

5160-31-02

PASSPORT HCBS waiver program definitions.

- (A) The purpose of this rule is to define the terms used in Chapter ~~5101:3-31~~ 5160-31 of the Administrative Code governing the preadmission screening system providing options and resources today (PASSPORT) home and community based services (HCBS) waiver program.

As used in this chapter:

- (B) "ADL" means activities of daily living including bathing; grooming; toileting; dressing; eating; and mobility which refers to bed mobility, transfer, and locomotion as defined in ~~rules 5101:3-3-06 and 5101:3-3-08~~ rule 5160-3-08 of the Administrative Code.

- (C) "Assessment" means a face-to-face evaluation used to obtain information about an individual including his or her condition, personal goals and preferences, functional limitations, health status and other factors that are relevant to the authorization and provision of services. Assessment information supports the determination that an individual requires waiver services as well as the development of the service plan.

- (D) "Authorized representative" means a person, eighteen years of age or older, who is chosen by and acts on behalf of an individual who is applying for, or receiving, medical assistance. In accordance with rule ~~5101:1-38-01.2~~ 5160:1-2-01.2 of the Administrative Code, the individual must provide a written statement naming the authorized representative and the duties that the named authorized representative may perform on the individual's behalf.

- (E) "CDJFS" means a county department of job and family services.

- (F) "C.F.R." means the code of federal regulations.

- ~~(E)~~ (G) "Caregiver" means relatives, friend, and/or significant others who voluntarily provide assistance to the consumer individual enrolled in PASSPORT and are responsible for the consumer's individual's care on a continuing basis.

- ~~(E)~~ (H) "Case management" means a set of person centered activities provided by the PASSPORT administrative agency (PAA) that are undertaken to ensure that the waiver consumer individual enrolled in PASSPORT receives appropriate and necessary services. Under a HCBS waiver, these activities may include, but are not necessarily limited to, assessment, service plan development, service plan implementation and service monitoring as well as assistance in accessing waiver, state plan, and other services and resources as needed.

- ~~(G) "CDJFS" means a county department of job and family services.~~

- ~~(H)~~(I) "Certification" means providers are certified by the Ohio department of aging (ODA) to provide services for PASSPORT as established in Chapter 173-39 of the Administrative Code.
- ~~(I)~~ "Consumer" means ~~an individual who has been accepted for enrollment and is receiving PASSPORT services. Consumer includes the consumer's legal representative and/or authorized representative, as applicable.~~
- (J) "HCBS" or "home and community-based services" means services furnished under the provisions set forth in 42 C.F.R. 441 Subpart G (October 1, 2009) that permit individuals to live in a home setting rather than a nursing facility (NF) or hospital. HCBS waiver services are approved by CMS for specific populations and are not otherwise available under the medicaid state plan.
- (K) "CMS" means the centers for medicare and medicaid services (CMS), a federal agency that is part of the U.S. department of health and human services, and administers the medicaid program and approves home and community-based services waivers.
- (L) "FMS" or "financial management service" is a support provided to waiver participants who direct some or all of their waiver services. In the PASSPORT waiver, this support is conducted as an administrative activity through an entity under contract with the ~~ODA~~state of Ohio. When used in conjunction with the ~~employer authority~~self-direction authorities available to ~~consumers~~individuals enrolled in PASSPORT, this support includes operating a payroll service for participant-employed workers and making required payroll withholdings.
- (M) "Home first" means the component of the PASSPORT HCBS waiver program that offers priority enrollment in the waiver for certain individuals in accordance with section ~~473.401~~173.521 of the Revised Code.
- (N) "IADL" means an instrumental activity of daily living as defined in rule ~~5101:3-3-08~~5160-3-08 of the Administrative Code and includes shopping; meal preparation; laundry; community access activities including telephoning, transportation, legal or financial; and environmental activities including house cleaning, heavy chores, yard work or maintenance.
- (O) "Individual" means a medicaid recipient, a medicaid recipient enrolled in a HCBS program, or person with pending medicaid eligibility who is applying ~~to a NF or intermediate care facility for the mentally retarded (ICF-MR); or for~~ is applying for HCBS waiver enrollment; ~~or is applying for residential state supplement (RSS) funded placement; or is seeking~~other long-term care services.

