



Ohio Administrative Code

Rule 5123-7-03 Intermediate care facilities for individuals with intellectual disabilities - peer group 6.

Effective: July 1, 2026

(A) Purpose

This rule sets forth requirements for intermediate care facilities for individuals with intellectual disabilities (ICFIID) in peer group 6 and the manner in which the payment rate for peer group 6 is determined. ICFIID in peer group 6 serve youth in need of intensive behavioral support services primarily for short-term stays and secondarily for longer-term stays, with the goal of youth returning to their family home or other community-based home upon discharge.

(B) Definitions

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

- (1) "Accredited college or university" means a college or university accredited by a national or regional association recognized by the secretary of the United States department of education or a foreign college or university of comparable standing.
- (2) "Aftercare services" means individualized, intensive, post-discharge services driven by input from a youth and the youth's team, provided by a discharging ICFIID to the youth and the youth's family or other caregivers, as applicable.
- (3) "Cost report" has the same meaning as in rule 5123-7-12 of the Administrative Code.
- (4) "County board" means a county board of developmental disabilities.
- (5) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual and includes an "individual program plan" as that term is used in 42 C.F.R. 483.440.
- (6) "Longer-term stay" means an arrangement pre-approved by the department, for a resident of an ICFIID in peer group 6 to remain at the ICFIID for an additional period of up to one hundred eighty days.
- (7) "Major unusual incident" has the same meaning as in rule 5123-17-02 of the Administrative Code.
- (8) "Peer group 6" has the same meaning as in section 5124.01 of the Revised Code.
- (9) "Short-term stay" means an arrangement pre-approved by the department, for a youth to be admitted to an ICFIID in peer group 6 for one hundred eighty or fewer days with the intended outcome that the youth will be discharged and return to the youth's family home or another community-based setting.



5123-7-03

2

- (10) "Short-term stay rate add-on" means a per diem payment of one hundred dollars to an ICFIID in peer group 6 approved by the department to serve a youth admitted for a short-term stay.
- (11) "Unusual incident" has the same meaning as in rule 5123-17-02 of the Administrative Code.
- (12) "Youth" means persons in middle to late childhood, generally age ten through twenty.

(C) Assignment to peer group 6

- (1) To be assigned to peer group 6, an ICFIID will:
 - (a) Have a medicaid-certified capacity not exceeding six, which will be used exclusively to serve youth in need of intensive behavioral support services.
 - (b) Complete and submit an application to the department. The ICFIID will provide information requested by the department and may be subject to documentation reviews and on-site visits by department personnel as part of the application process.
 - (c) Submit a best practices protocol for serving youth in need of intensive behavioral support services. The department will evaluate the protocol to determine if it is approved.
 - (d) Enter into an agreement with the department for the provision of services for youth in need of intensive behavioral support services that includes a provision for the department to approve all admissions to the ICFIID.
 - (e) Agree to serve youth in need of intensive behavioral support services for short-term stays.
 - (f) Agree to cooperate with the department's oversight of services to youth in need of intensive behavioral support services.
- (2) An ICFIID whose license has been suspended and/or revoked by the department within the past twenty-four months is not eligible for peer group 6.
- (3) The department may deem an ICFIID that was approved to receive the intensive behavioral support rate add-on described in rule 5123-7-28 of the Administrative Code on the day immediately prior to the effective date of this rule, eligible for peer group 6.



5123-7-03

3

(D) General requirements for ICFIID in peer group 6

(1) An ICFIID in peer group 6 will have:

- (a) Adequate bedrooms so that each youth served is the sole occupant of a bedroom.
- (b) Ample space inside and outside to accommodate the spatial needs of youth served.
- (c) An onsite dedicated sensory space that meets the needs of youth served.

(2) An ICFIID in peer group 6 will ensure:

- (a) Nursing services are available twenty-four hours per day.
- (b) Psychiatric services are available twenty-four hours per day and each youth's clinical status is reviewed at least once every ninety calendar days.
- (c) Intensive and specialized therapies (e.g., occupational, physical, speech, audiology, and applied behavior analysis) as well as non-traditional therapies (e.g., art, music, and recreation) are made available to each youth in accordance with the youth's individual service plan.
- (d) Family therapy is made available to each youth and the youth's family in accordance with the youth's individual service plan.

