



Ohio Administrative Code

Rule 5123-7-34 Intermediate care facilities for individuals with intellectual disabilities - quality indicators and the quality incentive payment program.

Effective: July 1, 2024

(A) Purpose

This rule sets forth a method and process for determining the quality incentive payment that may be paid to an intermediate care facility for individuals with intellectual disabilities (ICFIID) for achieving quality indicators pursuant to section 5124.24 of the Revised Code.

(B) Definitions

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

- (1) "Change of operator" has the same meaning as in section 5124.01 of the Revised Code.
- (2) "Cost report" has the same meaning as in rule 5123-7-12 of the Administrative Code.
- (3) "Direct care staff" means activity staff, habilitation staff, habilitation supervisors, nurse aides, nurses, and qualified intellectual disability professionals.
- (4) "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 as in effect on the effective date of this rule.
- (5) "Inpatient days" has the same meaning as in section 5124.01 of the Revised Code.
- (6) "Quality incentive payment" means a rate enhancement, available beginning with fiscal year 2022, that is a component of an ICFIID's per diem rate, available to an eligible ICFIID that chooses to achieve quality indicators and meets the requirements set forth in this rule.
- (7) "Quality indicator" means one of the five standards set forth in paragraph (D) of this rule.



(C) Participation and eligibility for the quality incentive payment

(1) Participation in the quality incentive payment program is voluntary. An ICFIID that chooses to participate may elect to do so for one or more quality indicators.

(2) To be eligible for participation in the quality incentive payment program, an ICFIID is to have been in operation for at least three months prior to the last day of the calendar year for which it is submitting a cost report.

(3) In the case of a change of operator, an entering operator may be eligible for the quality incentive payment determined only for a cost report period commencing after the effective date of the change of operator.

(4) An ICFIID whose license has been suspended, proposed for revocation, or revoked at any time during a cost report period is ineligible for a quality incentive payment for the following fiscal year.

(D) Quality indicators

Five quality indicators have been established for purposes of the quality incentive payment program:

(1) The ICFIID has developed and implemented a written policy to annually conduct satisfaction surveys for residents of the ICFIID. The policy is to set forth that:

(a) The survey will address, at a minimum:

(i) The degree to which a resident feels happy and safe living in the ICFIID;

(ii) Staff interactions;

(iii) The level to which a resident and/or his or her guardian are involved in person-centered planning;



(iv) Community activities; and

(v) Medical care.

(b) The ICFIID will ensure and document that the satisfaction survey is completed by or offered to each resident and/or the resident's guardian, family member, or advocate.

(c) The ICFIID will summarize the survey results and share the summarized survey results with residents, guardians, family members, and advocates.

(d) The ICFIID will develop a plan to respond to any concerns identified through administration of the survey.

(2) The ICFIID has developed and implemented a written policy to ensure individual service plans are person-centered. At a minimum, the policy will:

(a) Set forth a process for obtaining input from residents, guardians, and direct care staff.

(b) Address the six essential elements of person-centered planning:

(i) Language in the individual service plan is descriptive, respectful, empowering, and uses everyday words that the resident, persons important to the resident, and direct care staff understand;

(ii) The individual service plan uses a trauma-responsive approach and identifies the resident's strengths learned through life experiences;

(iii) Important ideas are organized and interwoven through the individual service plan so that it is clear that outcomes and services flow from information outlined elsewhere in the individual service plan;

(iv) What is important for the resident and what is important to the resident is specific, detailed, and reflected in outcomes and services;



