



Department of Medicaid

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TO: Contracted MyCare Ohio Plans

FROM: Megan Powell, Interim Chief
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Policy and Program Development Section

DATE: April 25, 2019

SUBJECT: **Waiver Alignment 2.0 Update**

As detailed in the department's December 5, 2018 memorandum, Phase 2 of alignment of the ODM- and ODA-administered waivers will go live on July 1, 2019. Phase 2 will focus on three waiver services: community transition, community integration, and home maintenance/chore services. It will also coincide with the implementation of HOME Choice 2.0.

Provider types and specialties for community transition, community integration and home maintenance/chore services that are applicable to MyCare Ohio are attached to this document. Please note, effective July 1st, providers will submit claims for these services using the same procedure codes across the ODM and ODA waivers. MyCare Ohio, MITS and ODA will no longer pay claims for these specific services using the previous modifiers. This is another important step toward gaining consistency in the ODM and ODA waivers.

More information regarding community transition, community integration and home maintenance/chore services is detailed below. This should be helpful to you as you prepare for implementation.

- Community Transition Services (New OAC 5160-44-26)
 - Community transition is currently available in the MyCare Ohio, PASSPORT and Assisted Living waivers.
 - The service will be new to OHCW.
 - The billing maximum is being increased to \$2,000 per waiver enrollment.
 - The service is billed on a "per job" basis.
 - The procedure code is T2038.
 - The service can be provided up to 180 calendar days prior to an individual's discharge from an institutional setting and enrollment in the waiver. The date of service for billing purposes is the date of waiver enrollment.

- The service will be provided by a waiver agency provider, non-agency provider, ODA-certified assisted living waiver service provider or a transition service coordinator under contract with ODM.
- Community Integration Services (New OAC 5160-44-14)
 - The existing independent living assistance service available through MyCare Ohio and PASSPORT will be renamed “community integration services” and expanded to include community support coaching interventions currently available under HOME Choice.
 - The service will be new to OHCW.
 - The fee-for-service reimbursement rate for community integration services is \$3.50 per 15-minute unit.
 - The procedure code is S5135.
 - The service will be provided by a waiver provider agency.
 - Individuals currently authorized to receive independent living assistance through MyCare Ohio will continue to have access to this intervention through community integration services.
- Home Maintenance and Chore Services (New OAC 5160-44-12)
 - Two existing MyCare Ohio and PASSPORT waiver services (Pest Control and Chore) are being eliminated and a new service (home maintenance and chore) will be offered.
 - Since these interventions are part of the new service, there is no need to differentiate between the pest control and chore interventions.
 - The new service will also include home maintenance and repair interventions.
 - This service will be new to OHCW.
 - The billing maximum for home maintenance and chore is \$10,000 per 12-month calendar year.
 - It is billed on a “per job” basis.
 - The procedure code is S5121 and no modifiers will be applied.
 - Home maintenance and chore will be both provider-managed and participant-directed in MyCare Ohio and PASSPORT.
 - The service will only be provider-managed under OHCW.
 - The service can be provided up to 180 calendar days prior to an individual’s discharge from an institutional setting and enrollment in the waiver. The date of service for billing purposes is the date of waiver enrollment.
 - The service can be provided by a waiver agency provider and non-agency provider.
 - Individuals currently authorized to receive pest control and/or chore services will continue to have access to these interventions through the new home maintenance and chore service.

Waiver amendments supporting Phase 2 of alignment were formally submitted to CMS for review on March 29th. Ohio Administrative Code (OAC) rules containing service specifications and provider requirements were original filed with JCARR on April 16th. Copies of the proposed rules are embedded at the end of this memo.

Initial planning is now underway for Phase 3 of waiver alignment. It is tentatively scheduled to occur in July 2020 and will include the addition of self-direction to the Ohio Home Care Waiver. It may also include the alignment of home medical equipment and supplemental adaptive and assistive device services under MyCare Ohio with similar services in OHCW and PASSPORT. More details will be forthcoming as they are available.

Procedure Codes and Provider Type/Provider Specialty Combinations
Applicable to the MyCare Ohio Waiver
for Phase 2 of ODM/ODA Waiver Alignment
Effective 7/1/2019

Service	Procedure Code	Provider Type/Provider Specialty Combinations
T2038	Community Transition Services	16/459, 25/459, 26/459, 37/459, 38/459, 45/459, 55/459, 60/459, 65/459, 71/459, 72/459, 74/459, 16/480, 25/480, 26/480, 37/480, 38/480, 45/480, 55/480, 60/480, 65/480, 71/480, 72/480, 74/480, 16/740, 25/740, 26/740, 37/740, 38/740, 45/740, 55/740, 60/740, 65/740, 71/740, 72/740, 74/740
S5135	Community Integration Services	16/458, 45/458, 60/458, 16/480, 45/480, 60/480
S5121	Home Maintenance and Chore Services	16/45A, 25/45A, 26/45A, 45/45A, 55/45A, 60/45A, 16/480, 25/480, 26/480, 45/480, 55/480, 60/480

5160-44-12

Nursing facility-based level of care home and community-based services programs: home maintenance and chore services.

(A) "Home maintenance and chore services" means a service that improves, restores, or maintains a clean and safe living environment through the performance of tasks in the individual's home that are beyond the individual's capability. Home maintenance and chore services shall not exceed a total of ten thousand dollars in a calendar year per individual. Covered home maintenance and chore services include:

- (1) Minor home maintenance and repair including inspecting, maintaining, and repairing furnaces, including pilot lights and filters; inspecting, maintaining, and repairing water faucets, drains, heaters, and pumps; replacing or installing electrical fuses; plumbing and electrical repairs; repair or replacement of screens or window panes; fixing floor surfaces posing a threat to the individual's health, safety, and welfare; and moving heavy items to provide safe ingress and egress.
- (2) Heavy household cleaning, including washing walls and ceilings; washing the outside of windows; non-routine washing of windows; removing, cleaning and rehanging curtains or drapery; and shampooing carpets or furniture.
- (3) Non-routine disposal of garbage posing a threat to the individual's health, safety, and welfare.
- (4) Non-routine yard maintenance including snow removal posing a threat to the individual's health, safety, and welfare.
- (5) Pest control and related tasks to prevent, suppress, eradicate, or remove pests posing a threat to the individual's health, safety, and welfare.

(B) Home maintenance and chore services do not include:

- (1) Tasks of general utility (including routine yardwork), and not of direct medical or remedial benefit to the individual.
- (2) Jobs that add to the total square footage of the home.
- (3) Jobs that can be accomplished through existing informal or formal supports.
- (4) Jobs that are the legal or contractual responsibility of someone other than the individual (e.g., the landlord, etc.).
- (5) Jobs involving the removal of modifications and returning of property to its prior condition when the individual vacates the premises.

