#### Objectives of the workgroup:

- Develop single process for LOC determination for all HCBS and facility-based services for people with developmental disabilities
- Improve alignment between CB and waiver eligibility
- Incorporate BIPP core data set
- > Design tool with triggers to identify individuals who may need further assessment for possible nursing-facility level of care

#### Proposed criteria changes:

- 42 USC 15002 SEC 102 (Developmental Disabilities Assistance and Bill of Rights Act of 2000)
  - o INFANTS AND YOUNG CHILDREN. -An <u>individual from birth to age 9</u>, <u>inclusive</u>, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.
- Language may have been updated in July to remove economic self-sufficiency. If so, workgroup proposes adding this to independent living section.

#### Proposed process changes:

- Clinician's forms
- Annual attestation
- Documentation of annual notification that individual may receive services in a community-based setting
- Eliminating need to have new determination when moving from one setting to another
- Statement of no payment unless LOC determination but all other vendor payment language for ICFs to be moved to another rule
- No redeterminations at ages 6 and 16 for waivers
- Require individuals performing LOC assessments have initial and ongoing training
- Form used for CB eligibility one time, not annually

# 5101:3-3-07 Developmental disabilities level of care

- A. This rule describes the criteria for an individual to meet the level of intermediate care for individuals with developmental disabilities. The criteria set forth in this rule must be used when determining level of care for individuals seeking medicaid coverage of either home and community-based services(HCBS) waivers or facility-based long term care services.
- B. For individuals birth through age nine (9), inclusive, the criteria for intermediate care for individuals with developmental disabilities is met when:
  - 1. The individual has a substantial developmental delay or specific congenital or acquired condition; and
  - 2. In the absence of individually planned supports, the individual has a high probability of having substantial functional limitations in at least three major life areas described in paragraphs (C)(2)(a) through (C)(2)(g) later in life
- C. For individuals ages ten (10) and above, the criteria for intermediate care for individuals with developmental disabilities is met when the individual meets all the criteria identified in paragraphs (C)(1) through (C)(3) below:
  - 1. The individual has been diagnosed with a severe, chronic disability that:
    - a. Is attributable to a mental or physical impairment or combination of physical and mental impairments, other than an impairment caused solely by mental illness;
    - b.ls manifested before the individual is age twenty-two (22); and
    - c. Is likely to continue indefinitely.
  - 2. The condition described in paragraph (C)(1) results in substantial functional limitations in three or more of the following areas of major life activities, as determined through use of the standardized level of care assessment instrument approved by the Ohio department of job and family services, the single state Medicaid agency:
    - a.Self-care;
    - b. Receptive and expressive communication;
    - c. Learning;
    - d.Mobility;
    - e.Self-direction;
    - f. Capacity for independent living; and

### g. Economic self-sufficiency

3. The condition described in paragraph (C)(1) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that is of lifelong or extended duration that are individually planned and coordinated.

### **Developmental Disabilities (DD) Level of Care**

#### 1. Condition

a. A medical or psychological evaluation from a qualified clinician must be on file. Submission of the standardized diagnosis form is required, including the clinician's license number, signature, and date.

b.			n age 9 (If yes to the following 3 questions, the individual has a further assessment is required.)
	Yes	No No	Does the clinician's verification form indicate the individual has a substantial developmental delay or a specific diagnosed congenital/acquired condition?
	Yes	No No	Does the clinician's verification form indicate the diagnosed delay or condition is attributable to a mental or physical impairment or combination of mental/physical impairments <b>other than</b> an impairment solely caused by mental illness?
	Yes	No	Does the clinician's verification form indicate that, without services and supports, the diagnosed condition is likely to result i at least three substantial functional limitations, as defined in section 2, later in life?
c.	Ages 10	and above	141
	Yes	No No	Does the clinician's verification form indicate the individual has a diagnosed severe, chronic disability?
	Yes	No	Does the clinician's verification form indicate the diagnosed disability is attributable to a mental or physical condition or combination of mental/physical impairments <b>other than</b> a sole mental health condition?
	Yes	No	Does the clinician's verification form indicate the diagnosed disability was manifested before the age of 22?
	Yes	No	Does the clinician's verification form indicate the diagnosed disability is likely to continue indefinitely?

