provider Qualifications for Participant/Family Stability Assistance:

- **Participant/Family Stability Assistance - Training:**
Participants determine the provider's qualifications as part of the planning process and identify such qualifications in the Individual Service Plan. Participant-specific qualifications

must be commensurate with the generic standards for the specific component of Participant/Family Stability Assistance - Training.

- Participant/Family Stability Assistance - Counseling:

An individual:

- Licensed in the state of Ohio to provide counseling, social work, and/or marriage and family therapy as defined in Division (C) of Section 4757.01 of the Ohio Revised Code and Chapters 4757:15-02 of the Administrative Code or licensed in the state of Ohio to provide professional counseling as defined in Divisions (A) and (B) of Section 4757:01 of the Ohio Revised Code and Chapters 4757:15-02 of the Administrative Code.
- and/or
- Licensed in the state of Ohio as a "Licensed psychologist" per the Ohio Revised Code 4732.01, meaning an individual holding a current, valid license to practice psychology issued under section 4732.12 or 4732.15 of the Ohio Revised Code.

9. COMMUNITY RESPITE

“Community Respite” means services provided to individuals unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide care for the individuals. Community Respite shall only be provided outside of an individual’s home in a camp, recreation center, or other place where an organized community program or activity occurs.

Service Limitation:

The cost for Community Respite does not include room and board. Community Respite is limited to 60 calendar days of service. Community Respite shall not be provided in any residence or a location where adult day support or vocational habilitation is provided. Community Respite shall not be provided to an individual on the same day at the same time as Community Inclusion – Personal Care. Only one provider of Residential Respite or Community Respite shall use a daily billing unit on any given day.

Provider Qualifications for Community Respite:

Providers of Community Respite shall meet the requirements in rule 5123: 2-9-XX **[RESPITE RULE CITATION]** and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.

10. REMOTE MONITORING

Remote Monitoring means the monitoring of an individual in his or her residence by remote monitoring staff using one or more of the following systems: live video feed, live audio feed, motion sensing system, radio frequency identification, web-based monitoring system, or other items as approved by the Ohio Department of Developmental Disabilities. The system shall include devices to engage in live two-way communication with the individual being monitored as described in the individual’s ISP.

To address potential issues of privacy, informed consent for using this service will be documented in the ISP.

Service Limitation: Remote Monitoring shall only be used to reduce or replace the amount of Community Inclusion – Personal Care an individual needs. Remote Monitoring shall not be provided in a supported employment or non-residential habilitation setting.

Provider Qualifications for Remote Monitoring:

Providers of Remote Monitoring shall meet the requirements in rule 5123:2-9-XX **[REMOTE MONITORING RULE CITATION]** and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.

11. REMOTE MONITORING EQUIPMENT

"Remote Monitoring Equipment" means the equipment used to operate systems such as live video feed, live audio feed, motion sensing system, radio frequency identification, web-based monitoring system, or other device approved by the department. It also means the equipment used to engage in live two-way communication with the individual being monitored.

Service Limitation: When two or more individuals share Remote Monitoring Equipment at a residence, they are required to lease equipment that is shared. Remote monitoring equipment that is for the specific use of a particular individual may be leased or purchased by that individual.

Provider Qualifications for Remote Monitoring Equipment:

Providers of Remote Monitoring Equipment shall meet the requirements in rule 5123:2-9-XX **[REMOTE MONITORING RULE CITATION]** and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.

12. ADULT DAY WAIVER SERVICES (Each of the following is its own waiver service, but is commonly referred to collectively as the Adult Day Waiver Services)

- A. Adult Day Support,
- B. Vocational Habilitation,
- C. Supported Employment – Enclave,
- D. Supported Employment – Community,
- E. Non-Medical Transportation

A. Adult Day Support

'Adult Day Support' encompasses non-vocational day services needed to assure the optimal functioning of individuals who participate in these activities in a non-residential setting.

Adult Day Support services are available to individuals who are no longer eligible for educational services based on their graduation and /or receipt of a diploma/equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio Department of Education.

Services take place in a non-residential setting separate from any home or facility in which an individual resides. Services shall normally be made available four or more hours per day on a regularly scheduled basis, for one or more days per week unless provided as an adjunct to other day activities included in an Individual Service Plan (ISP).