- (6) Replacement or repair of a previously approved home modification or home maintenance and chore job that has been damaged as a result of apparent misuse, abuse or negligence.
- (C) Home maintenance and chore services may be authorized up to one hundred eighty consecutive days prior to an individual's transition from an institutional setting into the community. The service is not considered complete until, and the date of service for purposes of reimbursement shall be, the date on which the individual leaves the institutional setting. If an individual fails to transition into the community, the service is still reimbursable if all other requirements are met.
- (D) Home maintenance and chore services that are necessary to ensure the health, safety, and welfare of the individual and will exceed the ten-thousand-dollar calendar year threshold may be considered for approval by the Ohio department of medicaid (ODM), Ohio department of aging (ODA) or their designee.
- (E) Authorization process.
- (1) ODM, ODA, or their designee may require the completion of an in-home evaluation by an appropriately qualified professional to determine the suitability of the immediate environment where the service will be performed and the viability of the completion of the service to improve independence and/or facilitate a healthy and safe environment.
- (2) In consultation with the individual and/or caregiver(s), ODM, ODA, or their designee and if required, the qualified professional, shall develop a referral that addresses the individual's home maintenance and chore service needs.
- (3) Home maintenance and chore service providers shall submit a fixed cost proposal for the services submitted under the referral which shall be good for the term of the proposal.
- (a) At a minimum, the proposal shall include all of the following:
- (i) A breakdown of all the needed materials;
 - (ii) A breakdown of the costs of all the needed materials;
 - (iii) A breakdown of the labor costs;
 - (iv) A list of all permits that must be obtained;
 - (v) An estimate of the time needed to complete the service;

- (vi) A written statement of all warranties provided, including a warranty lasting at least one year from the date of final acceptance of work against defective workmanship, as applicable; and
- (vii) A written guarantee that all materials, products, and installed or furnished appliances perform their advertised function.
- (b) A fixed cost proposal may be adjusted for good cause only if the proposal is adjusted in writing, and the adjustment is approved by ODM, ODA, or their designee.
- (4) ODM, ODA, or their designee shall review all submitted proposals with the individual and shall approve the proposal with the lowest cost alternative that meets the individual's assessed needs and ensures the health, safety and welfare of the individual.
- (5) The provider shall be reimbursed for the actual cost of material and/or labor as identified in the proposal. Reimbursement may only be adjusted if the fixed cost proposal is adjusted pursuant to the requirements set forth in paragraph (E) (3)(b) of this rule.

(F) Provider requirements.

The provider shall:

- (1) Know and understand the individual's person-centered services plan related to home maintenance and chore services, and personal preferences regarding the specific services to be performed.
- (2) Before performing a service, inform the individual and ODM, ODA, or their designee of any specific health or welfare risk expected, and coordinate times and dates of service to ensure minimal risk to the individual.
- (3) Before performing a service, obtain and maintain all permits and pre-inspections required by law, ordinance, or by the individual's homeowners' association.
- (4) Comply with applicable federal, state, and local laws, and the individual's homeowners' association requirements, as applicable.
- (5) Obtain the property owner's written consent prior to performing the service. This written consent shall reflect that the property owner has agreed to the maintenance, repair or other service.

- (6) Maintain, and upon request, furnish proof of appropriate qualifications to perform services requiring specialized skills such as electrical, heating/ventilation, and plumbing work.
 - (7) Maintain, and upon request, furnish proof of licensure, insurance, and bonding for services from applicable jurisdictions.
 - (8) Maintain, and upon request, furnish a list of the chemicals and substances used for each proposal.
 - (9) Furnish to the individual, ODM, ODA, or their designee a warranty that covers the workmanship and materials involved in performing the service, as applicable.
 - (10) Provide documentation to ODM, ODA, or their designee that the service was completed in accordance with the agreed upon specifications using the materials and equipment cited in the proposal.
 - (11) Provide documentation to ODM, ODA, or their designee that the service was tested, is in proper working order, and is usable by the individual, if applicable.
 - (12) After completing, but before billing for the service, obtain and maintain any necessary post-inspections and post-inspection reports required by law, a home owners' association, or both to verify whether each episode of service meets federal, state, and local laws or home owners' association requirements.
 - (13) Repair any damage incidental to the service.
 - (14) Obtain final written approval from the individual and the case manager after completion of the service.
- (G) Provider qualifications.
- (1) Only an agency or non-agency provider that has been approved by ODM or certified by ODA as a medicaid waiver provider of home maintenance and chore service shall provide these services.
 - (2) Prior to performing a service, the provider shall have all necessary and required licensure in place.
- (H) Service verification: The provider shall obtain the individual's or authorized representative's signature and date of completion of the service to verify service delivery, verify the provider left the individual's home in satisfactory condition, and verify repair of any damages incidental to the service.

(I) Provider record retention. For each service furnished, the provider shall retain a record of compliance with all requirements set forth in rule 5160-44-31 of the Administrative Code, or with the requirements set forth in Chapter 173-39 of the Administrative Code for the pre-admission screening system providing options and resources today (PASSPORT) program. The record shall include:

(1) Individual's name.

(2) Date of service delivery.

(3) A copy of the fixed cost proposal described in paragraph (D)(3) of this rule, including any approved adjustments.

(4) Service description, including a comparison between the fixed cost proposal and the actual services provided.

(5) Name of each provider staff person in contact with the individual.

(6) List of chemicals and substances used.

(7) All of the documents required in paragraphs (F), (G), and (H) of this rule.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	5166.02
Rule Amplifies:	5162.03, 5164.02, 5166.02

5160-44-14

Nursing facility-based level of care home and community-based services programs: community integration services.

- (A) Community integration services are independent living assistance and community support coaching activities that are necessary to enable an individual to live independently and have access to, choice of, and an opportunity to participate in, a full range of community activities.
- (B) Independent living assistance helps individuals to manage their households and personal affairs, self-administer medications, and retain their community living arrangements. Independent living assistance can be furnished through telephone support, in-person support or travel attendant activities, as applicable to the tasks performed. Tasks may include:
- (1) Reminding an individual to take their medications;
 - (2) Contacting individuals at times no other in-home services are being provided to confirm the individual is functioning safely in their home;
 - (3) Assisting with banking;
 - (4) Organizing and coordinating health records;
 - (5) Assisting with applications for public programs including homestead exemption, the home energy assistance program, and subsidized housing;
 - (6) Monitoring and replenishing needed groceries (does not include cost of groceries);
 - (7) Assisting with business and personal correspondence;
 - (8) Accompanying an individual to their medical and other appointments; and
 - (9) Accompanying an individual on their errands and to other activities in the community.
- (C) Community support coaching includes providing information and training to an individual so the individual can achieve the community integration goals identified in his or her person-centered services plan. Skills training topics include:
- (1) How to manage finances;
 - (2) How to manage an individual's own health and wellness;
 - (3) How to identify and access community and legal resources, and leisure, educational, and recreational activities;

(4) How to find a job;

(5) How to manage an individual's own home;

(6) How to navigate community-based transportation systems; and

(7) How to build interpersonal, social, and communication skills.

