



Ohio Department of Mental Health

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Columbus, Ohio 43215-3430

DATE: 7/28/2009 NUMBER: C 7-10-12 ORIGINATOR & TITLE: Deborah N. Givens, ACF Project Manager

OFFICE:
Office of Consumer and Recovery Supports

APPROVED BY: *[Signature]*
Debbie Nixon-Hughes, MSW, LISW, Deputy Director: Program and Policy Development

DISTRIBUTION:

BHO's Boards Provider Agencies Shareholder Organizations

SUBJECT:

Allocations Certification Community Plan Critical Information
 Licensure MACSIS Medicaid Policy
 Procedure Other (specify): Residential State Supplement Additional Funds Clarification

TITLE OF CORRESPONDENCE:

Residential State Supplement (RSS) as it relates to Adult Care Facilities (ACF)

CONTENT:

This memo is to clarify language in OAC 173-35-08 which relates to the Residential State Supplement (RSS) and additional funding to consumers and facilities. To assist with this clarification, you will find attached a Notice from the Ohio Department of Aging (ODA) who manages the state's RSS program.

According to the OAC as described in the attached, the RSS cash payment does not prohibit the Mental Health Board from purchasing, from the facility, additional recovery support services that go beyond the provision of room, board and accommodations.

The facility can accept additional supplements for recovery support services without being out of compliance with OAC 173-35-08 (A). As well, the facility may also receive additional supplements specific to an individual RSS consumer if it is for services that are not covered by the supplement as stated in the rule and would not be considered as unearned income by Social Security. An example of this would be if a mental health board is supplementing a facility to provided transportation and participation fees for individual to help with community integration and socialization. These types of activities should be part of the individuals MH treatment plans.

The RSS cash payment is used together with the individual's personal income to pay for an alternative living arrangement to institutional care (5101:1-17-01 (B)). The cash payment purchases room, board and accommodations.

According to Section 173-35-0-1 (B), "accommodations" means:

- housing
- three nutritious meals a day
- meal preparation
- laundry service
- housekeeping
- arranging transportation
- social activities within the facility
- recreational activities with the facility
- maintenance
- security service
- similar services

Further, the facility can accept additional funds for capital improvements and still be in compliance with OAC 173-35-08 (A).

REQUIRED ACTION:

None

DATES FOR REQUIRED ACTION:

None

NAME, TELEPHONE NO., AND EMAIL OF CONTACT PERSON(S):

Deborah Givens, ODMH, 614-466-1323 e-mail: givensd@mh.state.oh.us
Hope Roberts, ODA, 614-752-9168 e-mail: hroberts@age.state.oh.us
Sheri Kiser, ODA, 614-752-9168 e-mail: skiser@age.state.oh.us

Attachment

cc: Sandra Stephenson, Director, ODMH
Angie Bergefurd, Chief, ODMH
Janice Franke, Legal, ODMH
Jeannette Welsh, Housing Manager, ODMH
Roland Hornbostel, Director, ODA
Judy Patterson, Chief, ODA
Hope Roberts, ODA
Sheri Kiser, ODA
Roy Croy, ODH



**Department of
Aging**

Ted Strickland, Governor
Barbara E. Riley, Director

0609T051

MEMORANDUM

DATE: June 4, 2009 **NOTICE**

TO: AAA Directors/ PAA Site Directors

FROM: Judy Patterson, Chief, Community Long-Term Care Division (CLTCD)

RE: **NOTICE OF TRANSMITTAL:** RSS Additional Funds Clarification

CONTACT: Hope Roberts 614/752-9168 e-mail: HRoberts@age.state.oh.us
Sheri Kiser 614/752-9168 e-mail: SKiser@age.state.oh.us

Recently there has been increased attention regarding Residential State Supplement (RSS) and additional funding to consumers and facilities. This has brought up some questions regarding OAC 173-35-08 which states the allowable fee is payment in full for accommodations, supervision, and personal care and that a facility cannot request or accept additional payment for those services from individuals or agencies.

This rule does not prohibit a facility from accepting additional funds from local government entities (such as mental health boards or agencies) if the funds are not awarded on a per service or individual consumer basis. An example of this would be a local MH board awarding an Adult Care Facility funds to make improvements to the facility, such as air conditioning.

As well, the facility may also receive additional supplements specific to an individual RSS consumer if it is for services that are not covered by the supplement as stated in the rule and would not be considered as unearned income by Social Security. An example of this would be if a MH board is supplementing a facility to provide transportation and participation fees for individual to help with community integration and socialization. These types of activities should be part of the individuals MH treatment plans.

If you come across situations where you are not sure the additional funding is appropriate, work with the local agencies for clarification and call the above contact if needs be. ODMH will be addressing these clarifications with their MH boards as well.