



**Information Notice 06-03-02**

**To:** County Boards of MR/DD Superintendents  
Directors, Service and Support Administration  
County Boards of MRDD Business Managers  
COG Directors  
Providers of Waiver Services

**From:** Dana Charlton, Deputy Director  
Division of Community Services



**Date:** March 30, 2006

**Re: Day Habilitation**

*Note: This Notice replaces and rescinds Information Notice #05-07-02 dated July 8, 2005 and 05-08-03, dated August 25, 2005, regarding Day Habilitation. Revisions to #05-08-03 are noted in bold italic on page 2, question #2 and #3; and Page 3, #4.*

*Background and Resources*



On July 1, 2005 individuals enrolled on any HCBS Waiver administered by the Department of Mental Retardation and Developmental Disabilities (the Department) became eligible to receive a new waiver service called Day Habilitation.

The description of services and payment standards and rates paid for Day Habilitation are contained in Ohio Administrative Code (OAC) 5123:2-9-12, *HCBS waivers - payment standards for day habilitation*. The requirements to become and remain a Day Habilitation provider are contained in OAC 5123: 2-9-10, *HCBS waivers - day habilitation*. These rules became effective on July 1, 2005.

Compliance with all requirements of these rules is necessary in order to assure that providers will be prepared to deliver, bill for and be reimbursed for providing Day Habilitation to eligible individuals beginning July 1, 2005.

Instructions to become a waiver provider of Day Habilitation services, to add Day Habilitation as a new service are contained in a notice dated June 17, 2005 from Ernie Fischer at the Department. The notice also explains the individual service plan (ISP) revisions that need to occur so that individuals who were receiving Skills Development Services and Supports (SDS) through CAFS and who are eligible to receive Day Habilitation are able to do so on July 1, 2005 when the CAFS program ended and Day Habilitation became effective.

County boards and private providers that have never billed waiver services before are encouraged to contact Tim Smith at Tim.Smith@dmr.state.oh.us for instructions on how to submit an invoice to receive payment once the service has been delivered.

### ***Responses to Frequently Asked Questions Divided by Topic***

#### **Transportation**

1. ***Question:*** Who is responsible to transport an individual to/from the Day Habilitation site when the individual does not want to or cannot use the van or bus typically used by the Day Habilitation provider?

*Answer:* The Day Habilitation provider has the responsibility to make sure the individual is transported from his/her home to and from the Day Habilitation site and between Day Habilitation sites operated by the provider. The Day Habilitation provider can enter into a sub-contract with anyone, including the person's H/PC provider, to assure the transportation is provided. When the Day Habilitation provider sub-contracts with the H/PC provider to transport the individual to or from the Day Habilitation site, the H/PC provider is not to bill either H/PC or H/PC related transportation for the time and mileage involved. The Day Habilitation provider can also provide bus tokens or cab fare to the individual to assure the availability of transportation tailored to the individual's needs.

2. ***Question:*** Can a Homemaker/Personal Care (H/PC) waiver service provider bill H/PC and Transportation for the provider's ***H/PC staff*** time and mileage to transport an individual to or from a Day Habilitation site?

*Answer:* No, the H/PC provider may not bill H/PC for the provider's ***H/PC staff*** time, ***nor can*** mileage ***be billed to Transportation under the waiver*** to transport an individual to, from or between Day Habilitation sites. Since Day Habilitation rates include the cost of transportation, the Day Habilitation provider is responsible to provide transportation to enable individuals to access the service.

3. ***Question:*** If a Homemaker/personal care covered service/activity needs to be scheduled when the individual typically receives day habilitation, can the H/PC provider bill H/PC and Transportation under the waiver?