Activities that Constitute Adult Day Support

1. 'Assessment' that is conducted through formal and informal means for the purpose of developing components of an Individual Service Plan pertaining to the provision of Adult Day Support Services.
2. 'Personal care' includes providing 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.
3. 'Skill reinforcement' includes the implementation of behavioral intervention plans and assistance in the use of communication and mobility devices. Activities also include the reinforcement of skills learned by the individual that are necessary to ensure his/her initial and continued participation in community living, including training in self-determination.
4. 'Training in self-determination' includes assisting the individual to develop self-advocacy skills, to exercise his/her civil rights, to exercise control and responsibility over the services he/she receives and to acquire skills that enable him/her to become more independent, productive and integrated within the community.
5. 'Recreation and leisure' includes supports identified in the individual's 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.
6. Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licensed nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

Provider Qualifications for Adult Day Support:

Providers of Adult Day Support shall meet the requirements in rule 5123:2-9-17 and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.

B. Vocational Habilitation

'Vocational Habilitation' means services designed to teach and reinforce habilitation concepts related to work including responsibility, attendance, task completion, problem solving, social interaction, motor skill development, and safety.

Vocational Habilitation services are available to individuals who are no longer eligible for educational services based on their graduation and/or receipt of a diploma/equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio Department of Education.

Vocational Habilitation is provided to eligible waiver enrollees who participate in a work program that meets the criteria for employment of workers with disabilities under certificates at special minimum wage rates issued by the Department of Labor, as required by the Fair Labor Standards Act, and in accordance with the requirements of 29CFR Part 525: Employment of Workers with Disabilities Under Special Certificates.

Services take place in a non-residential setting separate from any home or facility in which an individual resides.

Vocational Habilitation services shall normally be made available four or more hours per day on a regularly scheduled basis, for one or more days per week unless provided as an adjunct to other day activities included in an ISP.

Activities that Constitute Vocational Habilitation Services

1. 'Assessment' that is conducted through formal and informal means for the purpose of developing a vocational profile. The profile will contain information about the individual's job preferences; will identify the individual's strengths, values, interests, abilities, available natural supports and access to transportation; and will identify the earned and unearned income of the individual.
2. 'Ongoing Job Support' includes direct supervision, telephone and/or in person monitoring and/or counseling and the provision of some or all of the following supports to promote the individual's job adjustment and retention.
 - a. Developing a systematic plan of on-the-job instruction and support, including task analyses;
 - b. Assisting the individual to perform activities that result in his/her social integration with disabled and non-disabled employees on the work-site;
 - c. Supporting and training the individual in the use of generic and/or individualized transportation services;
 - d. Providing services and training that assist the individual with problem solving and meeting job-related expectations;
 - e. Assisting the individual to use natural supports and generic community resources;
 - f. Providing training to the individual to maintain current skills, enhance personal hygiene, learn new work skills, attain self-determination goals and improve social skills and/ or modify behaviors that are interfering with the continuation of his/her employment.
 - g. Developing and implementing a plan to assist the individual to transition from his/her vocational setting to supported and/or competitive employment, emphasizing the use of natural supports.
 - 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 as identified in rule 5123:2-6-01 of the Administrative Code, which a licensed nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

Provider Qualifications for Vocational Habilitation:

Providers of Vocational Habilitation shall meet the requirements in rule 5123:2-9-17 and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.

C. Supported Employment – Enclave

"Supported employment services" consist of intensive, ongoing supports that enable participants, for whom competitive employment at or above the minimum wage is unlikely absent the provisions of supports, and who, because of their disabilities, need supports to perform in a regular work setting. "Supported employment" does not include sheltered work or other similar types of vocational services furnished in specialized facilities.

'Supported Employment - Enclave' means Supported Employment services provided to waiver enrollees who work as a team at a single work site of the 'host' community business or industry with initial training, supervision and ongoing support provided by specially trained, on-site supervisors.

Two unique service arrangements have been identified in which Supported Employment – Enclave waiver services are provided:

- a.) 'Dispersed enclaves' in which individuals with developmental disabilities work as a self-contained unit within a company or service site in the community or perform multiple jobs in the company, but are not integrated with non-disabled employees of the company.

- b.) 'Mobile work crews comprised solely of individuals with developmental disabilities operating as distinct units and/or self-contained businesses working in several locations within the community.

Supported employment enclave services shall normally be made available four or more hours per day on a regularly scheduled basis, for one or more days per week, unless provided as an adjunct to other day activities included in an ISP and shall take place in a non-residential setting separate from any home or facility in which an individual resides.