(3) An ICFIID in peer group 6 will ensure staff have adequate experience and training to effectively carry-out their duties.

- (a) Staff who conduct assessments, develop individual service plans, and/or train others to implement individual service plans will:
 - (i) Hold professional license or certification issued by the Ohio board of psychology; the state medical board of Ohio; or the Ohio counselor, social worker, and marriage and family therapist board; or
 - (ii) Hold a certificate to practice as a certified Ohio behavior analyst pursuant to section 4783.04 of the Revised Code; or
 - (iii) Hold a bachelor's or graduate-level degree from an accredited college or university and have at least three years of paid full-time (or



5123-7-03

4

equivalent part-time) experience in developing and/or implementing behavioral support and/or risk reduction strategies or plans.

(b) Staff who supervise the day-to-day provision of intensive behavioral support services to youth as well as staff who directly provide the services will, prior to supervising or providing the services, successfully complete training required by paragraphs (F) and (G) of rule 5123-3-01 of the Administrative Code as well as training in:

- (i) Orientation to provision of intensive behavioral support services, including the rights of persons with developmental disabilities set forth in section 5123.62 of the Revised Code and the requirements of rule 5123-2-06 of the Administrative Code;
- (ii) Accepted best practices and innovative approaches, as set forth in the ICFIID's best practices protocol for serving youth in need of intensive behavioral support services;
- (iii) Department-provided training in comprehensive supports for youth with complex behavioral support needs;
- (iv) Crisis intervention training in a curriculum selected by the ICFIID; and
- (v) The specific needs of, and supports to be provided to, each resident.

(E) Process and timelines for admission of youth

- (1) The department will identify youth to be served by an ICFIID in peer group 6 when the department determines, based on a comprehensive review of a youth conducted in collaboration with the youth's home county board, the youth needs intensive behavioral support services.
- (2) Referral of a youth to the department for a comprehensive review will be initiated by the youth's home county board. The referral will be signed by the superintendent of the county board and electronically submitted to the department. A referral of a youth will include:
 - (a) The most recent waiting list assessment for the youth completed by the youth's home county board.
 - (b) Identification of the necessary supports for the youth to return to the youth's family home or other community-based home and the plan for securing those supports, including consideration of a home and community-based services waiver.



5123-7-03

5

- (c) A commitment from the youth's home county board to lead the transition planning for the youth.
 - (d) Name and contact information for the designated point of contact from the school district in the youth's home county and a copy of the youth's current individualized education program.
 - (e) A description of services and supports that have been offered to and accessed by the youth and the youth's family and an explanation of why those services and supports did not meet the youth's needs.
 - (f) When applicable, a commitment from the public children services agency to remain engaged while the youth resides at the ICFIID and to collaborate with the youth's home county board to ensure successful transition planning for the youth.
- (3) Within fourteen calendar days of receipt of a referral of a youth by the youth's home county board, the department will conduct a comprehensive review of the youth that includes input from the youth and the youth's team and considers:
- (a) The youth's:
 - (i) Clinical diagnosis and history;
 - (ii) Current and past medications;
 - (iii) History of living arrangements (e.g., inside or outside family home, multiple settings, or out-of-state);
 - (iv) Educational history (e.g., previous educational programs, therapies, and services);
 - (v) Sensory integration and functioning (e.g., awareness of and response to touch, light, color, smell, taste, and texture);
 - (vi) Motor skills (e.g., sitting, standing, walking, running, climbing stairs, picking up items, and holding objects);
 - (vii) Cognitive abilities (e.g., maintaining attention, organizing self, recalling information, and connecting behavior with consequences);
 - (viii) Most successful and/or preferred learning style or modality;