(D) Community integration service provider requirements.

(1) Community integration services shall be furnished by Ohio department of medicaid (ODM) -approved agencies or Ohio department of aging (ODA) -certified agencies.

(2) The provider shall comply with the requirements set forth in rule 5160-44-31 of the Administrative Code for an ODM-administered waiver program, or Chapter 173-39 of the Administrative Code for the pre-admission screening system providing options and resources today (PASSPORT) waiver program.

(3) The provider shall develop, implement, and maintain evidence of a training plan that includes initial orientation and annual continuing education.

(a) The provider shall ensure anyone who furnishes community integration services receives orientation on topics relevant to the person's job duties before they perform those duties.

(b) The provider shall ensure anyone who furnishes community integration services completes a minimum of twelve hours of continuing education annually on topics relevant to the person's job duties.

(4) Community integration service staff shall have:

(a) A high school diploma, general education diploma (GED), or a minimum of one year of relevant, supervised work experience with a public health, human services, or other community service agency.

(b) The ability to understand written activity plans (description of interventions and the dates/times the provider shall provide the interventions), execute instructions, document activities provided, and the ability to perform basic mathematical operations.

(c) Experience advocating on behalf of individuals with chronic illnesses, behavioral health conditions, physical disabilities, or developmental disabilities.

(5) Supervisors of community integration service staff shall possess at least one of the following:

(a) A current and valid license to practice in the state of Ohio as a registered nurse (RN), licensed practical nurse (LPN), licensed social worker (LSW), or licensed independent social worker (LISW);

(b) A bachelor's degree or an associate's degree in human ecology, dietetics, counseling, gerontology, social work, nursing, public health, health education, or another related field; or

(c) At least three years of employment experience providing community-based social services or job coaching.

(6) Supervisory responsibilities include:

(a) Collaborating with the individual to identify, develop and document a specific activities plan, including the type of intervention(s) provided, prior to initiation of services that is consistent with the individual's approved person-centered services plan.

(b) Conducting evaluations of community integration service staff every ninety days to ensure staff compliance with the activities plan, and the individual's satisfaction.

(E) All providers shall maintain a record at their place of business for each individual served in accordance with the requirements set forth in rule 5160-44-31 of the Administrative Code for an ODM-administered waiver program, or with the requirements set forth in Chapter 173-39 of the Administrative Code for the PASSPORT program. The record shall include:

(1) The individual's name;

(2) A copy of the individual's initial, and all subsequent person-centered services plans;

(3) A copy of the individual's approved activity plan;

(4) Date(s) of service;

(5) A detailed description of each task or activity performed and the staff person who performed it; and

(6) The individual's signature to verify receipt of the service.

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5160-44-26

Nursing facility-based level of care home and community-based services programs: community transition services.

(A) "Community transition services" pay for non-recurring start-up living expenses for individuals transitioning from an institutional setting to a home and community-based services (HCBS) setting that is compliant with rule 5160-44-01 of the Administrative Code. Community transition services:

(1) Include expenses necessary to enable an individual to establish a basic household.

Examples include:

(a) Security deposits and rental expenses required to obtain a residential lease;

(b) Basic household items required to occupy and maintain housing, including window coverings, food preparation items, and linens;

(c) Fees and deposits for utility and service access, including telephone/cellphone, electricity, gas, garbage, and water;

(d) Moving expenses;

(e) Pre-transition transportation necessary to secure housing and benefits, etc.;

(f) Initial grocery purchase, including food, cleaning supplies, and household supplies;

(g) Activities to arrange for and to procure other non-recurring set-up expenses; and

(h) The provider's administrative cost associated with providing community transition services under this rule. Such fees shall be included in the authorization described in paragraph (A)(2)(b) of this rule.

(2) Are payable only to the extent:

(a) They are determined reasonable and necessary through the person-centered services planning process described in rule 5160-44-02 of the Administrative Code and are clearly identified in an individual's person-centered services plan; and

(b) They are authorized by the Ohio department of medicaid (ODM), the Ohio department of aging (ODA) or their designee in an individual's person-centered services plan, which shall only occur if no other person, including a landlord, has a legal or contractual responsibility to fund the

expense, and if family, neighbors, friends, or community resources are unavailable to fund the expense.

(3) May be authorized up to one hundred eighty consecutive days before an individual's transition from an institutional setting into an HCBS setting. The date of service for purposes of payment shall be the date the individual leaves the institutional setting. If the individual fails to transition to an HCBS setting, the service is still payable if all other requirements are met.

(4) Shall be provided no later than thirty days after the date on which an individual enrolls on the waiver.

(B) Community transition services do not include:

(1) Room and board, ongoing monthly rental, or mortgage expenses;

(2) Ongoing grocery expenses;

(3) Ongoing utility or service expenses;

(4) Ongoing cable or internet expenses;

(5) Electronic and other household appliances and items intended to be used for entertainment or recreational purposes; and

(6) Tobacco products and alcohol.

(C) Limitations.

(1) Community transition services shall only be used one time per individual per waiver enrollment.

(2) Community transition services shall not exceed two thousand dollars per individual per waiver enrollment.

(D) The provider shall involve the individual and/or caregiver(s) in the selection of items to be purchased on the individual's behalf.

(E) Providers shall:

(1) Be either:

(a) An ODM-approved or ODA-certified waiver agency provider;

(b) An ODM-approved or ODA-certified non-agency provider;

(c) A transition coordination service provider under contract with ODM that also meets the requirements set forth in paragraph (E)(1) of this rule; or

(d) An ODA-certified assisted living waiver service provider.

(2) Comply with the requirements set forth in rule 5160-44-31 of the Administrative Code for an ODM-administered waiver program, or Chapter 173-39 of the Administrative Code for the pre-admission screening system providing options and resources today (PASSPORT) or assisted living programs.

(F) All providers shall maintain a record at their place of business for each individual served in accordance with the requirements set forth in rule 5160-44-31 of the Administrative Code, or with the requirements set forth in Chapter 173-39 of the Administrative Code for the PASSPORT program. For each service provided, the record shall include:

(1) The individual's name;

(2) Date of service;

(3) A detailed description of each expense;

(4) A receipt for each expense;

(5) Verification the individual was involved in the selection of all items; and

(6) The individual's signature to verify receipt of the service.