*Answer: Yes, if the H/PC covered service/activity is reflected on the ISP of the individual and is scheduled to occur at a time when the individual typically receives day*

**habilitation. For example, the ISP may show that the H/PC provider is accompanying and transporting the individual between a scheduled appointment and the Day Habilitation site. When this H/PC covered service is delivered, the provider may bill H/PC for the provider's H/PC staff time and mileage to transport. A H/PC provider may bill H/PC for staff time and Transportation for mileage to return the individual to his/her home or another location, when the ISP shows a return to the day habilitation site, but unforeseen circumstances prevent the individual from returning to the Day Habilitation site. Examples of these circumstances include a delay in the appointment time resulting in conclusion of the appointment after the Day Habilitation program has closed or the need for the individual to return home as determined by a treating health care practitioner with whom the individual had the appointment.**

4. **Question:** What happens when the individual needs to leave the Day Habilitation program because of an illness or a behavioral outburst?

**Answer: No matter what the circumstance the day habilitation provider has the responsibility to make sure the individual is transported from his/her home to and from the Day Habilitation site and between Day Habilitation sites operated by the provider. The Day Habilitation provider can enter into a sub-contract with anyone, including the person's H/PC provider, to assure the transportation is provided. When the Day Habilitation provider sub-contracts with the H/PC provider to transport the individual to or from the Day Habilitation site, the H/PC provider is not to bill either H/PC or H/PC related transportation for the time and mileage involved. The Day Habilitation provider can also provide bus tokens or cab fare to the individual to assure the availability of transportation tailored to the individual's needs.**

5. **Question:** Is there a decrease in the rate paid to the Day Habilitation provider in those instances where an H/PC provider or another person picks the individual up at the Day Habilitation site and then returns the individual to his/her home?

**Answer:** No. At this time, Day Habilitation is paid in one daily rate that includes the cost to transport an individual from his/her home to and from the Day Habilitation site or sites where the individual receives Day Habilitation services.

### **Documentation**

1. **Question:** How does a Day Habilitation provider document transportation provided to individuals attending the Day Habilitation program?

**Answer:** Document the individuals' names, date and number of trips made on a date. Actual payment for transportation will be included in the per diem rate paid to the provider of Day Habilitation.

2. **Question:** How does a H/PC provider who transports an individual to and from a scheduled appointment during the time the individual is attending a Day Habilitation program document and bill for H/PC and transportation services?

*Answer:* As the services described are Homemaker/personal care and Transportation, the provider must document the name of the individual being transported, the date, the trip purpose and the total mileage of the trip.

3. **Question:** What does a Day Habilitation provider need to do to be in compliance with the requirement in rule 5123: 2-9-05 to make “... a notation at least monthly indicating the (individuals) response to service.”?

*Answer:* This rule will become effective on September 30, 2005. The purpose of this specific requirement is to assure that someone who is knowledgeable about the individual who is receiving Day Habilitation services documents whether the services are assisting the individual to achieve the desired goals contained in the ISP. While it is not intended that the individual’s Service and Support Administrator (SSA) provide this documentation, there may be times when a notation by the SSA may be appropriate.

Between July 1, 2005 and September 30, 2005, documentation of Day Habilitation services should include at least the following information:

- a. Date of service
  - b. Place of service
  - c. Name of individual receiving service
  - d. Medicaid identification number of the individual
  - e. Name of provider
  - f. Provider’s Medicaid number
  - g. Initials of the staff who delivered the service that corresponds to a signature legend
  - h. Type of service
  - i. Numbers of units of the delivered service (one day of Day Habilitation; two one-way transportation trips)
  - j. Description and details of service provided in the ISP
4. **Question:** Does a provider of Day Habilitation need to document the numbers of persons in each group and the staff/individual ratios when the individual receives services in a group setting?

*Answer:* No because Day Habilitation is reimbursed in a unit of service that is equal to a calendar day. By July 2006, the Department anticipates that new rates will be established for Day Habilitation and that billing will occur in 15-minute units.

### **General Questions**

1. **Question:** How should billing occur when an individual receives Day Habilitation services from more than one Day Habilitation services waiver provider on the same day?

*Answer:* Because Day Habilitation, including transportation to access the service, is currently paid in increments of one day, in this example only one provider may be listed on the PAWS form and bill the Department for providing the service on one calendar day.

2. **Question:** Can more than one provider bill the Department for Day Habilitation services for the same individual when the services are provided on different calendar days?

*Answer:* Yes.

3. **Question:** Who is eligible to provide Day Habilitation services?