## 2. Areas of major life activity

#### a. Self-care

1.	The individual is able to cleanse one's body by bathing, showering, sponge bath, or other generally acceptable method. The assessor should not consider the individual's ability to transfer in/out of the tub/shower or how well the individual cleanses self during the toileting process. These areas are addressed in other sections.				
	Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance			
	Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders			
	Yes No	With prompts to initiate or assistance to set-up from another person			
	Yes No	With the assistance of another person to complete the task			
	Yes No	The activity must be performed by another person on the individual's behalf			
2.	The individual is a tasks	able to complete oral hygiene (tooth-brushing, denture care, etc.)			
	Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance			
	Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders			
	Yes No	With prompts to initiate or assistance to set-up from another person			
	Yes No	With the assistance of another person to complete the task			
	Yes No	The activity must be performed by another person on the individual's behalf			

3. The individual is a	able to perform tasks related to hair care (brushing, styling, etc.)
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With prompts to initiate or assistance to set-up from another person
Yes No	With the assistance of another person to complete the task
Yes No	The activity must be performed by another person on the individual's behalf
Yes No	Not applicable
4. The individual is	able to perform nail care tasks (cleaning, trimming, etc.)
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With prompts to initiate or assistance to set-up from another person
Yes No	With the assistance of another person to complete the task
Yes No	The activity must be performed by another person on the individual's behalf
Yes No	Not applicable
5. The individual is	able to shave (facial hair, underarms, legs, etc.), if needed
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders

	Yes No		With prompts to initiate or assistance to set-up from another person
	Yes No	О	With the assistance of another person to complete the task
	Yes No		The activity must be performed by another person on the individual's behalf
	Yes No	lo	Not applicable
6.	The individu	ual is a	ble to apply deodorant
	Yes No		Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes N		Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
	Yes N		With prompts to initiate or assistance to set-up from another person
	Yes N	10	With the assistance of another person to complete the task
	Yes N	lo	The activity must be performed by another person on the individual's behalf
	Yes N	10	Not applicable
7.	bodily wast	te by u	ble to complete activities necessary to eliminate and dispose of sing a commode, bedpan or urinal; changing incontinence or supplies; wiping; or managing an ostomy or catheter
	Yes N	No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes N	No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
	Yes N	No	With prompts to initiate from another person
	Yes N	No	With the assistance of another person to complete the task
	Yes N	No	The activity must be performed by another person on the individual's behalf

<ol><li>The individual is a clothing. The ass clothing.</li></ol>	able to put on and fasten AND unfasten and take off items of essor should not consider personal style or ability to match
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With prompts to initiate or set-up from another person
Yes No	With the assistance of another person to complete the task
Yes No	The activity must be performed by another person on the individual's behalf
9. The individual is one's mouth, che	able to feed oneself, including the processes of getting food into ewing and swallowing and/or managing a feeding tube
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With prompts to initiate or assistance to set-up from another person
Yes No	With the assistance of another person to complete the task
Yes No	The activity must be performed by another person on the individual's behalf
b. Receptive and expre	essive language
understandable	able to express needs and wants in a manner that is to people who do not know the individual using spoken, written, ic, or mechanical means
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance

Yes No	Independently with the use of assistive devices/equipment
Yes No	With the assistance of another person
Yes No	The activity must be performed by another person on the individual's behalf
	able to understand people who communicate through spoken, electronic, or mechanical means
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment
Yes No	With the assistance of another person
Yes No	The activity must be performed by another person on the individual's behalf
c. Learning/Cognition	
clinician will automatically be	anyone diagnosed with an intellectual disability by a qualified determined to have a deficit in learning/cognition. OACBDD is that may be asked for children ages 10 – 15 who do not have a sty.
1. The individual is	able to complete activities within the home that require
remembering, de	ecision-making, or judgment.
Yes No	Independently - The person can be left alone without any supervision
Yes No	With assistive technology to obtain assistance, if needed
Yes No	With another person checking in daily.
Yes No	With another person present for at least half of the person's waking hours
Yes No	With the presence of another person for all waking hours

