

5101:3-31-05 **PASSPORT HCBS waiver program covered services.**

- (A) The purpose of this rule is to establish the services covered by the pre-admission screening system providing options and resources today (PASSPORT) home and community based services (HCBS) wavier 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.

- (B) The PASSPORT HCBS waiver program benefit package is limited to the following services:

- (1) Adult day services as set forth in rule 173-39-02.1 of the Administrative Code;
- (2) Chore services as set forth in rule 173-39-02.5 of the Administrative Code;
- (3) Emergency response system services as set forth in rule 173-39-02.6 of the Administrative Code;
- (4) Home medical equipment and supplies services as set forth in rule 173-39-02.7 of the Administrative Code;
- (5) Homemaker services as set forth in rule 173-39-02.8 of the Administrative Code;
- (6) Minor home modification, maintenance and repair services as set forth in rule 173-39-02.9 of the Administrative Code;
- (7) Nutrition consultation services as set forth in rule 173-39-02.10 of the Administrative Code;
- (8) Personal care services as set forth in rule 173-39-02.11 of the Administrative Code;
- (9) Social work counseling services as set forth in rule 173-39-02.12 of the Administrative Code;
- (10) Transportation services as set forth in rule 173-39-02.13 of the Administrative Code;

- (11) Home delivered meal services as set forth in rule 173-39-02.14 of the Administrative Code;
 - (12) Independent living assistance services as set forth in rule 173-39-02.15 of the Administrative Code;
 - (13) Community transition services as set forth in rule 173-39-02.17 of the Administrative Code;
 - (14) Non-medical transportation services as set forth in rule 173-39-02.18 of the Administrative Code; and
 - (15) Enhanced community living services as set forth in rule 173-39-02.20 of the Administrative Code.
- (C) Services ~~will~~ shall be delivered by providers in a manner that is consistent with the ~~consumer care~~ consumer's service plan as documented in the PASSPORT information management system (PIMS).
- (D) If a PASSPORT consumer is a participant in the helping ohioans move, expanding (HOME) choice demonstration program in accordance with Chapter 5101:3-51 of the Administrative Code, the consumer may use the HOME choice community transitions service in lieu of, but not in addition to, the community transition service available through the PASSPORT waiver program.
- (E) If a consumer receives enhanced community living services, per the federally approved waiver, the consumer may not simultaneously receive either personal care or homemaker services available through the PASSPORT waiver program.
- (F) Consumers who elect to self-direct personal care services provided by consumer-directed individual providers, pursuant to rule 173-39-02.11 of the Administrative Code, must be assessed by their case manager to determine the consumer's ability to self-direct their care and assume the responsibilities of an employer as set forth in rule 173-42-06 of the Administrative Code.
- (1) If a consumer demonstrates the ability to self-direct their care and assume the responsibilities of an employer of ODA-certified long-term care individual providers, the case manager may initiate the orientation process to familiarize the consumer with the self-direction of services including the role of the FMS.
 - (2) If the consumer is unable to demonstrate the ability to self-direct his or her care and to assume the responsibilities of an employer of ODA-certified long-term

care individual providers, the consumer may choose an authorized representative to act on the consumer's behalf.

(3) If no authorized representative is available, the case manager will assist the consumer with obtaining services through ODA-certified long-term care agency providers.

(G) If a consumer who is or is seeking to self-direct their care chooses an authorized representative to act on their behalf in accordance with paragraph (F)(2) of this rule, the authorized representative shall not simultaneously serve as the consumer's authorized representative and the consumer's consumer-directed individual provider.

Effective:

R.C. 119.032 review dates: 11/18/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5111.85
Rule Amplifies: 5111.85
Prior Effective Dates: 7/16/84, 12/22/86 (Emer.), 3/23/87, 7/1/90, 9/1/98,
7/1/06, 7/1/08, 6/28/09