Supported employment - enclave services are provided to eligible waiver enrollees who participate in a work program that meets the criteria for employment of workers with disabilities under certificates at special minimum wage rates issued by the department of labor, as required by the "Fair Labor Standards Act," and in accordance with the requirements of 29 C.F.R. Part 525: "Employment of Workers with Disabilities Under Special Certificates" (revised as of July 1, 2005).

Supported Employment - Enclave services are available to individuals who are no longer eligible for educational services based on their graduation and /or receipt of a diploma/equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio Department of Education.

Supported Employment-Enclave services furnished under the waiver are not available under a program funded by the "Rehabilitation Act of 1973", 29 U.S.C.701, as amended and in effect on the effective date of approval of this waiver service by CMS.

Activities That Constitute Supported Employment – Enclave

1. "Vocational assessment" that is conducted through formal and informal means for the purpose of developing a vocational profile and employment goals. The profile may contain information about the individual's educational background, work history and job preferences; will identify the individual's strengths, values, interests, abilities, available natural supports and access to transportation; and will identify the earned and unearned income available to the individual. .
2. "Job development and placement" includes some or all of the following activities provided directly or on behalf of the individual:
 - (a) Developing a resume that identifies the individual's job related and/or relevant vocational experiences;
 - (b) Training and assisting the individual to develop job-seeking skills;
 - (c) Targeting jobs on behalf of the individual that are available in the individual's work location of choice;
 - (d) Assisting the individual to find jobs that are well matched to his/her employment goals;
 - (e) Developing job opportunities on behalf of the individual through direct and indirect promotional strategies and relationship-building with employers;
 - (f) Conducting work-site analyses, including customizing jobs;
 - (g) Increasing potential employers' awareness of available incentives that could result from employment of the individual.
3. "Job training/coaching" includes some or all of the following activities:
 - (a) Developing a systematic plan of on-the-job instruction and support, including task analyses;
 - (b) Assisting the individual to perform activities that result in his/her social integration with disabled and non-disabled employees on the work-site;
 - (c) Supporting and training the individual in the use of generic and/or individualized transportation services;
 - (d) Providing off-site services and training that assist the individual with problem solving and meeting job-related expectations;

- (e) Developing and implementing a plan to assist the individual to transition from his/her prior vocational or educational setting to employment, emphasizing the use of natural supports.
4. "Ongoing job support" includes direct supervision, telephone and/or on-site monitoring and counseling and the provision of some or all of the following supports to promote the individual's job adjustment and retention.
- (a) Following-up with the employer and/or the individual at the frequency required to assist the individual to retain employment;
 - (b) Assisting the individual to use natural supports and generic community resources;
 - (c) Providing training to the individual to maintain work skills, enhance personal hygiene, learn new work skills, improve social skills and/or modify behaviors that are interfering with the continuation of his/her employment.
 - (d) Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licenses nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.
5. "Worksite accessibility" includes some or all of the following activities:
- (a) Time spent identifying the need for and assuring the provision of reasonable job site accommodations that allow the individual to gain and retain employment;
 - (b) Time spent assuring the provision of these accommodations through partnership efforts with the employer;
6. "Training in self-determination" includes assisting the individual to develop self-advocacy skills, to exercise his/her civil rights, to exercise control and responsibility over the services he/she receives and to acquire skills that enable him/her to become more independent, productive and integrated within the community.
7. Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licenses nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

Provider Qualifications for Supported Employment - Enclave:

Providers of Supported Employment - Enclave shall meet the requirements in rule 5123:2-9-16 and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.

D. Supported Employment – Community

"Supported employment services" consist of intensive, ongoing supports that enable participants, for whom competitive employment at or above the minimum wage is unlikely absent the provisions of supports, and who, because of their disabilities, need supports to perform in a regular work setting. "Supported employment" does not include sheltered work or other similar types of vocational services furnished in specialized facilities.

"Supported employment - community" means supported employment services provided in an integrated community work setting where waiver recipients and persons without disabilities are employed to perform the same or similar work tasks. Supported employment - community may also include services and supports that assist an individual to achieve self-employment through the operation of a business. Such self employment assistance may be provided in the individual's home or the residence of another person and may include:

1. Aiding the individual to identify potential business opportunities;

2. Participating in developing a business plan, including identifying potential sources of business financing and gaining assistance to launch a business;
3. Identifying supports necessary for the individuals to operate the business;
4. Providing ongoing counseling and guidance once the business has been launched.

Supported employment - community waiver funds may not be used to either start-up or operate a business.