5123-7-03

6

- (ix) Communication skills (e.g., level of speech and ability/method for expressing wants and needs);
 - (x) Emotional experience and functioning (e.g., history of trauma; description of the type and intensity of behaviors that present a danger to self or others; ability to adapt to change; and if or how the youth demonstrates anxiety, fear, or symptoms of depression);
 - (xi) Social experience and skills (e.g., making and keeping friends, being able to wait patiently for assistance or attention, and maintaining personal space);
 - (xii) Preferences and interests, including what is important to and important for the youth, as well as any skills the youth possesses that are not addressed in other areas; and
 - (xiii) Needs and strengths identified through the "Child and Adolescent Needs and Strengths" decision-making tool which has been administered within the most recent ninety calendar days.
- (b) Positive supports and interventions that have been found effective in meeting the youth's needs (e.g., successful visual and environmental supports).
- (c) Assistive technology that has been used or is currently used to support the youth.
- (4) When, based on the comprehensive review of a youth described in paragraph (E)(3) of this rule, the department determines to refer the youth to an ICFIID, the department will notify the ICFIID in writing. The notice will include related documentation to inform the ICFIID's consideration of the referral.
- (5) Within seven calendar days of receipt of a referral of a youth from the department, an ICFIID will electronically notify the department of its initial decision to consider admission of the youth or decline the referral. The ICFIID will provide an explanation when a referral is declined. While the ICFIID is considering admission of a youth, the department will invite the ICFIID to meet with the youth and the youth's team.
- (6) Within twenty-one calendar days of receipt of a referral of a youth from the department, an ICFIID will electronically notify the department of its final decision to accept or decline the referral. The ICFIID will provide an explanation when a referral is declined.



5123-7-03

7

- (7) An ICFIID will take measures to admit a youth within fourteen calendar days of its final decision to accept the referral of the youth from the department. The ICFIID will alert the department via electronic mail to icfyouth@dodd.ohio.gov if delays in admission are encountered.

(F) Requesting a short-term stay rate add-on

- (1) An ICFIID that has agreed to admit a youth for a short-term stay will electronically submit a request for the short-term stay rate add-on to the department.
- (2) The payment approval date for the short-term stay rate add-on will be the latter of the date of approval for payment of the short-term stay rate add-on or the date of admission to the ICFIID, but will not be earlier than the effective date of a youth's developmental disabilities level of care determination.
- (3) The short-term stay rate add-on will be billed and paid in addition to an ICFIID's typical per diem rate.
- (4) An ICFIID will not bill the short-term stay rate add-on for a youth who is using bed-hold days in accordance with rule 5123-7-08 of the Administrative Code.
- (5) Payment of the short-term stay rate add-on may be denied for any service not rendered in accordance with Chapters 5123-3, 5123-7, and 5160-3 of the Administrative Code.
- (6) Payment of the short-term stay rate add-on will not exceed one hundred eighty days for a specific youth.

(G) Requesting an extension of a youth's stay

- (1) The department may approve a longer-term stay for a youth initially admitted for a short-term stay.
- (2) To ensure continuity, an ICFIID will electronically submit a request for an extension of a youth's stay at least thirty calendar days prior to the last day of the approved period.
- (3) The department will make a determination based on the submitted request, reports regarding critical events and the status of the youth's progress, discharge planning options, assessments conducted by the department, and other information or documentation deemed relevant by the department.
- (4) Within seven calendar days of receipt of a request for an extension of a youth's stay, including any additional information or documentation requested



5123-7-03

8

by the department, the department will respond to the ICFIID in writing. The department will provide an explanation when a request is denied.

- (5) When the department denies a request for an extension of a youth's stay, the department may allow the youth to continue to reside at the ICFIID while discharge planning occurs. The department may specify additional steps to be taken to ensure a successful transition.

