

5160-31-07

PASSPORT HCBS waiver program rate setting.

The purpose of this rule is to describe the methods used to determine provider rates ~~for the pre-admission screening system providing options and resources today (PASSPORT) home and community based services (HCBS) medicaid waiver for the PASSPORT program.~~

- (A) Rates determined under this rule shall not exceed the maximum allowable reimbursement rates for PASSPORT services in appendix A to rule 5160-1-06.1 of the Administrative Code. Payment for PASSPORT ~~HCBS~~ waiver services constitutes payment in full and ~~may~~shall not be construed as a partial payment when the payment amount is less than the provider's usual and customary ~~charge rate~~. The provider ~~may~~shall not bill the individual for any difference between the medicaid payment and the provider's ~~charge rate~~ or request the individual to share in the cost through a co-payment or other similar charge.
- (B) PASSPORT ~~reimbursement~~ rates are established for the services in rule 5160-31-05 of the Administrative Code under the following categories:
- (1) ~~Per-job~~Per-job bid rate;
 - (2) ~~Per-item~~Per-item rate; and
 - (3) Unit rate.
- (C) Rates set within the categories in paragraph (B) of this rule may be:
- (1) Participant-directed, in which the individual or ~~their~~ his/her designated authorized representative, who is acting on the individual's behalf, may negotiate the reimbursement rate for services furnished by providers as specified in paragraphs (D)(3), (E)(3), (G)(4), and (H) of this rule.
 - (2) Statewide, in which the state establishes a rate ~~that is~~ used on a statewide basis to reimburse for services specified in paragraph (F) of this rule.
 - (3) Regional, in which the state establishes a regional ~~reimbursement~~ rate for services specified in paragraph (G) of this rule. The regions in which applicable rates are calculated shall be designated by ODA.
 - (a) The regional rate for each service shall be the weighted average rate paid in the region using cost and unit data either from the most recently completed state fiscal year or the most recent twelve calendar months for which complete data is available, whichever is later.

(b) ODA or its designee shall enter into a ~~contract~~provider agreement with providers in each region. The ~~contract shall~~provider agreement shall do all of the following:

- (i) Specify the time period for which the rates shall be in effect;
- (ii) Specify the timelines for contracting;
- (iii) Define the region/subregions for which the rates will be established;
- (iv) Base rates on the units of service as set forth in appendix A to rule 5160-1-06.1 of the Administrative Code;
- (v) Reflect the agreed upon rate ~~the provider is willing to accept~~; and
- (vi) Adjust the regional rate up to the nearest number that is divisible by four, out to two decimal places.

(c) Regional ~~contract~~ provider rates shall be established as follows:

- (i) No provider shall have a ~~contract~~ rate ~~that exceeds~~exceeding the ~~rate for that service~~maximum allowable rate for the service as established in Appendix A to rule 5160-1-06.1 of the Administrative Code.
- (ii) If the state recalculates regional rates for the services in paragraph (G) of this rule, certified providers may either accept the new regional rate or continue to be ~~reimbursed~~paid at the rate paid for services prior to the calculation of the regional rate.
- (iii) Providers ~~who are~~ certified after the regional rate is established shall have a ~~contract~~provider rate less than or equal to the regional rate.

(4) Group rates, ~~in which a provider that is furnishing certain services to more than one individual enrolled on PASSPORT is reimbursed at~~ are a rate that is seventy-five per cent of the reimbursement rate the provider would be paid for ~~furnishing~~ providing PASSPORT services as specified in paragraphs (D)(2), (F)(2), (G)(2), and (G)(3) of this rule.

(D) For the services listed in this paragraph, a ~~per job~~per-job bid rate shall be negotiated between the provider and the individual's case manager.

(1) A ~~per job~~per-job bid rate shall be used for the following services:

- (a) Chore ~~services~~;
 - (b) Community transition ~~services~~;
 - (c) Minor-home modification, maintenance and repair ~~services~~;
 - (d) Non-medical transportation ~~services~~;
 - (e) Non-emergency medical transportation;
 - ~~(e)~~(f) Pest control ~~services~~; and
 - ~~(f)~~(g) Transportation ~~services~~.
- (2) Non-emergency medical Transportation and non-medical transportation ~~services~~ rendered simultaneously by the same provider to more than one individual enrolled in PASSPORT residing in the same household and traveling in the same vehicle to the same destination shall be ~~reimbursed~~paid using ~~a~~ the group rate that is equal to seventy-five per cent of the provider's ~~per job~~per-job bid rate. This ~~shall apply~~apply to any combination of non-emergency medical transportation and/or non-medical transportation services.
- (3) Minor home modification maintenance and repair and pest control services may be participant directed services in which the individual enrolled on PASSPORT or ~~their~~this/her authorized representative, acting on the individual's behalf, may negotiate reimbursement rates.
- (a) The negotiated rate shall be reviewed by the individual's case manager and reflected on the individual's person-centered service plan prior to service delivery.
 - (b) Should the individual choose not to negotiate a rate of reimbursement the service shall be reimbursed at a rate proposed by the provider and accepted by the individual and the individual's case manager. The accepted rate shall be reflected on the individual's person-centered service plan.
- (E) A ~~per item~~per-item rate shall be determined for home medical equipment and supplies service.
- (1) The cost of the item shall not exceed the medicaid state plan rate.
 - (2) The cost of an item that does not have an established medicaid rate shall be ~~reimbursed~~paid at a ~~per item~~per-item bid rate submitted and agreed to in

writing by ~~the PASSPORT administrative agency (PAA)~~ODA's designee prior to delivery of the item.