Supported Employment – Community services are available to individuals who are no longer eligible for educational services based on their graduation and /or receipt of a diploma/equivalency certificate and/or their permanent discontinuation of educational services within parameters established by the Ohio Department of Education. Supported Employment- Community services furnished under the waiver are not available under a program funded by the “Rehabilitation Act of 1973”, 29 U.S.C.701, as amended and in effect on the effective date of approval of this waiver service by CMS.

Activities that constitute supported employment – community services follow:

1. "Vocational assessment" that is conducted through formal and informal means for the purpose of developing a vocational profile and employment goals. The profile may contain information about the individual's educational background, work history and job preferences; will identify the individual's strengths, values, interests, abilities, available natural supports and access to transportation; and will identify the earned and unearned income available to the individual. .
2. "Job development and placement" includes some or all of the following activities provided directly or on behalf of the individual:
 - (a) Developing a resume that identifies the individual's job related and/or relevant vocational experiences;
 - (b) Training and assisting the individual to develop job-seeking skills;
 - (c) Targeting jobs on behalf of the individual that are available in the individual's work location of choice;
 - (d) Assisting the individual to find jobs that are well matched to his/her employment goals;
 - (e) Developing job opportunities on behalf of the individual through direct and indirect promotional strategies and relationship-building with employers;
 - (f) Conducting work-site analyses, including customizing jobs;
 - (g) Increasing potential employers' awareness of available incentives that could result from employment of the individual.
3. "Job training/coaching" includes some or all of the following activities:
 - (a) Developing a systematic plan of on-the-job instruction and support, including task analyses;
 - (b) Assisting the individual to perform activities that result in his/her social integration with disabled and non-disabled employees on the work-site;
 - (c) Supporting and training the individual in the use of generic and/or individualized transportation services;
 - (d) Providing off-site services and training that assist the individual with problem solving and meeting job-related expectations;
 - (e) Developing and implementing a plan to assist the individual to transition from his/her prior vocational or educational setting to employment, emphasizing the use of natural supports.
4. "Ongoing job support" includes direct supervision, telephone and/or on-site monitoring and counseling and the provision of some or all of the following supports to promote the individual's job adjustment and retention.
 - (a) Following-up with the employer and/or the individual at the frequency required to assist the individual to retain employment;
 - (b) Assisting the individual to use natural supports and generic community resources;

(c) Providing training to the individual to maintain work skills, enhance personal hygiene, learn new work skills, improve social skills and/or modify behaviors that are interfering with the continuation of his/her employment.

(d) Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licenses nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

5. "Worksite accessibility" includes some or all of the following activities:

(a) Time spent identifying the need for and assuring the provision of reasonable job site accommodations that allow the individual to gain and retain employment;

(b) Time spent assuring the provision of these accommodations through partnership efforts with the employer;

6. "Training in self-determination" includes assisting the individual to develop self-advocacy skills, to exercise his/her civil rights, to exercise control and responsibility over the services he/she receives and to acquire skills that enable him/her to become more independent, productive and integrated within the community.

7. Assisting the individual with self-medication or provision of medication administration for prescribed medication and assisting the individual with or performing health-related activities as identified in rule 5123:2-6-01 of the Administrative Code, which a licenses nurse agrees to delegate in accordance with requirements of Chapters 4723., 5123., and 5126. of the Revised Code and rules adopted under those chapters.

Provider Qualifications for Supported Employment - Community:

Providers of Supported Employment - Community shall meet the requirements in rule 5123:2-9-16 and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.

E. Non-Medical Transportation

Non- medical Transportation as a waiver service is available to enable waiver participants to access Adult Day Support, Vocational Habilitation, Supported Employment-Enclave and Supported Employment-Community waiver services, as specified by the Individual Service Plan. Whenever possible, family, friends, neighbors, or community agencies that can provide this service without charge shall be used. Transportation services that are not provided free of charge and are required by enrollees in HCBS waivers administered by the Department to access one or more of these four services shall be considered to be Non-medical Transportation services and the payment rates, service limitations and provider qualifications associated with the provision of this service shall be applicable.

Non-medical Transportation is available in addition to the Transportation services described in Ohio Administrative Code 5123:2-9-06, which will be used primarily in connection with the provision of Homemaker/Personal Care Services.

Provider Qualifications for Non-Medical Transportation:

Providers of Non-Medical Transportation shall meet the requirements in rule 5123:2-9-18 and adhere to the requirements in rule 5123:2-2-01 of the Ohio Administrative Code.