(P) "Individual provider" means a person with a signed medicaid provider agreement with ODM to provide PASSPORT services in rule 5160-31-05 of the Administrative Code, and who meets the PASSPORT waiver program's conditions of participation set forth in rule 5160-31-06 of the Administrative Code and who is not the spouse, parent, stepparent, and/or legal guardian of the consumer.

~~(P)~~(Q) "Keys amendment facility", as found in section 1616(e) of the Social Security Act (as in effect on January 1, 2014), ~~means~~ includes, but is not limited to, an institution, foster home or group living arrangement, including those licensed by the state, in which a significant number of recipients of supplemental security income benefits are residing or are likely to reside. ~~Keys amendment facilities include:~~

- ~~(1) Adult foster homes certified under section 5119.362 of the Revised Code;~~
- ~~(2) Adult family homes or adult group homes as defined in section 3722.01 of the Revised Code, that is licensed as an adult care facility under section 3722.04 of the Revised Code;~~
- ~~(3) Residential care facility as defined in section 3721.02 of the Revised Code;~~
- ~~(4) Community alternative homes as defined in section 3724.01 of the Revised Code, that are licensed under section 3724.03 of the Revised Code;~~
- ~~(5) Residential facilities of the type defined in division (A)(1)(d)(ii) of section 5119.22 of the Revised Code, that are licensed by the Ohio department of mental health (ODMH); or,~~
- ~~(6) An apartment or room that is used to provide community mental health housing services, is certified by the ODMH under section 5119.611 of the Revised Code, and is approved by a board of alcohol, drug addiction, and mental health services in accordance with division (A)(14) of section 340.03 of the Revised Code.~~

~~(Q)~~(R) "Level of care" or "LOC" ~~(LOC)~~ means the designation describing a person's functional levels and nursing needs pursuant to the criteria set forth in rules ~~5101:3-3-05~~5160-3-05, ~~5105:3-3-06~~5160-3-06, ~~5101:3-3-07~~ and ~~5101:3-3-08~~5160-3-07 and 5160-3-08 of the Administrative Code.

~~(R)~~(S) "NF" means a nursing facility as defined in section ~~5111.205~~5165.01 of the Revised Code.

~~(S)~~(T) "ODA" means the Ohio department of aging.

~~(T)~~(U) "~~ODJFS~~SODM" means the Ohio department of ~~job and family services~~medicaid.

~~(U)~~(V) "PAA" means PASSPORT administrative agency.

~~(V)~~(W) "PASSPORT" or "PASSPORT HCBS waiver program" means an HCBS waiver program that serves individuals who are aged sixty and over who have a LOC required for placement in a NF if the waiver program were not available, and meet the PASSPORT eligibility criteria and enrollment requirements in Chapter ~~5101:3-31~~5160-31 of the Administrative Code.

~~(W)~~(X) "Region" means the geographic area in which a PAA administers the PASSPORT program.

~~(X)~~(Y) "Service plan" means a written, person centered plan between the ~~consumer~~individual, the ~~consumer's~~individual's case manager at the PAA and, as applicable, the ~~consumer's~~individual's caregiver(s). The service plan specifies the services that are provided to the ~~consumer~~individual, regardless of funding source, to address the ~~consumer's~~individual's care needs as identified in the ~~consumer's~~individual's assessment.

~~(Y)~~(Z) "Subregion" means a geographic area located within a PAA region for the purpose of establishing PASSPORT unit rates as set forth in rule ~~5101:3-31-07~~5160-31-07 of the Administrative Code.

~~(Z)~~(AA) "Waiver service provider" means an agency or person with a signed medicaid provider agreement with ~~ODJFS~~SODM to provide HCBS waiver services, and who meets the PASSPORT conditions of participation set forth in rule ~~5101:3-31-06~~5160-31-06 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 11/29/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5166.02
Rule Amplifies: 5166.02, 173.52
Prior Effective Dates: 7/16/84, 12/22/86 (Emer.), 3/23/87, 7/1/90, 1/14/96,
9/1/98, 3/1/00, 3/3/01, 7/1/06, 3/17/11, 9/29/11