Yes No	With the presence of another person throughout the day and night
d. Mobility	
1. The individual is Yes No	able to move between locations by ambulation or other means Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With intermittent assistance from another person, such as for assistance with stairs, navigating curbs or traveling on uneven surfaces.
Yes No	With the routine assistance of another person to complete the task
2. The individual is	able to position oneself when sitting or lying down.
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment,
Yes No	With prompts to initiate from another person
Yes No	With the assistance of another person to complete the task
Yes No	The activity must be performed by another person on the individual's behalf
3. The individual is standing position	s able to transfer between surfaces, such as to/from bed, chair, tub, on
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders

Yes No	With prompts to initiate or assistance with set-up from another person
Yes No	With the assistance of another person to complete the task, such as continual supervision, physical guidance or use of a gait belt.
Yes No	The individual requires use of a mechanical lift for transfers with the assistance of one or more people.
4. The individual is a signals, etc.	able to cross streets safely by using crosswalks, following traffic
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment,
Yes No	With the presence of another person, for prompting/assistance, in unfamiliar areas only.
Yes No	With the presence of another person for prompting/assistance, in both familiar and unfamiliar areas.
e. Self-direction	
1. The individual is	able to make decisions about daily routines that are consistent ifestyle, values, and goals (For ages 16+ only)
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	With assistance of another person for new/unfamiliar situations
Yes No	With assistance of another person for reminding, planning, or adjusting routine, even with familiar situations
Yes No	With the assistance of another person most or all of the time.

2.	The individual is a practical needs	able to ask for help, when needed, for physical, emotional, or
	Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes No	Independently with the use of assistive devices/equipment,
	Yes No	With prompts to initiate from another person
	Yes No	The activity must be performed by another person on the individual's behalf
3.	The individual is	able to occupy self and follow rules for short periods of time
	Yes No	Independently - The person can be left alone without any supervision (Under age 12 - able to be left alone for at least 2 hours with a responsible adult in another area of the house Ages 12 – 15 able to remain alone for at least two hours)
	Yes No	With assistive technology to obtain assistance, if needed
	Yes No	With another person checking in daily
	Yes No	With another person present for at least half of the person's waking hours
	Yes No	With the presence of another person for all waking hours
	Yes No	With the presence of another person throughout the day and night
4.	The individual is self or others	able to make informed choices that are unlikely to result in harm to
	Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes No	Independently - Within a structured environment only

	Yes No With su environ		supervision of another person within a structured/familiar onment					
	Yes No With su		pervision c	of anothe	r person i	n public/c	ommunit	y settings
			n the assistance of more than one person in public or miliar settings					
	Yes No	Not app	licable					
	5. Indicate frequence to prevent the fo they occur. (May element)	llowing t	ypes of bel	haviors fi	rom occur	ring or to	intervene	when
			Not Applicable	Less than monthly	Monthly	At least once weekly	Daily	2 or more times per day
	Injury to self		[?]	?	?	?	?	2
	Injury to others		?	?	?	?	?	?
	Property destruction		2	2	?	?	?	?
	Wandering		2	[]	?	?	[?]	?
	Sexual offending	[2]	?	2	?	[?]	?	
f.	1. The individual is purchased  Yes No		Complete	s task saf	ely, consis	tently, wi	thout	
assistance  Yes No Independently with the use of assistive devices/equip including devices/equipment for initial prompting or r								
	Yes No	With prompts to initiate from another person						
	Yes No With the assistance of another person to set-up or complete task			plete the				
	Yes No The activity must be performed by another person on the individual's behalf				he			
Yes No Not applicable (N/A for individuals under age 16)								

	able to obtain or purchase needed items, including groceries, er household items
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With prompts to initiate from another person
Yes No	With the assistance of another person to set-up or complete the task
Yes No	The activity must be performed by another person on the individual's behalf
Yes No	Not applicable (N/A for individuals under age 16)
3. The individual is able to prepare a	able to prepare or cook food for oneself (Individuals under age 16 a snack)
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With prompts to initiate from another person
Yes No	With the assistance of another person to set-up or complete the task
Yes No	The activity must be performed by another person on the individual's behalf
	able to maintain cleanliness of the living environment by ntial housework tasks (For individuals under age 16 – Able to usework tasks)
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance

