

(A) Purpose

The purpose of this rule is to specify the service definition for institutional respite and to set forth the certification standards required under section ~~5123.045~~ 5123.16 of the Revised Code for providers of institutional respite to individuals enrolled in the HCBS level one waiver administered by the department.

(B) Definition

"Institutional respite" means home and community-based services provided to individuals unable to care for themselves, furnished on a short term basis because of the absence or need for relief of those persons normally providing the care, in facilities certified as intermediate care facilities for the mentally retarded (ICFs/MR) or other facilities licensed by the department under section 5123.19 of the Revised Code. ~~The benefit package in the level one waiver includes a limitation of one thousand dollars annually for institutional respite. An individual's annual expenditure for institutional respite may exceed one thousand dollars, subject to prior authorization during the development of the initial ISP, as part of the ISP review process or at a time when needs change and are subsequently documented in an ISP, consistent with the preferences of the individual or family. Through the prior authorization process, the additional services shall be approved if the benefit limitation for this service, informal respite, homemaker/personal care, and transportation combined ~~do~~ shall not exceed five thousand dollars annually and unless an assessment contraindicates the need for the service.~~

(C) Standards and requirements for initial and continuing certification of providers of institutional respite

An applicant for certification to provide institutional respite services shall meet all of the following requirements in order to ensure the health and welfare of the individuals receiving institutional respite services:

(1) The applicant shall submit an application in accordance with rule ~~5123:2-8-02~~ 5123:2-9-09 of the Administrative Code.

(2) ICFs/MR licensed by the department shall:

(a) Meet the requirements for and be certified as an ICF/MR by the Ohio department of health.

(b) Meet the requirements for and have a license issued by the department under section 5123.19 of the Revised Code.

- (3) ICFs/MR licensed by the Ohio department of health shall:
- (a) Meet the requirements for and be certified as an ICF/MR by the Ohio department of health.
 - (b) Meet the requirements for and have a license issued by the Ohio department of health under Chapter 3721. of the Revised Code.
- (4) Other facilities licensed by the department shall meet the requirements for and have a license issued by the department under section 5123.19 of the Revised Code.
- (5) Upon meeting the foregoing requirements, the application shall be processed by the department and the applicant shall be approved in accordance with rule ~~5123:2-8-02~~ 5123:2-9-09 of the Administrative Code.
- (6) In order to maintain certification under this rule, the institutional respite provider shall maintain compliance with the requirements of paragraphs (C)(2), (C)(3), and (C)(4) of this rule as applicable to the provider.
- (7) The institutional respite provider shall maintain documentation from the department of the institutional provider's certification under this rule.

(D) Denial, suspension, or revocation

- (1) Failure to comply with the standards set forth in this rule for initial certification of providers may result in denial of certification by the department in accordance with rule 5123:2-9-09 of the Administrative Code.
- (2) After being certified in accordance with this rule, providers shall comply with the continuing certification standards set forth in this rule. Providers shall be subject to monitoring and compliance reviews conducted by the ~~LMAA county board~~ and/or the department as set forth in rule ~~5123:2-8-18~~ 5123:2-9-08 of the Administrative Code. Failure to comply with the standards set forth in this rule for continuing certification of providers may result in corrective action by the department up to and including suspension or revocation of certification as set forth in rule ~~5123:2-8-18~~ 5123:2-9-08 of the Administrative Code.
- (3) When denying, suspending, or revoking certification under this rule, the department shall comply with the notice and hearing requirements of Chapter

119. of the Revised Code.

Effective: 07/01/2006

R.C. 119.032 review dates: 04/28/2008

Certification

Date

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