

5101:3-31-02

Passport HCBS waiver program definitions.

- (A) The purpose of this rule is to define the terms used in Chapter 5101:3-31 of the Administrative Code governing the preadmission screening system providing options and resources today (PASSPORT) home and community based services (HCBS) waiver program.

The requirements pertaining to services directed by waiver consumers set forth in this rule begin when the Ohio department of job and family services (ODJFS) receives approval from the centers for medicare and medicaid services (CMS) of an amendment adding consumer direction to the PASSPORT waiver, or on the effective date of this rule, whichever is later.

As used in this chapter:

- (B) "ADL" means activities of daily living including bathing; grooming; toileting; dressing; eating; and mobility which refers to bed mobility, transfer, and locomotion as defined in rules 5101:3-3-06 and 5101:3-3-08 of the Administrative Code.

~~(C) "ADS" means adult day service.~~

~~(D)~~(C) "Assessment" means a face-to-face evaluation and interview that is conducted to collect in-depth information about an individual's current situation and ability to function. It is comprehensive and identifies the individual's strengths, problems, and care needs in the major functional areas: physical health, medical care utilization, activities of daily living, instrumental activities of daily living, mental and social functioning, financial resources, physical environment, and utilization of services and support means a face-to-face evaluation used to obtain information about an individual including his or her condition, personal goals and preferences, functional limitations, health status and other factors that are relevant to the authorization and provision of services. Assessment information supports the determination that an individual requires waiver services as well as the development of the service plan.

~~(E)~~(D) "Authorized representative" means a person, eighteen years of age or older, acting on behalf of an individual who is applying for, or receiving, medical assistance. An authorized representative may be a family member, attorney, hospital social worker, or any other person chosen the individual chooses to act on the individual's his or her behalf. In accordance with rule 5101:1-38-01.2 of the Administrative Code, the individual must provide a written statement naming the authorized representative and the duties that the named authorized representative may perform on the individual's behalf.

~~(F) "Care plan" means a written plan between the consumer and caregivers, as applicable,~~

~~and the case manager that specifies the consumer's strengths and needs and the interventions that will be used to achieve the desired outcomes.~~

~~(G)~~(E) "CDJFS" means a county department of job and family services.

~~(H)~~(F) "Certification" means providers are certified by the Ohio department of aging (ODA) to provide services for PASSPORT as established in ~~rule 173-39-02~~ Chapter 173-39 of the Administrative Code.

~~(I)~~(G) "Consumer" means an individual who has been accepted for enrollment and is receiving PASSPORT services. Consumer includes the consumer's legal representative and/or authorized representative, as applicable.

~~(J)~~(H) "HCBS" or "home and community-based services" means services furnished under the provisions set forth in 42 ~~CFR~~ C.F.R. 441 Subpart G (October 1, ~~2005~~ 2009) that permit individuals to live in a home setting rather than a nursing facility (NF) or hospital. HCBS waiver services are approved by ~~the centers for medicare and medicaid services~~ (CMS) for specific populations and are not otherwise available under the medicaid state plan.

~~(K)~~(I) "CMS" means the centers for medicare and medicaid services (CMS), a federal agency that is part of the U.S. department of health and human services, and administers the medicaid program and approves home and community-based services waivers.

(J) "FMS" or "financial management service" is a support provided to waiver participants who direct some or all of their waiver services. In the PASSPORT waiver, this support is conducted as an administrative activity through an entity under contract with the ODA. When used in conjunction with the employer authority available to consumers in PASSPORT, this support includes operating a payroll service for participant-employed workers and making required payroll withholdings.

~~(L)~~(K) "IADL" means an instrumental activity of daily living as defined in rule 5101:3-3-08 of the Administrative Code and includes shopping; meal preparation; laundry; community access activities including telephoning, transportation, legal or financial; and environmental activities including house cleaning, heavy chores, yard work or maintenance.

~~(M)~~(L) "Individual" means a medicaid recipient or person with pending medicaid eligibility who is ~~making application~~ applying to a nursing facility (NF) or intermediate care facility for the mentally retarded (ICF-MR); or is applying for ~~home and community-based services~~ (HCBS) waiver enrollment; or is applying for residential state supplement (RSS) funded placement; or is seeking long-term care

services.

~~(N)~~(M) "Keys amendment facility", as found in section 1616(e) of the Social Security Act, means an institution, foster home or group living arrangement in which a significant number of recipients of supplemental security income benefits are residing or are likely to reside. Keys amendment facilities include:

- (1) Adult foster homes certified under section 173.36 of the Revised Code;
- (2) Adult family homes or adult group homes as defined in section 3722.01 of the Revised Code, that is licensed as an adult care facility under section 3722.04 of the Revised Code;
- (3) Residential care facility as defined in section 3721.02 of the Revised Code;
- (4) Community alternative homes as defined in section 3724.01 of the Revised Code, that are licensed under section 3724.03 of the Revised Code;
- (5) Residential facilities of the type defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code, that are licensed by the Ohio department of mental health; or,
- (6) An apartment or room that is used to provide community mental health housing services, is certified by the Ohio department of mental health under ~~division (M) of section 5119.61~~ 5119.611 of the Revised Code, and is approved by a board of alcohol, drug addiction, and mental health services in accordance with division ~~(A)(13)~~ (A)(14) of section 340.03 of the Revised Code.

~~(O)~~(N) "Level of care" (LOC) means the designation describing a person's functional levels and nursing needs pursuant to the criteria set forth in rules 5101:3-3-05, 5105:3-3-06, 5101:3-3-07 and 5101:3-3-08 of the Administrative Code.

~~(P)~~ "Mailing date" means the date that has been metered or postmarked by the United States postal service.

~~(Q)~~(O) "NF" means a nursing facility as defined in section 5111.20 of the Revised Code.

~~(R)~~(P) "ODA" means the Ohio department of aging.

~~(S)~~(Q) "ODJFS" means the Ohio department of job and family services.

~~(T)~~(R) "PAA" means PASSPORT administrative agency.

~~(U)~~(S) "PASSPORT" or "PASSPORT HCBS waiver program" means an HCBS waiver program ~~that serves~~ that serves individuals who are aged sixty and over; who have a LOC required for placement in a NF if the waiver program were not available; and meet the ~~passport~~ PASSPORT eligibility criteria and enrollment requirements ~~as described~~ in Chapter 5101:3-31 of the Administrative Code.

~~(V)~~(T) "Region" means the geographic area in which a PAA administers the PASSPORT program.

~~(W)~~(U) "SSI" means supplemental security income as set forth in Title XVI of the Social Security Act, 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended.

(V) "Service plan" means a written plan between the consumer, the consumer's case manager and, as applicable, the consumer's caregiver(s). The service plan specifies the services that are provided to the consumer, regardless of funding source, to address the consumer's individual care needs as identified in the consumer's assessment.

~~(X)~~(W) "Subregion" means a geographic area located within a PAA region for the purpose of establishing PASSPORT unit rates as set forth in rule ~~5101:3-31-11~~ 5101:3-31-07 of the Administrative Code.

~~(Y)~~(X) "Waiver service provider" means an agency or person with a signed medicaid provider agreement with ODJFS to provide HCBS waiver services, and who meets the PASSPORT conditions of participation set forth in rule 5101:3-31-06 of the Administrative Code.

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