

5123-9-29**Home and community-based services waivers - home-delivered meals under the individual options and level one waivers.**(A) Purpose

This rule defines home-delivered meals and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

(B) Definitions

For the purposes of this rule, the following definitions shall apply:

- (1) "Agency provider" means an entity that directly employs at least one person in addition to the chief executive officer for the purpose of providing services for which the entity must be certified in accordance with rule 5123:2-2-01 of the Administrative Code.
- (2) "County board" means a county board of developmental disabilities.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Home-delivered meals" means the preparation, packaging, and delivery of one or more meals to individuals who are unable to prepare or obtain nourishing meals. A maximum of two meals per day shall be provided under the individual options or level one waivers.
- (5) "Independent provider" means a self-employed person who provides services for which he or she must be certified in accordance with rule 5123:2-2-01 of the Administrative Code and does not employ, either directly or through contract, anyone else to provide the services.
- (6) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, his or her guardian in accordance with section 5126.043 of the Revised Code or other person authorized to give consent.
- (7) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.
- (8) "Service documentation" means all records and information on one or more documents, including documents that may be created or maintained in electronic software programs, created and maintained contemporaneously with the delivery of services, and kept in a manner as to fully disclose the nature and

extent of services delivered that shall include the items delineated in paragraph (E) of this rule to validate payment for medicaid services.

(9) "Three-year period" means the three-year period beginning with the individual's initial waiver enrollment date and ending three years later. Subsequent three-year periods begin with the ending date of the previous three-year period and end three years later.

(C) Provider qualifications

(1) Home-delivered meals shall be provided by an independent provider or an agency provider that meets all applicable regulatory requirements for the preparation, packaging, and delivery of home-delivered meals as defined by the Ohio department of aging and that has a medicaid provider agreement with the Ohio department of medicaid.

(2) Home-delivered meals shall not be provided by a county board or a regional council of governments formed under section 5126.13 of the Revised Code by two or more county boards.

(3) An applicant seeking approval to provide home-delivered meals shall complete and submit an application through the department's website (<http://dodd.ohio.gov>).

(4) Failure to comply with this rule and rule 5123:2-2-01 of the Administrative Code may result in denial, suspension, or revocation of the provider's certification.

(D) Requirements for service delivery

(1) Home-delivered meals shall be provided pursuant to an individual service plan that conforms to the requirements of rule 5123:2-1-11 of the Administrative Code.

(2) The provider shall:

(a) Be able to provide two meals per day, seven days per week;

(b) Be able to provide special diets, including but not limited to, low sodium and low sugar;

(c) Ensure that each meal contains at least one-third of the daily recommended dietary allowance as established by the food and nutrition board of the national academy of sciences national research council;

- (d) Ensure that a licensed dietitian approves and signs all menus and develops all special menus in accordance with the individual service plan;
- (e) Maintain a roster of delivery drivers who are trained and have available backup staff for scheduled meal deliveries; and
- (f) Initiate new orders for home-delivered meals within seventy-two hours of referral or as otherwise specified in the individual service plan.
- (3) The provider shall prepare and deliver a noontime and/or evening meal as specified in the individual service plan.

 - (a) Noontime meals shall be delivered within one hour of noon.
 - (b) Evening meals shall be delivered within one hour of five-thirty p.m. or, on condition that appropriate methods exist to ensure proper and safe handling by the provider and safe consumption by the individual, may be delivered with the noontime meals.
 - (c) Notwithstanding paragraphs (D)(3)(a) and (D)(3)(b) of this rule, if frozen meals are used, all meals for a week may be delivered at one time during the week on condition that appropriate methods exist to ensure proper and safe handling by the provider and safe consumption by the individual. Each frozen meal shall be individually packaged and labeled with the words, "use before," followed by the month, day, and year by which the meal is to be used.
- (4) The provider shall not:

 - (a) Leave food unrefrigerated or unattended; or
 - (b) Leave food at a residence unless the individual or his or her representative is there to receive the food.

(E) Documentation of services

Service documentation for home-delivered meals shall include each of the following to validate payment for medicaid services:

- (1) Type of service.
- (2) Date of service.
- (3) Place of service.

- (4) Name of individual receiving service.
- (5) Medicaid identification number of individual receiving service.
- (6) Name of provider.
- (7) Provider identifier/contract number.
- (8) Written or electronic signature of the person delivering the service, or initials of the person delivering the service if a signature and corresponding initials are on file with the provider.
- (9) Description and details of the services delivered that directly relate to the services specified in the approved individual service plan as the services to be provided.
- (10) Number of meals delivered.
- (11) Time that meals were delivered.
- (12) Name of person accepting delivery of meals.

(F) Payment standards

- (1) The billing unit, service codes, and payment rate for home-delivered meals are contained in the appendix to this rule.
- (2) Under the level one waiver, home-delivered meals is subject to the payment limitation set forth in paragraph (D)(2) of rule 5123-9-06 of the Administrative Code.

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