	Yes	No	including devices/equipment for initial prompting or reminders
	Yes	No	With prompts to initiate from another person
	Yes	No	With the assistance of another person to set-up or complete the task
	Yes	] No	The activity must be performed by another person on the individual's behalf
5.			able to use technology to connect to community services and ng phones, computers, mobile devices, etc.
	Yes	No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes	No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
	Yes	No	With prompts to initiate from another person
	Yes	No	With the assistance of another person to set-up or complete the task
	Yes	No	The activity must be performed by another person on the individual's behalf
6.			able to access and use transportation (For individuals under age 16 neighborhood resources)
	Yes _	No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes [	No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
	Yes	No	With prompts to initiate from another person
	] Yes [	No	With the assistance of another person to set-up or complete the task
	] Yes [	No	The activity must be performed by another person on the individual's behalf

7. The individual is a machine or by ha	able to wash and dry one's clothing and household items by nd
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
Yes No	With prompts to initiate from another person
Yes No	With the assistance of another person to set-up or complete the task
Yes No	The activity must be performed by another person on the individual's behalf
Yes No	Not applicable (N/A for individuals under age 16)
g. Economic Proficienc	y (N/A for individuals under age 16)
	able to maintain competitive community employment or self- ning at least minimum wage
Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
Yes No	Independently with the use of assistive devices/equipment or other reasonable accommodations
Yes No	With intermittent supports, coaching, or follow-along by another person
Yes No	With support/coaching by another person for the entire shift
Yes No	The individual is not able to maintain competitive community employment or self-employment.
Yes No	Not applicable (N/A for individuals under age 16)

2.		able to secure money in a safe location and to access it , when ot include assistance with transportation)
	Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
	Yes No	With prompts to initiate from another person
	Yes No	With the assistance of another person to complete the task
	Yes No	The activity must be performed by another person on the individual's behalf
	Yes No	Not applicable
3.	The individual is a locations)	able to make simple purchases (Does not include transportation to
	Yes No	Independently - Completes task safely, consistently, without undue effort, and in a reasonable amount of time with no assistance
	Yes No	Independently with the use of assistive devices/equipment, including devices/equipment for initial prompting or reminders
	Yes No	With prompts to initiate from another person
	Yes No	With the assistance of another person to complete the task
	Yes No	The activity must be performed by another person on the individual's behalf

#### h. Health-related supports

1. Frequency with which the individual requires assistance with medication administration .

Not applicable (N/A for individuals under 18)	Monthly	Weekly	Daily	Twice daily	More than twice daily
?	?	?	?	?	?

## 2. Frequency with which the individual requires supports for any of the following:

	<u>Not</u> <u>Applicable</u>	Less than monthly	At least once per month	At least once per week	<u>Daily</u>	Two or more times daily
Suctioning	?	?	?	?	?	?
Tracheostomy care	?	?	2	2	?	?
Ventilator/respirator	?	[2]	2	?	?	[3]
Continuous IV treatments	2	<u>?</u>	2	2	?	?
Total parenteral nutrition (TPN)	?	<u>[2]</u>	2	2	2	?
Decubitus (wound) care	2	?	?	<u> </u>	2	2
Peritoneal or hemodialysis	<u>?</u>	?	2	?	2	2
Nasogastric (NG) feedings	2	<u>?</u>	2	?	?	<u> </u>

3. Frequency with which the individual requires supports from the following health care providers for monitoring, assessment, or treatment of diagnosed conditions. Include direct service to the individual or any supervision of that service by the clinical specialist. Also include services provided by other specialists or assistants under the direct and regular supervision of the clinical specialist listed.

	Not Applicable	Less than monthly	At least once per month	At least once per week	Daily	Two or more times daily
Nurse (RN/LPN)	?	2	?	2	2	?
Speech Therapist	2	(3)	?	?	?	?
Physical Therapist	7	?	2	?	2	?
Occupational Therapist	?	?	?	?	[2]	?

	*5	