- (3) Home medical equipment and supplies services may be participant_ directed in which the individual enrolled on PASSPORT or the authorized representative, acting on the individual's behalf, may negotiate reimbursement rates.
- (a) The negotiated rate shall be reviewed by the individual's case manager and reflected on the individual's person-centered services_ plan prior to service delivery.
- (b) Should the individual choose not to negotiate a rate ~~of reimbursement~~ the service shall be ~~reimbursed~~paid at a rate ~~proposed~~agreed upon ~~by the~~between the provider, ~~and accepted by~~ the individual and the individual's case manager. The ~~accepted~~agreed upon rate shall be reflected on the individual's person-centered services_ plan.
- (F) ~~The Ohio department of aging (ODA)~~ shall establish unit rates for the services listed in this paragraph. No service shall have both a regional and statewide rate set pursuant to this rule.
- (1) Statewide unit rates shall be established and used for the following services:
- (a) Adult day ~~services~~;
- ~~(b) Emergency response system services;~~
- ~~(e)~~(b) Enhanced community living ~~services~~;
- ~~(d)~~(c) Home care attendant ~~services~~;
- (d) Home delivered meals
- (e) Out-of-home respite ~~services~~;
- (f) Personal care ~~services~~
- (g) Personal emergency response system; and
- ~~(g)~~(h) Waiver nursing ~~services~~.
- (2) The services in paragraphs (F)(1)~~(d)~~(c), (F)(1)(f), and (F)(1)(h) of this rule, when rendered consecutively during the same visit to more than one but ~~less~~fewer than four PASSPORT individuals in the same household, as identified in the individuals' person-centered service plans, shall be ~~reimbursed~~paid ~~using a~~

~~group rate equal to one hundred per cent of the provider's per unit rate set in accordance with paragraph (C) of this rule for one PASSPORT individual and paid a group rate for each. The provider shall be reimbursed seventy-five per cent of the provider's per unit rate for each subsequent PASSPORT individual in the household receiving services during the visit.~~

(G) ODA shall establish regional unit rates for the services listed in this paragraph pursuant to the methodology in paragraph (C)(3) of this rule. No service shall have both a regional and statewide rate set pursuant to this rule.

(1) Regional unit rates shall be set for the following services:

(a) Adult day ~~services~~ transportation;

~~(b) Home delivered meals services;~~

~~(e)~~(b) Homemaker ~~services;~~

~~(d)~~(c) Social work counseling ~~services;~~

~~(e)~~(d) Nutritional consultation ~~services;~~ and

~~(f);~~

~~(g)~~(e) Independent living assistance ~~services.~~

(2) Adult day ~~service~~ transportation services rendered simultaneously by the same provider to more than one individual residing in the same household and traveling in the same vehicle to the same destination shall be ~~reimbursed~~paid using a group rate equal to seventy-five per cent of the provider's regional unit rate.

(3) Personal care ~~services, , that are~~ rendered during the same visit by the same provider to more than one but less than four PASSPORT individuals in the same household, as identified in the individuals' person-centered services plans, shall be ~~reimbursed~~paid ~~using a group rate equal to one hundred per cent of the provider's regional per unit rate set in accordance with paragraph (C) of this rule for one PASSPORT individual and paid the group rate. The provider shall be reimbursed seventy-five per cent of their regional per unit rate for each subsequent PASSPORT individual in the household receiving services during the visit.~~

- ~~(4) Homemaker services may be participant directed services in which the individual enrolled on PASSPORT or their authorized representative, acting on the individual's behalf, may negotiate reimbursement rates:~~
- ~~(a) The negotiated rate shall be reviewed by the individual's case manager and reflected on the individual's person-centered service plan prior to service delivery.~~
- ~~(b) Should the individual choose not to negotiate a rate of reimbursement the service shall be reimbursed in accordance with paragraph (G) of this rule. The accepted rate shall be reflected on the individual's person-centered service plan.~~
- (H) The services in this paragraph are participant directed and the individual may negotiate unit rates with providers.
- (1) The participant directed services include:
- (a) Alternative meals ~~service~~; and
- (b) Choices home care attendant ~~services~~.
- (2) The individual shall have in effect, before choices home care attendant services are delivered, a signed provider agreement with each ODA-certified participant-directed individual provider delivering services to the individual. The provider agreement shall:
- (a) Include the rate ~~of reimbursement~~ negotiated with the provider;
- (b) Specify the time period the rates shall be in effect;
- (c) Base rates on the units of service as set forth in Chapter 173-39 of the Administrative Code; and
- (d) Be signed by the individual receiving the choices home care attendant service and the HCBS provider.
- (3) The rates negotiated by the individual with providers of services in ~~this~~ paragraph (H) shall not exceed the maximum allowed per unit of service as specified in appendix A to rule 5160-1-06.1 of the Administrative Code. The negotiated rate shall be reviewed by the individual's case manager and reflected on the individual's person-centered service plan prior to service delivery.

- (4) Should the individual choose not to negotiate a rate of reimbursement for any of the services in ~~this~~ paragraph (H), the service shall be ~~reimbursed~~ paid at a rate ~~proposed by~~ agreed upon by the provider and ~~accepted by~~ the individual and the individual's case manager. The ~~accepted~~ agreed upon rate shall be reflected on the individual's person-centered services plan.
- (I) The Ohio department of medicaid, or its designee, shall evaluate unit rates within two years of the effective date of this rule and every two years thereafter.

Effective: 1/1/2019

Five Year Review (FYR) Dates: 10/15/2018 and 01/01/2024

CERTIFIED ELECTRONICALLY

Certification

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