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5160-46-04

Ohio home care waiver: definitions of the covered services and provider requirements and specifications.

This rule sets forth definitions of some services covered by the Ohio home care waiver. This rule also sets forth the provider requirements and specifications for the delivery of those Ohio home care waiver services. The services are reimbursed in accordance with rule 5160-46-06 of the Administrative Code.

(A) Personal care aide services.

(1) "Personal care aide services" are defined as services provided pursuant to the person-centered services plan that assist the individual with activities of daily living (ADL) and instrumental activities of daily living (IADL) needs. If the individual's person-centered services plan states that the service provided is to be personal care aide services, the service shall never be billed as a nursing service. If the provider cannot perform IADLs, the provider shall notify ODM or its designee, in writing, of the service limitations before inclusion on the individual's person-centered services plan. Personal care aide services include:

- (a) Bathing, dressing, grooming, nail care, hair care, oral hygiene, shaving, deodorant application, skin care, foot care, feeding, toileting, assisting with ambulation, positioning in bed, transferring, range of motion exercises, and monitoring intake and output;
- (b) General homemaking activities, including but not limited to: meal preparation and cleanup, laundry, bed-making, dusting, vacuuming, washing floors and waste disposal;
- ~~(c)~~ ~~Household chores, including but not limited to washing floors, windows and walls, tacking down loose rugs and tiles; and moving heavy items to provide safe access and exit;~~
- ~~(d)~~(c) Paying bills and assisting with personal correspondence as directed by the individual; and
- ~~(e)~~(d) Accompanying or transporting the individual to Ohio home care waiver services, medical appointments, other community services, or running errands on behalf of that individual.

(2) Personal care aide services do not include tasks performed, or services provided as part of the home maintenance and chore services set forth in rule 5160-44-12 of the Administrative Code.

~~(2)~~(3) Personal care aide services do not include services performed in excess of the number of hours approved pursuant to the person-centered services plan.

~~(3)~~(4) Personal care aides shall not administer prescribed or over-the-counter medications to the individual, but may, unless otherwise prohibited by the provider's certification or accreditation status, pursuant to paragraph (C) of rule 4723-13-02 of the Administrative Code, help the individual self-administer medications by:

- (a) Reminding the individual when to take the medication, and observing to ensure the individual follows the directions on the container;
- (b) Assisting the individual by taking the medication in its container from where it is stored and handing the container to the individual;
- (c) Opening the container for an individual who is physically unable to open the container;
- (d) Assisting an individual who is physically-impaired, but mentally alert, in removing oral or topical medication from the container and in taking or applying the medication; and
- (e) Assisting an individual who is physically unable to place a dose of medication in his or her mouth without spilling or dropping it by placing the dose in another container and placing that container to the mouth of the individual.

~~(4)~~(5) Personal care aide services shall be delivered by one of the following:

- (a) An employee of a medicare-certified, or otherwise-accredited home health agency; or
- (b) A non-agency personal care aide.

~~(5)~~(6) In order to be a provider and submit a claim for reimbursement, all personal care aide service providers shall meet the following:

- (a) Comply with all applicable rules set forth in Chapters 5160-44, 5160-45 and 5160-46 of the Administrative Code.
- (b) Request reimbursement for the provision of services in accordance with rule 5160-46-06 of the Administrative Code.
- (c) Be at least eighteen years of age.

- (d) Be identified as the provider, and have specified, on the individual's person-centered services plan that is prior-approved by ODM or its designee, the number of hours for which the provider is authorized to furnish personal care aide services to the individual.
 - (e) Have a valid social security number, and one of the following forms of identification:
 - (i) Alien identification,
 - (ii) State of Ohio identification,
 - (iii) A valid driver's license, or
 - (iv) Other government-issued photo identification.
 - (f) Not be the individual's legally responsible family member as that term is defined in rule 5160-45-01 of the Administrative Code.
 - (g) Not be the foster caregiver of the individual.
 - (h) Be providing personal care aide services for one individual, or for up to three individuals in a group setting during a face-to-face visit.
 - (i) Comply with the additional applicable provider-specific requirements as specified in paragraph (A)(~~67~~) or (A)(~~78~~) of this rule.
- ~~(6)~~(7) Medicare-certified and otherwise-accredited agencies shall ensure that personal care aides meet the following requirements:
- (a) Before commencing service delivery, the personal care aide shall:
 - (i) Obtain a certificate of completion of either a competency evaluation program or training and competency evaluation program approved or conducted by the Ohio department of health under section 3721.31 of the Revised Code, or the medicare competency evaluation program for home health aides as specified in 42 C.F.R. 484.36 (as in effect on October 1, 2018), and
 - (ii) Obtain and maintain first aid certification from a program that is not solely internet-based and that includes hands-on training by a certified first aid instructor and a successful return demonstration of what was learned in the course.

- (b) Maintain evidence of the completion of twelve hours of in-service continuing education within a twelve-month period, excluding agency and program-specific orientation. Continuing education shall be initiated immediately, and shall be completed annually thereafter.
- (c) Receive supervision from an Ohio-licensed RN, or an Ohio-licensed LPN, at the direction of an RN in accordance with section 4723.01 of the Revised Code. The supervising RN, or LPN at the direction of an RN, shall:
 - (i) Conduct a face-to-face individual home visit explaining the expected activities of the personal care aide, and identifying the individual's personal care aide services to be provided.
 - (ii) Conduct a face-to-face individual home visit at least every sixty days while the personal care aide is present and providing care to evaluate the provision of personal care aide services, and the individual's satisfaction with care delivery and personal care aide performance. The visit shall be documented in the individual's record.
 - (iii) Discuss the evaluation of personal care aide services with the case manager.
- (d) Be able to read, write and understand English at a level that enables the provider to comply with all requirements set forth in the administrative rules governing the Ohio home care waiver.
- (e) Be able to effectively communicate with the individual.

