

**FEDERAL MEDICAID NOTICE AND  
PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** July 27, 2010  
**TIME:** 1:30 P.M.  
**LOCATION:** Vern Riffe Center, 77 S High St, Room 1948,  
Columbus, OH 43215

Pursuant to sections 5111.02, and 5111.85 Chapter 119. of the Ohio Revised Code, and 42 C.F.R. 447.205, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

**Rule 5101:3-51-01, entitled HOME choice ("Helping Ohioans Move, Expanding Choice" demonstration program: definitions,** is being amended to clarify policy related to the implementation of the Money Follows the Person (MFP) HOME Choice Demonstration Program that was created in response to Ohio's receipt of an MFP Demonstration Grant from the Centers for Medicare and Medicaid Services (CMS), implemented in accordance with section 309.30.70, of Am. Sub. H.B. 119, 127<sup>th</sup> General Assembly, extended in accordance with section 309.30.90, of Am. Sub. H.B. 1, 128<sup>th</sup> General Assembly, and budgeted in the GRF 600-525 account. This rule sets forth key definitions associated with the HOME Choice Demonstration Program. The rule changes include amendment of the program definitions to correct terminology, Administrative Code cites, and/or offer additional clarity. New definitions are also being added re: "DODD," "DODD-administered waiver," "ODMH," and "residential treatment facility."

**Rule 5101:3-51-02, entitled HOME choice ("Helping Ohioans Move, Expanding Choice" demonstration program: individual eligibility for services and participant hearing rights,** is being amended to clarify policy related to the implementation of the Money Follows the Person (MFP) HOME Choice Demonstration Program that was created in response to Ohio's receipt of an MFP Demonstration Grant from the Centers for Medicare and Medicaid Services (CMS), implemented in accordance with section 309.30.70, of Am. Sub. H.B. 119, 127<sup>th</sup> General Assembly, extended in accordance with Revised Code 309.30.90, adopted under Am. Sub. H.B. 1, 128<sup>th</sup> General Assembly, and budgeted in the GRF 600-525 account. This rule sets forth the requirements associated with consumer eligibility for services and consumer hearing rights in the HOME Choice Demonstration Program. The rule changes include language specifying that a residential treatment facility is a qualified residence for the purpose of determining participant program eligibility. Additionally, pursuant to the recent passage of the federal health care reform bill, to be eligible, an individual is only required to reside in a qualified residence for a minimum of a ninety consecutive days.

**Rule 5101:3-51-03 entitled HOME choice ("Helping Ohioans Move, Expanding Program Choice" demonstration program: conditions of participation for providers,** is being amended to clarify policy related to the implementation of the Money

Follows the Person (MFP) HOME Choice Demonstration Program that was created in response to Ohio's receipt of an MFP Demonstration Grant from the Centers for Medicare and Medicaid Services (CMS), implemented in accordance with section 309.30.70, of Am. Sub. H.B. 119, 127<sup>th</sup> General Assembly, extended in accordance with section 309.30.90, section Am. Sub. H.B. 1, 128<sup>th</sup> General Assembly, and budgeted in the GRF 600-525 account. This rule sets forth the conditions of participation for providers of services under the HOME Choice Demonstration Program. The changes to this rule are as follows: provider conditions of participation are being amended to address documentation requirements, monitoring and oversight, when to notify the case manager or service and support administrator, and what a provider can and cannot do while furnishing HOME Choice services are being strengthened and clarified.