(H) Meeting a youth's needs

- (1) An ICFIID in peer group 6 will develop an individual service plan within thirty calendar days of a youth's admission that reflects:
- (a) Ongoing collaboration with the youth's parent or guardian, as applicable, and home county board;
 - (b) Arrangement of school services for the youth;
 - (c) Identifying and accessing necessary supports and services to ensure the youth and the youth's family or other caregivers, as applicable, are successful; and
 - (d) Training the youth's family or other caregivers, as applicable, in techniques that are found effective for supporting the youth.
- (2) An ICFIID in peer group 6 serving a youth for a short-term stay will conduct, at a minimum, bi-weekly meetings to review the youth's care and progress.
- (a) The ICFIID will invite the following persons to the bi-weekly meetings:
- (i) The youth;
 - (ii) The youth's parent or guardian, as applicable, and/or other family representative designated by the youth's parent or guardian;
 - (iii) A representative of the youth's home county board;
 - (iv) A representative of the care management entity designated by the Ohio resilience through integrated systems and excellence ("OhioRISE") program described in Chapter 5160-59 of the Administrative Code;
 - (v) A representative of the youth's home school district;



5123-7-03

9

(vi) A representative of the school district serving the youth while the youth resides at the ICFIID; and

(vii) A representative of the department.

(b) The ICFIID will conduct the bi-weekly meetings so that invited persons may participate via technology from remote locations.

(3) An ICFIID in peer group 6 serving a youth for a longer-term stay will conduct, at a minimum, monthly meetings to update the youth's discharge plan.

(a) The ICFIID will invite the persons described in paragraphs (H)(2)(a)(i) to (H)(2)(a)(vii) of this rule to the monthly meetings.

(b) The ICFIID will conduct the monthly meetings so that invited persons may participate via technology from remote locations.

(4) An ICFIID in peer group 6 will collaborate with a youth's home county board to transition a youth who no longer needs intensive behavioral support services to an appropriate alternative setting within ninety calendar days.

(5) An ICFIID in peer group 6 will, in collaboration with a youth's home county board and the department, provide three months of aftercare services upon the youth's discharge.

(I) Determination of the payment rate for an ICFIID in peer group 6

(1) The total per medicaid day payment rate that the department will pay to an ICFIID in peer group 6 will be calculated in accordance with section 5124.15 of the Revised Code.

(2) The department will determine the per medicaid day capital component rate for an ICFIID in peer group 6 in the manner established in section 5124.17 of the Revised Code for peer group 4.

(3) The department will determine the per medicaid day direct care costs component rate for an ICFIID in peer group 6 in the manner established in section 5124.19 of the Revised Code for peer group 4.

(4) The department will determine the per medicaid day indirect care costs component rate for an ICFIID in peer group 6 in the manner established in section 5124.21 of the Revised Code for peer group 4.



5123-7-03

10

- (5) The department will determine the per medicaid day other protected costs component rate for an ICFIID in peer group 6 in the manner established in section 5124.23 of the Revised Code for peer group 4.

(J) Submission of cost reports

- (1) An ICFIID that becomes newly assigned to peer group 6 will file an initial cost report covering the period that begins with the day that the ICFIID is assigned to peer group 6 and ends on the last day of the last month of the first three full months of operation as peer group 6.
- (2) An ICFIID that files a cost report in accordance with paragraph (J)(1) of this rule is not required to file a cost report for the calendar year if the ICFIID's initial cost report covers a period that begins after the first day of October of that calendar year.

(K) Department oversight

- (1) The department will oversee the provision of intensive behavioral support services to youth. Department oversight includes:
 - (a) Providing support to the ICFIID, the youth, and the youth's family or other caregivers to ensure the youth's needs are met as determined by the youth's team.
 - (b) Facilitating collaboration between the ICFIID and the youth's home county board.
 - (c) Working closely with the ICFIID to discharge the youth as appropriate or as the youth approaches age twenty-one.
- (2) The department may withdraw approval of an ICFIID's eligibility for peer group 6 based on:
 - (a) The ICFIID's failure to provide services in accordance with this rule or its agreement with the department for the provision of services for youth in need of intensive behavioral support services.
 - (b) A pattern of refusing to serve youth referred to the ICFIID by the department.
 - (c) A pattern of requests to involuntarily discharge youth based on the ICFIID's inability to provide necessary services.



5123-7-03

11

- (d) The need to safeguard the health, safety, or wellbeing of residents or staff of the ICFIID.
- (3) The department will notify an ICFIID in writing of withdrawal of approval of the ICFIID's eligibility for peer group 6 no less than thirty calendar days in advance.
- (4) The department will reassign an ICFIID that is no longer eligible for peer group 6 to the appropriate peer group.