~~(7)~~(8) Non-agency personal care aides shall meet the following requirements:

- (a) Before commencing service delivery personal care aides shall have:
 - (i) Obtained a certificate of completion within the last twenty-four months for either a competency evaluation program or training and competency evaluation program approved or conducted by the Ohio department of health in accordance with section 3721.31 of the Revised Code; or the medicare competency evaluation program for home health aides as specified in 42 C.F.R. 484.36 (as in effect on October 1, 2018); or other equivalent training program. The program shall include training in the following areas:
 - (a) Personal care aide services as defined in paragraph (A)(1) of this rule;

- (b) Basic home safety; and
 - (c) Universal precautions for the prevention of disease transmission, including hand-washing and proper disposal of bodily waste and medical instruments that are sharp or may produce sharp pieces if broken.
- (ii) Obtained and maintain first aid certification from a class that is not solely internet-based and that includes hands-on training by a certified first aid instructor and a successful return demonstration of what was learned in the course.
- (b) Complete twelve hours of in-service continuing education annually that shall occur on or before the anniversary date of their enrollment as a medicaid personal care aide provider. Continuing education topics include, but are not limited to, health and welfare of the individual, cardiopulmonary resuscitation (CPR), patient rights, emergency preparedness, communication skills, aging sensitivity, developmental stages, nutrition, transfer techniques, disease-specific trainings, and mental health issues.
 - (c) Comply with the individual's or the individual's authorized representative's specific personal care aide service instructions, and perform a return demonstration upon request of the individual or the case manager.
 - (d) Comply with ODM monitoring requirements in accordance with rule 5160-45-06 of the Administrative Code.
 - (e) Be able to read, write and understand English at a level that enables the provider to comply with all requirements set forth in the administrative rules governing the Ohio home care waiver.
 - (f) Be able to effectively communicate with the individual.
- ~~(8)~~(9) All personal care aide providers shall maintain a clinical record for each individual served in a manner that protects the confidentiality of these records. Medicare-certified, or otherwise-accredited agencies, shall maintain the clinical records at their place of business. Non-agency personal care aides shall maintain the clinical records at their place of business, and maintain a copy in the individual's residence. For the purposes of this rule, the place of business shall be a location other than the individual's residence. At a minimum, the clinical record shall contain:

- (a) Identifying information, including but not limited to: name, address, age, date of birth, sex, race, marital status, significant phone numbers and health insurance identification numbers of the individual.
- (b) The medical history of the individual.
- (c) The name of individual's treating physician.
- (d) A copy of the initial and all subsequent person-centered services plans.
- (e) Documentation of all drug and food interactions, allergies and dietary restrictions.
- (f) A copy of any advance directives including, but not limited to, DNR order or medical power of attorney, if they exist.
- (g) Documentation of tasks performed or not performed, arrival and departure times, and the dated signatures of the provider and individual or the individual's authorized representative, verifying the service delivery upon completion of service delivery. The individual or the individual's authorized representative's signature of choice shall be documented on the individual's person-centered services plan, and shall include any of the following: a handwritten signature, initials, a stamp or mark, or an electronic signature.
- (h) Progress notes signed and dated by the personal care aide, documenting all communications with the case manager, treating physician, other members of the multidisciplinary team, and documenting any unusual events occurring during the visit, and the general condition of the individual.
- (i) A discharge summary, signed and dated by the departing non-agency personal care aide or the RN supervisor of an agency personal care aide, at the point the personal care aide is no longer going to provide services to the individual, or when the individual no longer needs personal care aide services. The summary should include documentation regarding progress made toward achievement of goals as specified on the individual's all services plan and indicate any recommended follow-ups or referrals.

(B) Adult day health center services.

- (1) "Adult day health center services (ADHCS)" are regularly scheduled services delivered at an adult day health center to individuals who are age eighteen or older. A qualifying adult day health center must be a freestanding building or a

space within another building that shall not be used for other purposes during the provision of ADHCS.

(a) An adult day health center shall provide:

- (i) Waiver nursing services as set forth in rule 5160-44-22 of the Administrative Code, or personal care aide services as set forth in paragraph (A)(1) of this rule;
- (ii) Recreational and educational activities; and
- (iii) At least one meal, but no more than two meals, per day that meet the individual's dietary requirements.

(b) An adult day health center may also provide:

- (i) Skilled therapy services as set forth in rule 5160-12-01 of the Administrative Code; and
- (ii) Transportation of the individual to and from ADHCS.

(c) ADHCS are reimbursable at a full-day rate when five or more hours are provided to an individual in a day. ADHCS are reimbursable at a half-day rate when less than five hours are provided in a day.

(d) All of the services set forth in paragraphs (B)(1)(a) and (B)(1)(b) of this rule and delivered by an adult day health center shall not be reimbursed as separate services.

(2) ADHCS do not include services performed in excess of what is approved pursuant to, and specified on, the individual's person-centered services plan.

(3) In order to be a provider and submit a claim for reimbursement, providers of ADHCS shall:

- (a) Comply with all applicable rules set forth in Chapters 5160-44, 5160-45 and 5160-46 of the Administrative Code.
- (b) Request reimbursement for the provision of services in accordance with rule 5160-46-06 of the Administrative Code.
- (c) Be identified as the provider on the individual's person-centered services plan, that is prior-approved by ODM or its designee, the number of hours

for which the provider is authorized to furnish adult day health center services to the individual.

- (d) Operate the adult day health center in compliance with all applicable federal, state and local laws, rules and regulations.

(4) All providers of ADHCS shall:

- (a) Comply with federal nondiscrimination regulations as set forth in 45 C.F.R. part 80 (as in effect on October 1, 2018).
- (b) Provide for replacement coverage of a loss due to theft, property damage, and/or personal injury; and maintain a written procedure identifying the steps an individual takes to file a liability claim. Upon request, verification of coverage shall be provided to ODM or its designee.
- (c) Maintain evidence of non-licensed direct care staff's completion of twelve hours of in-service training every twelve months.
- (d) Ensure that any waiver nursing services provided are within the nurse's scope of practice as set forth in rule 5160-44-22 of the Administrative Code.
- (e) Provide task-based instruction to direct care staff providing personal care aide services as set forth in paragraph (A)(1) of this rule.
- (f) At all times, maintain a 1:6 ratio of paid direct care staff to individuals.

(5) Providers of ADHCS shall maintain a clinical record for each individual served in a manner that protects the confidentiality of these records. At a minimum, the clinical record shall contain the following:

- (a) Identifying information, including but not limited to: name, address, age, date of birth, sex, race, marital status, significant phone numbers, and health insurance identification numbers of the individual.
- (b) The medical history of the individual.
- (c) The name of the individual's treating physician.
- (d) A copy of the initial and all subsequent all services plans.
- (e) A copy of any advance directive including, but not limited to, DNR order or medical power of attorney, if they exist.

- (f) Documentation of all drug and food interactions, allergies and dietary restrictions.
- (g) Documentation that clearly shows the date of ADHCS delivery, including tasks performed or not performed, and the individual's arrival and departure times. Nothing shall prohibit the use of technology-based systems in collecting and maintaining the documentation required by this paragraph.
- (h) A discharge summary, signed and dated by the departing ADHCS provider, at the point the ADHCS provider is no longer going to provide services to the individual, or when the individual no longer needs ADHCS. The summary should include documentation regarding progress made toward goal achievement and indicate any recommended follow-ups or referrals.
- (i) Documentation of the information set forth in rule 5160-44-22 of the Administrative Code when the individual is provided waiver nursing and/or skilled therapy services.