*Answer:* Any county mr/dd board or private provider certified in accordance with OAC 5123:2-9-10 as a Day Habilitation provider is eligible to provide the service. The individual would choose a qualified and willing Day Habilitation provider or ask his/her SSA for assistance using the process described in rule 5123: 2-9-11, *Free Choice of Provider*. This choice of a Day Habilitation provider would be made during the ISP planning process or at any other time the individual indicates a desire to change Day Habilitation providers. When an individual chooses to receive Day Habilitation from a private provider or another county mr/dd board, the county mr/dd board of the county in which the individual resides is responsible to provide the matching funds for Day Habilitation services.

4. **Questions:** Are individuals enrolled on the Level 1 Waiver required to first receive another Level 1 Waiver service in order to be eligible to receive Day Habilitation?

*Answer:* No, an individual has the right to access any or all services in the Level 1 Waiver as long as the service is needed to assure health and welfare.

5. **Question:** Is the cost to provide Day Habilitation to be contained in the annual cost cap for individuals enrolled on the Level 1 Waiver?

*Answer:* No.

6. **Question:** Does the PAWS document authorize a certified provider to provide Day Habilitation to an individual?

*Answer:* If on the ISP, the PAWS must include Day Habilitation. As with any waiver service, the ISP is the authorizing document. If the ISP does not identify Day Habilitation as a service, then the service is not authorized and a provider cannot bill for it. Completion of the PAWS indicates to the Department that all ISP requirements have been met and that services are to be provided by a certain provider for a certain amount of money during a certain period of time to the individual

7. **Question:** Do Day Habilitation providers need any statement of denial of services from the Rehabilitation Services Commission (RSC) as a condition for adults to receive Day Habilitation services?

*Answer:* No. By definition, RSC does not fund services such as those provided through the Day Habilitation service, as defined in the waiver.

8. **Question:** Do Day Habilitation providers need to comply with any specific criteria when they provide Day Habilitation services for someone 22 years of age or below who also receives educational services?

*Answer:* Yes. OAC 5123:2-9-10 (C)(2) states, in part, “ Day Habilitation may only be provided when the service is not otherwise available under a program funded under the ... ‘Education for All Handicapped Children Act of 1975’, Pub. L. No. 94-142, 20 U.S.C. 1400 et seq as in effect on the effective date of this rule”. Providers are to retain a copy of the IEP in each individual’s waiver file as documentation that the Day Habilitation services being provided are not duplicative of the IEP services.

9. **Question:** Do providers of Day Habilitation need to use a HIPAA 837 format when billing for Day Habilitation services?

*Answer:* No, the provider may use the HIPAA 837 but is not required to use to bill, because nursing, therapy and professional services are prohibited to be included in the array of services for which a provider may bill for Day Habilitation.

10. **Question:** When an individual is enrolled on a waiver and is also placed in an enclave or mobile work crew, how do I know whether the service should be billed as Supported Employment or Day Habilitation?

*Answer:* An individual’s ISP must reflect the actual services to be delivered based upon the assessed needs of the individual.

### Day Habilitation

Vocational services are not included in the definition of Day Habilitation.

When an individual is placed in a group employment setting and that individual requires and receives assistance with the acquisition, retention or maintenance of self-help skills, socialization skills or adaptive skills, a qualified provider may bill for Day Habilitation services.

- ❖ Self- help skills include assistance with and/or instruction in areas such as hygiene, dressing, eating and toileting;
- ❖ Social skills include initiating, receiving, sustaining and terminating activities that emphasize independent and socially appropriate functioning

in all aspects of the individual's life. Social skills are learned through assistance with and/or instruction in tasks and activities that involve motor control, communication, functional academics and attention to task.

- ❖ Adaptive skills needed for daily life include those that involve communication, home living, use of community resources, health, safety, leisure, self-direction and functional academics.

### Supported Employment

When an individual is placed in an enclave or in a mobile work crew for the purpose of receiving services that are designed to enable him/her to obtain and/or sustain paid work, a qualified provider may bill for Supported Employment services. These services may include job development, job placement, job training, supervision and follow-along.

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