

5123:2-8-01            **Level one waiver - Definitions.**

As used throughout rules adopted under Chapter 5123:2-8 of the Administrative Code, the following definitions shall apply:

- (A) "Applicant" means a person or government entity that has submitted to the department an application for certification to provide services under the HCBS level one waiver.
- (B) "Agency provider" means a person or government entity that provides services under the HCBS level one waiver other than an individual provider.
- (C) "County board" means a county board of mental retardation and developmental disabilities established under Chapter 5126. of the Revised Code.
- (D) "Covered service" means any service approved under the HCBS level one waiver.
- (E) "CPR" means cardiopulmonary resuscitation.
- (F) "Department" means the Ohio department of mental retardation and developmental disabilities as established by section 121.02 of the Revised Code.
- (G) "Direct contact" means exercising supervision or control over the individual enrolled in the level one waiver and for whom a provider will be providing a waiver service.
- (H) "Direct services position" has the same meaning as in section 5126.281 of the Revised Code.
- (I) "Emergency assistance" means the services defined in rule 5123:2-8-11 of the Administrative Code.
- (J) "Environmental accessibility adaptations" means the services defined in rule 5123:2-8-06 of the Administrative Code.
- (K) "HCBS" means medicaid-funded home and community-based services provided under a medicaid component that the department administers pursuant to section 5111.871 of the Revised Code.
- (L) "Homemaker/personal care" means the services defined in rule 5123:2-8-10 of the Administrative Code.
- (M) "ICF/MR" means intermediate care facility for the mentally retarded.

- (N) "Individual" means a person with mental retardation and/or developmental disabilities.
- (O) "Individual provider" means a self-employed person who provides services under the HCBS level one waiver and does not employ, either directly, or through a contract, anyone else to provide such services.
- (P) "Informal respite" means the services defined in rule 5123:2-8-03 of the Administrative Code.
- (Q) "Institutional respite" means the services defined in rule 5123:2-8-04 of the Administrative Code.
- (R) "ISP" means individual service plan.
- (S) "Legally responsible person" means the individual or the individual's guardian appointed by the probate court under Chapter 2111. of the Revised Code. If the individual is a minor for whom no guardian has been appointed under that chapter, "guardian" means the individual's parent. If no guardian has been appointed for a minor and the minor is in the legal or permanent custody of a government agency or person other than the minor's natural or adoptive parent, "guardian" means that government agency or person.
- (T) "Level one waiver" means a waiver approved under the authority of section 1915(c) of the "Social Security Act," under which federal reimbursement is provided for designated home and community-based services to individuals who without such services would be subject to institutionalization.
- (U) "Licensed provider" means a provider licensed by the department pursuant to section 5123.19 of the Revised Code.
- (V) "Limited provider" means a person who is known to the individual, is selected by the individual or the individual's guardian and provides informal respite only to the individual or to multiple individuals who live in the same family setting.
- ~~(W) "LMAA" means local medicaid administrative authority, which includes any of the following:~~
- ~~(1) A county board with medicaid local administrative authority pursuant to section 5126.055 of the Administrative Code;~~
  - ~~(2) A person or government entity, including a council of governments, with which~~

~~a county board with medicaid local administrative authority pursuant to section 5126.055 of the Revised Code has contracted for assistance with such authority pursuant to division (E) of section 5126.055 of the Revised Code;~~

~~(3) A county board or other entity with which the department has contracted to administer the services for which a county board's medicaid local administrative authority has been terminated pursuant to section 5126.055 of the Revised Code; or~~

~~(4) An administrative receiver appointed to administer the services for which a county board's medicaid local administrative authority has been terminated pursuant to section 5126.056 of the Revised Code.~~

~~(X)~~(W) "Minor child" means a biological child, adoptive child, or stepchild under age eighteen.

~~(Y)~~(X) "ODJFS" means the Ohio department of job and family services as established by section 121.02 of the Revised Code.

~~(Z)~~(Y) "OSHA" means occupational safety and health administration.

~~(AA)~~(Z) "Personal emergency response systems" means the services defined in rule 5123:2-8-09 of the Administrative Code.

~~(BB) "Prior authorization process" means the authorization by the LMAA of institutional respite, informal respite, transportation, homemaker/personal care, and environmental accessibility adaptations during the initial ISP meeting or as part of the process to make a change in the ISP when a change in need has been identified. The requested service shall be approved when the benefit limitation for the particular service or combination of services has not been exceeded and unless an assessment contraindicates the need for the service.~~

~~(CC) "Service and payment agreement" means the form set forth as appendix B to rule 5123:2-8-10 of the Administrative Code. The service and payment agreement shall be the individual service needs addendum required under division (B)(3) of section 5126.035 of the Revised Code.~~

~~(DD)~~(AA) "Specialized medical equipment and supplies" means the services defined in rule 5123:2-8-08 of the Administrative Code.

~~(EE)~~(BB) "Spouse" means a partner in a marriage that is legally recognized by the state of Ohio.

~~(FF)~~(CC) "SSA" means the service and support administrator, a county board employee

who provides a variety of coordination activities for individuals in accordance with section 5126.15 of the Revised Code.

~~(GG)~~(DD) "Subcontractor" means a person or agency who is contracted by a certified provider to perform services pursuant to the requirements of the level one waiver.

~~(HH)~~(EE) "Supported employment" means the services defined in rule ~~5123:2-8-05~~ 5123:2-9-13 of the Administrative Code.

~~(H)~~(FF) "~~Three-year period of the waiver~~" means ~~the a~~ a three-year period of the federally approved waiver. The period begins with the effective date of the waiver and ends three years later beginning with the first date the individual is eligible for services through the level one waiver 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.

~~(JJ)~~(GG) "Transportation" means the services defined in rule 5123:2-8-07 of the Administrative Code.

Effective:

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Certification

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Date

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