**Rule 5101:3-51-04, entitled HOME choice ("Helping Ohioans Move, Expanding Choice" demonstration program: definitions of the covered services and program service limitations, provider qualifications and specifications,** is being amended to clarify policy related to the implementation of the Money Follows the Person (MFP) HOME Choice Demonstration Program that was created in response to Ohio's receipt of an MFP Demonstration Grant from the Centers for Medicare and Medicaid Services (CMS), implemented in accordance with section 309.30.70, of Am. Sub. H.B. 119, 127<sup>th</sup> General Assembly, extended in accordance with section 309.30.90, of Am. Sub. H.B. 1, 128<sup>th</sup> General Assembly, and budgeted in the GRF 600-525 account. This rule sets forth the program service limitations, and provider qualifications and specifications for the delivery of HOME Choice Demonstration Program services. The rule changes include correction of terminology and/or offer additional clarity regarding the definitions of the covered services and program service limitations, and provider qualifications and specifications. Additionally, a new respite service is being added in order to comply with the Centers for Medicare and Medicaid Services (CMS)-approved Home Choice Operational Protocol. And two services, social work counseling and nutritional consultation services are being revised to make them consistent with the service specifications and provider requirements recently developed by Ohio Department of Job and Family Services, the Ohio Department of Aging, and the Ohio Department of Developmental Disabilities under the advisement of the Executive Medicaid Management Agency (EMMA).

**Rule 5101:3-51-05, entitled HOME choice ("Helping Ohioans Move, Expanding Choice" demonstration program: process for enrolling service providers,** is being amended to clarify policy related to the implementation of the Money Follows the Person (MFP) HOME Choice Demonstration Program that was created in response to Ohio's receipt of an MFP Demonstration Grant from the Centers for Medicare and Medicaid Services (CMS), implemented in accordance with section 309.30.70, of Am. Sub. H.B. 119, 127<sup>th</sup> General Assembly, extended in accordance with section 309.30.90, of Am. Sub. H.B. 1, 128<sup>th</sup> General Assembly, and budgeted in the GRF 600-525 account. This rule sets forth the provider requirements and specifications that prospective HOME Choice Demonstration Program providers must meet prior to furnishing HOME Choice Demonstration Program services to a consumer. The rule changes include correction of Administrative Code rule cites and agency names. Additionally, language has been

added regarding requirements an individual or agency must meet to be provider of Helping Ohioans Move, Expanding Choice (HOME) respite services.

**Rule 5101:3-51-06, entitled HOME choice ("Helping Ohioans Move, Expanding Choice" demonstration program: reimbursement rates and billing procedures,** is being amended to clarify policy related to the implementation of the Money Follows the Person (MFP) HOME Choice Demonstration Program that was created in response to Ohio's receipt of an MFP Demonstration Grant from the Centers for Medicare and Medicaid Services (CMS), implemented in accordance with section 309.30.70, of Am. Sub. H.B. 119, 127<sup>th</sup> General Assembly, extended in accordance with section 309.30.90, of Am. Sub. H.B. 1, 128<sup>th</sup> General Assembly, and budgeted in the GRF 600-525 account. This rule sets forth codes and reimbursement rates for services available through the HOME Choice Demonstration Program. The proposed rule changes include codes and reimbursement rates for in-home, out-of-home and camp respite services that are being added to the HOME Choice Demonstration Program. Specifically, in-home respite shall be reimbursable at maximum rate of \$9.00 per hour and \$2.25 per each fifteen-minute unit; out-of-home respite services shall be reimbursable at a maximum rate of \$200 per day with an overnight stay; and camp respite services shall be reimbursable at a unit rate of \$125 per day. Reimbursement shall be limited to \$625 for five days of camp respite services per week, and \$2,000 for in-home, out-of-home and camp respite services, combined, during the 365-day demonstration period. The term "modifier" was also added to the rule. There are no additional changes in methods and standards. The department estimates these changes will increase its annual aggregate expenditures by approximately \$11,100.00. The "all funds" claim amount of \$11,100.00 is eligible for enhanced federal financial participation (FFP) from the MFP Demonstration Grant, thus reducing the state's non-federal share of the additional expenditures to approximately \$1,670 for the last year of the 2010-2011 biennium.

The respite service will be available to those HOME choice participants who are not eligible to be enrolled in a home and community-based service (HCBS) waiver, and as a result, would not otherwise have access to any form of needed respite services which are available via HCBS waivers. The transition to HOME Choice community services also reduces the state's institutional cost of care for the eligible participant in lieu of eligibility for an HCBS waiver.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below and at the county departments of job and family services. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.state.oh.us](mailto:rules@jfs.state.oh.us). Comments received may be reviewed at this address.