- (v) Outcomes are clear and action steps describe how progress will be measured; and
 - (vi) The individual service plan includes a clear description of services and supports necessary to address the resident's needs and preferred method for delivery.
- (3) The ICFIID has developed and implemented a written policy to ensure that each resident has opportunities to experience community integration on a person-centered basis.
- (4) The ICFIID has developed and implemented a written policy to ensure all direct care staff successfully complete, on an annual basis, at least one hour of training specific to resident or staff needs that is above and beyond the training described in paragraph (C) of appendix B to rule 5123-3-01 of the Administrative Code. The training may vary among staff.
- (5) The ICFIID has developed and implemented a written policy for staff retention that includes measuring staff turnover.
- (E) Awarding points for quality indicators
- (1) Each quality indicator is associated with one point, for a maximum possible five points.
 - (2) An ICFIID will indicate its intent to receive the point for a quality indicator by attesting on its cost report that it has achieved the quality indicator and attaching its written policy for the quality indicator. To continue to receive the point for a quality indicator, the ICFIID will attach its written policy for the quality indicator to subsequent cost reports and indicate if the written policy has been amended since the prior submission.
 - (3) An eligible ICFIID will receive the point for a quality indicator when:
 - (a) The ICFIID attests it has achieved the quality indicator;
 - (b) The ICFIID attaches its written policy for the quality indicator with its cost report; and
 - (c) Absent a determination by the department that:



- (i) The written policy for the quality indicator fails to meet the requirements set forth in this rule; or
- (ii) The ICFIID fails to implement the written policy.

(F) Calculation of the quality incentive payment

An ICFIID's per diem quality incentive payment for a fiscal year will be calculated in accordance with section 5124.24 of the Revised Code.

(G) Verifying achievement of quality indicators

(1) The department will use two methods to verify a participating ICFIID's achievement of quality indicators.

(a) Review of written policy

(i) Department staff will review each written policy for a quality indicator submitted by an ICFIID to ensure the policy meets the requirements set forth in this rule. The written policies will be reviewed as part of the desk review of the ICFIID's cost report conducted in accordance with rule 5123-7-12 of the Administrative Code.

(ii) The department will notify an ICFIID by electronic mail within fifteen calendar days of completing the desk review when the department finds that the written policy fails to meet the requirements set forth in this rule. The notice will inform the ICFIID that it is ineligible to receive the quality incentive payment for that quality indicator for the following fiscal year and should adjust its cost report accordingly.

(iii) An ICFIID may electronically submit a request for reconsideration of the department's finding that includes written justification within fifteen calendar days of receipt of the desk review finding.

(iv) The department will respond by electronic mail to the request for reconsideration within fifteen calendar days of receipt.



(b) Review of implementation of written policy

(i) Department staff will review the ICFIID's implementation of the written policy for a quality indicator during an on-site or virtual review of the ICFIID. The department will notify an ICFIID by electronic mail at least fifteen calendar days in advance of the on-site or virtual review. When an ICFIID indicates it has achieved more than one quality indicator, department staff will review implementation of at least two quality indicators.

(A) For purposes of reviewing implementation of the written policy for a quality indicator described in paragraph (D)(1), (D)(2), or (D)(3) of this rule, the department will select a random sample of residents for review. The number of residents selected will be two or twenty per cent, whichever is larger.

(B) For purposes of reviewing implementation of the written policy for the quality indicator described in paragraph (D)(4) of this rule, the department will select a random sample of direct care staff for review. The number of direct care staff selected will be two or twenty per cent, whichever is larger.

(C) For purposes of reviewing implementation of the written policy for the quality indicator described in paragraph (D)(5) of this rule, the department will examine the ICFIID's measurements or reports of staff turnover for the cost report period.

(ii) The department will notify an ICFIID by electronic mail within fifteen calendar days of completing the on-site or virtual review when the department finds that the ICFIID failed to implement the written policy. The notice will inform the ICFIID that it is ineligible to receive the quality incentive payment for that quality indicator for the following fiscal year and should adjust its cost report accordingly.

(iii) An ICFIID may electronically submit a request for reconsideration of the department's finding that includes written justification with supporting documentation within fifteen calendar days of receipt of the on-site or virtual review finding.



(iv) The department will respond by electronic mail to the request for reconsideration within fifteen calendar days of receipt.

(2) If the department determines that an ICFIID improperly attested achievement of a quality indicator on its cost report, the department will reject the cost report and the ICFIID will submit a corrected cost report in accordance with rule 5123-7-12 of the Administrative Code. The ICFIID will not receive a quality incentive payment for the quality indicator.