(C) Supplemental adaptive and assistive device services.

- (1) "Supplemental adaptive and assistive device services" are medical equipment, supplies and devices, and vehicle modifications to a vehicle owned by the individual, or a family member, or someone who resides in the same household as the individual, that are not otherwise available through any other funding source and that are suitable to enable the individual to function with greater independence, avoid institutionalization, and reduce the need for human assistance. All supplemental adaptive and assistive device services shall be prior-approved by ODM or its designee. ODM or its designee shall only approve the lowest cost alternative that meets the individual's needs as determined during the assessment process.
 - (a) Reimbursement for medical equipment, supplies and vehicle modifications shall not exceed a combined total of ten thousand dollars within a calendar year per individual.
 - (b) ODM or its designee shall not approve the same type of medical equipment, supplies and devices for the same individual during the same calendar year, unless there is a documented need for ongoing medical equipment, supplies or devices as documented by a licensed health care professional, or a documented change in the individual's medical and/or physical condition requiring the replacement.

- (c) ODM or its designee shall not approve the same type of vehicle modification for the same individual within the same three-year period, unless there is a documented change in the individual's medical and/or physical condition requiring the replacement.
- (d) Supplemental adaptive and assistive device services do not include:
 - (i) Items considered by the federal food and drug administration as experimental or investigational;
 - (ii) Funding of down payments toward the purchase or lease of any supplemental adaptive and assistive device services;
 - (iii) Equipment, supplies or services furnished in excess of what is approved in the individual's person-centered services plan;
 - (iv) Replacement equipment or supplies or repair of previously approved equipment or supplies that have been damaged as a result of perceived misuse, abuse or negligence; and
 - (v) Activities described in paragraph (C)(2)(c) of this rule.

(2) Vehicle modifications.

- (a) Reimbursable vehicle modifications include operating aids, raised and lowered floors, raised doors, raised roofs, wheelchair tie-downs, scooter/wheelchair handling devices, transfer seats, remote devices, lifts, equipment repairs and/or replacements, and transfers of equipment from one vehicle to another for use by the same individual. Vehicle modifications may also include the itemized cost, and separate invoicing of vehicle adaptations associated with the purchase of a vehicle that has not been pre-owned or pre-leased.
- (b) Before the authorization of a vehicle modification, the individual and, if applicable, any other person(s) who will operate the vehicle shall provide ODM or its designee with documentation of:
 - (i) A valid driver's license, with appropriate restrictions, and if requested, evidence of the successful completion of driver training from a qualified driver rehabilitation specialist, or a written statement from a qualified driver rehabilitation specialist attesting to the driving ability and competency of the individual and/or other person(s) operating the vehicle;

- (ii) Proof of ownership of the vehicle to be modified;
 - (iii) Vehicle owner's collision and liability insurance for the vehicle being modified; and
 - (iv) A written statement from a certified mechanic stating the vehicle is in good operating condition.
- (c) Vehicle modifications do not include:
- (i) Payment toward the purchase or lease of a vehicle, except as set forth in paragraph (C)(2)(a) of this rule;
 - (ii) Routine care and maintenance of vehicle modifications and devices;
 - (iii) Permanent modification of leased vehicles;
 - (iv) Vehicle inspection costs;
 - (v) Vehicle insurance costs;
 - (vi) New vehicle modifications or repair of previously approved modifications that have been damaged as a result of confirmed misuse, abuse or negligence; and
 - (vii) Services performed in excess of what is approved pursuant to, and specified on, the individual's all services plan.
- (3) In order to be a provider and submit a claim for supplemental adaptive and assistive device services, the provider shall:
- (a) Comply with all applicable rules set forth in Chapters 5160-44, 5160-45 and 5160-46 of the Administrative Code.
 - (b) Request reimbursement for the provision of services in accordance with rule 5160-46-06 of the Administrative Code.
 - (c) Be identified as the provider, and have specified, on the individual's all services plan that is prior-approved by ODM or its designee, the supplemental adaptive and assistive device services the provider is authorized to furnish to the individual.
 - (d) Ensure all manufacturer's rebates have been deducted before requesting reimbursement for supplemental adaptive and assistive device services.

- (e) Ensure the supplemental adaptive and assistive device was tested and is in proper working order, and is subject to warranty in accordance with industry standards.
- (4) Providers of supplemental adaptive and assistive device services shall maintain a clinical record for each individual they serve in a manner that protects the confidentiality of these records. At a minimum, the clinical record shall include:
- (a) Identifying information, including but not limited to name, address, age, date of birth, sex, race, marital status, significant phone numbers, and health insurance identification numbers of the individual.
 - (b) The name of the individual's treating physician.
 - (c) A copy of the initial and all subsequent person-centered services plans.
 - (d) Documentation that clearly shows the date the supplemental adaptive and assistive device service was provided. Nothing shall prohibit the use of technology-based systems in collecting and maintaining the documentation required by this paragraph.

(D) Supplemental transportation services.

- (1) "Supplemental transportation services" are transportation services that are not available through any other resource that enable an individual to access waiver services and other community resources specified on the individual's person-centered services plan. Supplemental transportation services include, but are not limited to assistance in transferring the individual from the point of pick-up to the vehicle and from the vehicle to the destination point.
- (2) Supplemental transportation services do not include services performed in excess of what is approved pursuant to, and specified on, the individual's all services plan.
- (3) In order to be a provider and submit a claim for supplemental transportation services, the provider shall:
 - (a) Comply with all applicable rules set forth in Chapters 5160-45 and 5160-46 of the Administrative Code.
 - (b) Request reimbursement for the provision of services in accordance with rule 5160-46-06 of the Administrative Code.

- (c) Be identified as the provider, and have specified on the individual's person-centered services plan that is prior-approved by ODM or its designee, the amount of supplemental transportation services the provider is authorized to render to the individual.

(4) Agency supplemental transportation service providers shall:

- (a) Maintain a current list of drivers.
- (b) Ensure all drivers providing supplemental transportation services are age eighteen or older.
- (c) Maintain a copy of the valid driver's license for each driver.
- (d) Maintain collision and liability insurance for each vehicle and driver used to provide supplemental transportation services.
- (e) Obtain and exhibit evidence of a valid motor vehicle inspection from the Ohio highway patrol for each vehicle used in the provision of supplemental transportation services.
- (f) Obtain and maintain a certificate of completion of a course in first aid for each driver used to provide supplemental transportation services that:
 - (i) Is not provided solely through the internet;
 - (ii) Includes hands-on training provided by a certified first aid instructor; and
 - (iii) Requires the individual to perform a successful return demonstration of what was learned in the course.
- (g) Ensure drivers are not the individual's legally responsible family member, as that term is defined in rule 5160-45-01 of the Administrative Code.
- (h) Ensure drivers are not the individual's foster caregivers.

