



Promoting wellness and recovery

John R. Kasich, Governor • Tracy J. Plouck, Director • 30 E. Broad St. • Columbus, OH 43215 • (614) 466-2596 • mha.ohio.gov

Adult Care Facility/Adult Foster Home (ACF/AFoH) Incentive FY2017 Program Participation Agreement

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) has made a commitment to provide resources to help improve the quality of Adult Care Facilities (includes Adult Family and Group Homes) and Adult Foster Homes, where individuals at risk of institutionalization can live in more integrated community-based settings. As part of this commitment, OhioMHAS created the ACF/AFoH Incentive Program to support operators in improving the quality of living environments in ACF's, which directly impacts the quality of life for residents who are individuals with mental health or substance use disorders.

The intent of the State Fiscal Year (SFY) 2017 ACF/AFoH Incentive is to provide resources to ACF operators in order to enhance their facilities to meet the standards of eligible provider-controlled Home and Community-Based Services (HCBS). The ACF/AFoH Incentive will be available to those home operators who are interested in becoming eligible HCBS and will utilize the funds for approved changes as guided by the Ohio Department of Medicaid's HCBS Rule 516044.

This Program Participation Agreement is effective SFY 2017 (July 1, 2016 through June 30, 2017) between the Ohio Department of Mental Health and Addiction Services (OhioMHAS) and _____ (***Name of Licensed Operator***), to ensure that enhancements are supported through expenditure of ACF/AFoH Incentive funds in order for the named facility(ies) to meet the standards of eligible provider-controlled HCBS. By signing this form, the operator applying for the ACF/AFoH Incentive agrees to the following:

- 1) Operator has license to operate eligible facilities, which are class two residential facilities as defined by section 5119.34(B)(1)(b) of the *Ohio Revised Code*. Eligible facilities are licensed by OhioMHAS to provide Accommodations, Supervision, and Personal Care Services for one to sixteen individuals.
- 2) Operator must have a current and valid license with OhioMHAS, including, but not limited to, no proposed actions to deny, revoke, or refuse to renew the facility's license; no outstanding plans of correction; no orders suspending admission of residents; and no pending civil penalties. Participating operators must have a valid OAKS Supplier ID assigned by Ohio Shared Services or payment will not be processed.
- 3) ACF/AFoH Incentive funds will be available on a first-come, first-serve basis and distributed directly to eligible operators until all such funds are expended by OhioMHAS. Incentive payments will still be calculated quarterly but will be paid biannually (twice a year). The fee structure will be \$105.00 per licensed bed/per quarter for Home Operators choosing to complete a minimum of 10 Free-of-Cost Changes AND a minimum of 10 At-Cost Changes for the time period. If the Home Operator chooses to complete a minimum of 7 Free-of-Cost changes AND a minimum of 7 At-Cost changes in this same time period, then the fee per licensed bed/per quarter is \$85.00. The first combined payment for Quarter 1 & Quarter 2 will be issued sometime in April 2017 and the second combined payment for Quarter 3 & Quarter 4 will be issued sometime in October 2017. Date of payment is estimated and will be issued at the full discretion of OhioMHAS.
- 4) **Home Operators will choose Free-of-Cost and At-Cost changes that were not selected during the SFY 16 ACF/AFoH incentive program and as selected on the ACF/AFoH Incentive Reporting Form.** Funds will be expended by the operator on eligible uses as outlined in each ACF Incentive Quarterly Reporting Form, which lists required Free-of-Cost/Policy Changes and At-Cost Changes required for each quarter of FY2017.

- 5) ACF/AFoH Incentive funds will NOT be used to supplement or supplant those services that are intended to be paid for by the Residential State Supplement (RSS) Program. *Ohio Administrative Code 5122-36-04* lists the responsibilities of the living arrangement for RSS residents as Accommodations, Supervision, and Personal Care Services.
- 6) The Department can perform inspections or audits of receipts for activities or items purchased with ACF/AFoH Incentive funds at any time.
- 7) Operator will provide the Department repayment of ACF/AFoH Incentive funds if OhioMHAS determines that:
 - a) Funding was utilized for services paid for by the RSS Program; or
 - b) Funding was not utilized for any of the permissible purposes listed in this agreement or as stated in the ACF Incentive Quarterly Reporting Form.

Terms and Conditions:

- 1) This Agreement shall be construed in accordance with the laws of the State of Ohio and only Ohio courts shall have jurisdiction over any action or proceeding concerning this Agreement or performance hereunder.
- 2) This Agreement may not be modified except in writing signed by authorized representatives of the parties.
- 3) Operator warrants that it is not subject to an unresolved finding for recovery under Ohio Revised Code § 9.24. If the warranty is deemed to be false on the date the parties sign this Agreement, this Agreement is void *ab initio* and Operator shall immediately repay any funds paid under this Agreement.
- 4) Operator hereby certifies that no applicable party(s) or their spouses listed in § 3517.13 of the Ohio Revised Code has made one or more campaign contributions in excess of the amounts specified therein.
- 5) None of the rights, duties or obligations in this Agreement will be binding on OhioMHAS until all of the following conditions have been met: all statutory provisions under Ohio Revised Code, including § 126.07, have been met; and all necessary funds are made available by the appropriate state agencies.
- 6) In carrying out this Agreement, Operator may not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, disability, age, genetic information or military status (“protected status”). Operator will ensure that all applicants are hired and all employees treated without regard to protected status.
- 7) Operator certifies that s/he will abide by Ohio’s ethics laws as codified in Ohio Revised Code Chapters 102 and 2921, as interpreted by the courts of the State and by the opinions of the Ohio Ethics Commission.
- 8) OhioMHAS may terminate the ACF/AFoH Incentive Program prior to the end of SFY 2017 without notice or further payments.

I hereby declare, certify and affirm that I agree to participate in the ACF/AFoH Incentive Program and will utilize the program funds according to the above terms and conditions.

Operator Printed Name	Operator Signature	Date
Licensed Facility Name(s) (Please list all participating homes if licensed for more than one.)		

*Please submit the Participation Agreement to Community Transitions via email ACF-AFoHIncentive@mha.ohio.gov, fax 614-485-9747, or U.S. mail to Theresa Rohrbaugh, c/o OhioMHAS, 30 East Broad Street, 36th Floor, Columbus, OH, 43215. **This may be submitted at any time but no later than January 15, 2017.***