



Ohio Administrative Code

Rule 5123-9-27 Home and community-based services waivers - emergency assistance under the level one waiver.

Effective: March 23, 2020

(A) Purpose

This rule sets forth coverage and eligibility for emergency assistance provided to individuals enrolled in the level one waiver.

(B) Definitions

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

- (1) "Assistive technology" has the same meaning as in rule 5123-9-12 of the Administrative Code.
- (2) "County board" means a county board of developmental disabilities.
- (3) "Department" means the Ohio department of developmental disabilities.
- (4) "Emergency assistance" means an increased amount of assistive technology, environmental accessibility adaptations, homemaker/personal care, informal respite, participant-directed homemaker/personal care, remote support, residential respite, specialized medical equipment and supplies, or transportation necessary to support an individual in an emergency situation.
- (5) "Environmental accessibility adaptations" has the same meaning as in rule 5123-9-23 of the Administrative Code.
- (6) "Homemaker/personal care" has the same meaning as in rule 5123-9-30 of the Administrative Code.
- (7) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, his or her guardian in accordance with section 5126.043



of the Revised Code or other person authorized to give consent.

(8) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual.

(9) "Informal respite" has the same meaning as in rule 5123-9-21 of the Administrative Code.

(10) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(11) "Participant-directed homemaker/personal care" has the same meaning as in rule 5123-9-32 of the Administrative Code.

(12) "Remote support" has the same meaning as in rule 5123-9-35 of the Administrative Code.

(13) "Residential respite" has the same meaning as in rule 5123-9-34 of the Administrative Code.

(14) "Service and support administrator" means a person, regardless of title, employed by or under contract with a county board to perform the functions of service and support administration who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.

(15) "Specialized medical equipment and supplies" has the same meaning as in rule 5123-9-25 of the Administrative Code.

(16) "Three-year period" means the three-year period beginning with an individual's initial waiver enrollment date and ending three years later. Subsequent three-year periods begin with the ending date of the previous three-year period and end three years later.

(17) "Transportation" has the same meaning as in rule 5123-9-24 of the Administrative Code.

(18) "Waiver eligibility span" means the twelve-month period following either an individual's initial waiver enrollment date or a subsequent eligibility re-determination date.



(C) Eligibility for emergency assistance

(1) An individual enrolled in the level one waiver shall be eligible for emergency assistance if he or she:

(a) Has lost his or her present residence for any reason including legal action;

(b) Has lost his or her present caregiver for any reason, including death of caregiver or change in caregiver's mental or physical status resulting in the caregiver's inability to perform effectively for the individual;

(c) Has been the victim of abuse, neglect, or exploitation;

(d) Has health and welfare conditions that pose a serious risk to the individual of immediate harm or death; or

(e) Has significant changes in his or her emotional or physical condition that necessitate substantial, expanded accommodations that cannot be reasonably provided by the individual's present caregiver.

(2) Eligibility for emergency assistance shall be determined through the individual service plan development process.

(3) If an individual is determined to be eligible for emergency assistance, the service and support administrator, through the individual service plan development process, shall recommend emergency assistance funds in an amount not to exceed eight thousand five hundred twenty dollars within a three-year period.

(4) If an individual's request for emergency assistance is denied, the county board shall give the individual notice of the individual's due process and hearing rights under section 5160.31 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

(D) Requirements for service delivery



(1) Emergency assistance shall be provided pursuant to an individual service plan that conforms to the requirements of rule 5123:2-1-11 of the Administrative Code.

(2) Emergency assistance shall only be used to support an individual on an interim basis until nonrecurring circumstances that present a threat to the individual's health and welfare are resolved.

(3) Assistive technology, environmental accessibility adaptations, homemaker/personal care, informal respite, participant-directed homemaker/personal care, remote support, residential respite, specialized medical equipment and supplies, or transportation provided as emergency assistance shall be provided in accordance with Chapter 5123-9 of the Administrative Code.

(E) Payment standards

(1) The service codes to be used for assistive technology, environmental accessibility adaptations, homemaker/personal care, informal respite, participant-directed homemaker/personal care, remote support, residential respite, specialized medical equipment and supplies, and transportation when these services are provided as emergency assistance are contained in the appendix to this rule.

(2) Payment rates for routine homemaker/personal care provided as emergency assistance may be adjusted by the staff competency rate modification described in paragraph (F)(7) of rule 5123-9-30 of the Administrative Code when the requirements of that paragraph are satisfied.

(3) Emergency assistance shall not exceed eight thousand five hundred twenty dollars within a three-year period.