(5) Non-agency supplemental transportation service providers shall:

- (a) Be age eighteen or older.
- (b) Possess a valid driver's license.
- (c) Maintain collision and liability insurance for each vehicle used to provide supplemental transportation services.

- (d) Obtain and exhibit evidence of a valid motor vehicle inspection from the Ohio highway patrol for each vehicle used in the provision of supplemental transportation services.
 - (e) Obtain and maintain a certificate of completion of a course in first aid that:
 - (i) Is not provided solely through the internet;
 - (ii) Includes hands-on training provided by a certified first aid instructor;
and
 - (iii) Requires the individual to perform a successful return demonstration of what was learned in the course.
 - (f) Not be the individual's legally responsible family member, as that term is defined in rule 5160-45-01 of the Administrative Code.
 - (g) Not be the individual's foster caregiver.
- (6) All supplemental transportation service providers shall maintain documentation that, at a minimum, includes a log identifying the individual transported, the date of service, pick-up point, destination point, mileage for each trip, and the signature of the individual receiving supplemental transportation services, or the individual's authorized representative. The individual's or authorized representative's signature of choice shall be documented on the individual's person-centered services plan and shall include any of the following: a handwritten signature, initials, a stamp or mark, or an electronic signature.

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Certification

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5160-46-06

Ohio home care waiver program: reimbursement rates and billing procedures.

(A) Definitions of terms used for billing and calculating rates.

(1) "Base rate," as used in table A, column 3 of paragraph (B) of this rule, means the amount reimbursed by the Ohio department of medicaid (ODM) for the first thirty-five to sixty minutes of service delivered.

(2) "Bid rate," as used in table B, column 3 of paragraph (B) of this rule, means the per job bid rate negotiated between the provider and the individual's case manager.

~~(2)~~(3) "Billing unit," as used in table B, column 3 of paragraph (B) of this rule, means a single fixed item, amount of time or measurement (e.g., a meal, a day, or mile, etc.).

~~(3)~~(4) "Caretaker relative" has the same meaning as in rule 5160:1-1-01 of the Administrative Code.

~~(4)~~(5) "Group rate," as used in paragraph (D)(1) of this rule, means the amount that waiver nursing and personal care aide service providers are reimbursed when the service is provided in a group setting.

~~(5)~~(6) "Group setting" means a setting in which:

(a) A personal care aide service provider furnishes the same type of services to two or three individuals at the same address. The services provided in the group setting can be either the same type of ODM-administered waiver service, or a combination of ODM-administered waiver services and similar non-ODM-administered waiver services.

(b) A waiver nursing service provider furnishes the same type of services to either:

(i) Two or three individuals at the same address. The services provided in the group setting can be either the same type of ODM-administered waiver service, or a combination of ODM-administered waiver services and similar non-ODM-administered waiver services.

(ii) Two to four individuals at the same address if all of the individuals receiving ODM-administered waiver nursing services are:

(a) Medically fragile children, and

(b) Siblings, and

- (c) Residing together in the home of their caretaker relative. The services provided in the group setting must be ODM-administered waiver nursing services.

~~(6)~~(7) "Medicaid maximum rate" means the maximum amount that will be paid by medicaid for the service rendered.

(a) For the billing codes in table B of paragraph (B) of this rule, the medicaid maximum rate is set forth in column (4).

(b) For the billing codes in table A of paragraph (B) of this rule, the medicaid maximum rate is:

(i) The base rate as defined in paragraph (A)(1) of this rule, or

(ii) The base rate as defined in paragraph (A)(1) of this rule plus the unit rate as defined in paragraph (A) (7) of this rule for each additional unit of service delivered, or

(iii) The unit rate as defined in paragraph (A)(7)(b) of this rule.

~~(7)~~(8) "Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," (42 U.S.C. 1382c(a)(2) or (3)) (as in effect on January 1, 2018).

~~(8)~~(9) "Modifier," as used in paragraph (D) of this rule, means the additional two-alpha-numeric-digit billing codes that providers are required to use to provide additional information regarding service delivery.

~~(9)~~(10) "Unit rate," as used in table A, column 4 of paragraph (B) of this rule, means the amount reimbursed by ODM for each fifteen minutes of service delivered when the visit is:

(a) Greater than sixty minutes in length.

(b) Less than or equal to thirty-four minutes in length. ODM will reimburse a maximum of only one unit if the service is equal to or less than fifteen minutes in length, and a maximum of two units if the service is sixteen through thirty-four minutes in length.

(B) Billing code tables.

Table A

Column 1	Column 2	Column 3	Column 4
Billing code	Service	Base rate	Unit rate
T1002	Waiver nursing services provided by an agency RN	\$47.40	\$8.72
T1002	Waiver nursing services provided by a non-agency RN	\$38.95	\$7.03
T1002	Waiver nursing services provided by a non-agency RN (overtime)	\$50.82	\$10.01
T1003	Waiver nursing services provided by an agency LPN	\$40.65	\$7.37
T1003	Waiver nursing services provided by a non-agency LPN	\$33.20	\$5.88
T1003	Waiver nursing services provided by a non-agency LPN (overtime)	\$43.00	\$8.33
T1019	Personal care aide services provided by an agency personal care aide	\$23.12	\$3.84
T1019	Personal care aide services provided by a non-agency personal care aide	\$18.64	\$2.95
T1019	Personal care aide services provided by a non-agency personal care aide (overtime)	\$22.59	\$4.16

Table B

Column 1	Column 2	Column 3	Column 4
Billing code	Service	Billing unit	Medicaid maximum rate
H0045	Out-of-home respite services	Per day	\$199.82
S0215	Supplemental transportation services	Per mile	\$0.38
S5101	Adult day health center services	Per half day	\$32.48

S5102	Adult day health center services	Per day	\$64.94
S5160	Personal emergency response systems	Per installation and testing	\$32.95
S5161	Personal emergency response systems	Per monthly fee	\$32.95
S5165	Home modification services	Per item	Amount prior-authorized on the an <u>person-centered</u> services plan, <u>not to exceed \$10,000 in a twelve-month calendar year</u>
T2029	Supplemental adaptive and assistive device services	Per item	Amount prior-authorized on the an <u>person-centered</u> services plan, <u>not to exceed \$10,000 in a twelve-month calendar year</u>
S5170	Home delivered meal services - standard meal	Per meal	\$6.50
S5170	Home delivered meal services - therapeutic or kosher meal	Per meal	\$8.68
<u>S5135</u>	<u>Community integration services</u>	<u>Per fifteen-minute unit</u>	<u>\$3.50</u>
<u>T2038</u>	<u>Community transition services</u>	<u>Per job</u>	<u>\$2,000 per waiver enrollment</u>
<u>S5121</u>	<u>Home maintenance and chore services</u>	<u>Per job</u>	<u>Amount prior-authorized on</u>

		<u>the person-centered services plan, not to exceed \$10,000 in a twelve-month calendar year</u>
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(C) The amount of reimbursement for a service shall be the lesser of the provider's billed charge or the medicaid maximum rate.

(D) Required modifiers.

- (1) The "HQ" modifier must be used when a provider submits a claim for billing code T1002, T1003 or T1019 if the service was delivered in a group setting. Reimbursement as a group rate shall be the lesser of the provider's billed charge or seventy-five per cent of the medicaid maximum.
- (2) The "TU" modifier must be used when a provider submits a claim for billing code T1002, T1003 or T1019 and the entire claim is being billed as overtime.
- (3) The "UA" modifier must be used when a provider submits a claim for billing code T1002, T1003 or T1019 and only a portion of the claim is being billed as overtime.
- (4) The "U1" modifier must be used when a provider submits a claim for billing code T1002 and the individual enrolled on the Ohio home care waiver is receiving infusion therapy.
- (5) The "U2" modifier must be used when the same provider submits a claim for billing code T1002, T1003 or T1019 for a second visit to an individual enrolled on the Ohio home care waiver for the same date of service.
- (6) The "U3" modifier must be used when the same provider submits a claim for billing code T1002, T1003 or T1019 for three or more visits to an individual enrolled on the Ohio home care waiver for the same date of service.
- (7) The "U4" modifier must be used when a provider submits a claim for billing code T1002, T1003 or T1019 for a single visit that was more than twelve hours in length but did not exceed sixteen hours.
- (8) The "U6" modifier must be used when a provider submits a claim for billing code S5170 for a therapeutic or kosher home delivered meal.

(E) Claims shall be submitted to, and reimbursement shall be provided by, ODM in accordance with Chapter 5160-1 of the Administrative Code.

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5160-58-04

MyCare Ohio waiver: covered services and providers.

- (A) The purpose of this rule is to establish both the services covered by the MyCare Ohio home and community based services (HCBS) waiver program and the providers eligible to furnish those services to members enrolled in the MyCare Ohio waiver.
- (B) Providers seeking to furnish services in the MyCare Ohio waiver program shall meet the requirements in Chapter 173-39, 5160-45 or 5160-44 of the Administrative Code, as appropriate. Prior to furnishing services to MyCare Ohio waiver recipients, the services must be documented on the member's person-centered services plan as described in rule 5160-44-02 of the Administrative Code.
- (C) MyCare Ohio waiver covered services are limited to the following and exclude any reimbursement provisions in the Ohio Administrative Code rules cited therein:
- (1) Adult day health services as set forth in rule 173-39-02.1 or 5160-46-04 of the Administrative Code;
 - (2) Alternative meal services as set forth in rule 173-39-02.2 of the Administrative Code;
 - (3) Assisted living services as set forth in rule 173-39-02.16 of the Administrative Code;
 - (4) Choices home care attendant services as set forth in rule 173-39-02.4 of the Administrative Code;
 - ~~(5) Chore services as set forth in rule 173-39-02.5 of the Administrative Code;~~
 - (5) Community integration services as set forth in rule 173-39-02.15 or 5160-44-14 of the Administrative Code;
 - (6) Community transition services as set forth in rule 173-39-02.17 or 5160-44-26 of the Administrative Code;
 - (7) Enhanced community living services as set forth in rule 173-39-02.20 of the Administrative Code.
 - (8) Homemaker services as set forth in rule 173-39-02.8 of the Administrative Code;
 - (9) Home care attendant services as set forth in rule 173-39-02.24 or 5160-44-27 of the Administrative Code;
 - (10) Home delivered meal services as set forth in rule 173-39-02.14 or 5160-44-11 of the Administrative Code;

- (11) Home maintenance and chore services as set forth in rule 173-39-02.5 or 5160-44-12 of the Administrative Code.
 - ~~(H)~~(12) Home medical equipment and supplemental adaptive and assistive devices services as set forth in rule 173-39-02.7 or 5160-46-04 of the Administrative Code;
 - ~~(12)~~(13) Home modification services as set forth in rule 173-39-02.9 or 5160-44-13 of the Administrative Code;
 - ~~(13) Independent living assistance services as set forth in rule 173-39-02.15 of the Administrative Code;~~
 - (14) Nutrition consultation services as set forth in rule 173-39-02.10 of the Administrative Code;
 - (15) Out-of- home respite services as set forth in rule 173-39-02.23 or 5160-44-17 of the Administrative Code;
 - (16) Personal care aide services as set forth in rule 173-39-02.11 or 5160-46-04 of the Administrative Code;
 - (17) Personal emergency response services as set forth in rule 173-39-02.6 or 5160-44-16 of the Administrative Code;
 - (18) Pest control services as set forth in rule 173-39-02.3 of the Administrative Code;
 - (19) Social work counseling services as set forth in rule 173-39-02.12 of the Administrative Code;
 - (20) Waiver nursing services as set forth in rule 173-39-02.22 or 5160-44-22 of the Administrative Code; and
 - (21) Waiver transportation services as set forth in rules 173-39-02.13 and 173-39-02.18 or 5160-46-04 of the Administrative Code.
- (D) If a member enrolled in the MyCare Ohio waiver is also a participant in the helping ohioans move, expanding (HOME) choice demonstration program pursuant to Chapter 5160-51 of the Administrative Code, the member may use the HOME choice community transitions service in lieu of, but not in addition to, the community transition service available through the MyCare Ohio waiver.

- (E) If a member receives enhanced community living services, the member shall not also receive personal care or homemaker services available through the MyCare Ohio waiver.
- (F) The following services may be participant-directed using budget and/or employer authority. To exercise these authorities, members must demonstrate the ability to direct providers in accordance with paragraph (D) of rule 5160-58-03.2 of the Administrative Code:
- (1) Employer authority which includes, but is not limited to, the ability of the member to hire, fire, and train employees is available for the following services:
 - (a) Choices home care attendant services provided by a participant-directed individual provider; and
 - (b) Personal care services provided by a participant-directed personal care provider.
 - (2) Budget authority which includes the ability of the member to negotiate rates of reimbursement is available in the following services:
 - (a) Alternative meals;
 - (b) Choices home care attendant services;
 - (c) Home maintenance and chore services;
 - ~~(e)~~(d) Home modification, maintenance and repair, services; and
 - ~~(d)~~ Pest control; and
 - (e) Home medical equipment and supplemental adaptive and assistive devices.

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