

**Department of  
Developmental Disabilities**

Mike DeWine, Governor  
Jeff Davis, Director

**NOTICE OF PUBLIC HEARING**

**DATE:** November 22, 2019

**TIME:** 10:00 a.m.

**PLACE:** Lobby Hearing Room  
Rhodes State Office Tower  
30 East Broad Street  
Columbus, Ohio 43215

Pursuant to Chapter 119. of the Revised Code, the Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind, adopt, and amend the following rules of the Administrative Code on a permanent basis on or about February 1, 2020, and to conduct a public hearing thereon. At this public hearing, the Department will accept verbal and/or written testimony regarding the proposed rule actions. Persons unable to attend the public hearing may submit written comments regarding the proposed rule actions. Any written comments received on or before the public hearing date will be treated as testimony and made available for public review. Submittal of written comments may be made to Becky Phillips, Administrative Rules Coordinator, by email to [becky.phillips@dodd.ohio.gov](mailto:becky.phillips@dodd.ohio.gov) or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.

House Bill 166 of Ohio's 133rd General Assembly committed funding to better meet the transportation needs of Ohioans with developmental disabilities. As a result, the Department is proposing actions involving several rules governing transportation services:

Rule 5123:2-9-18 (Home and Community-Based Services Waivers - Non-Medical Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) is being rescinded and replaced by a new rule of the same title numbered 5123-9-18. The rule defines Non-Medical Transportation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. New rule 5123-9-18 reflects restructuring of the service delivery mode and increases the payment rates for providers of Non-Medical Transportation at the per-mile rate.

Rule 5123:2-9-19 (Home and Community-Based Services Waivers - General Requirements for Adult Day Support, Career Planning, Group Employment Support, Individual Employment Support, Non-Medical Transportation, and Vocational Habilitation) is being rescinded and replaced by a new rule of the same title numbered 5123-9-19. The rule establishes general requirements governing provision of and payment for Adult Day Support, Career Planning, Group Employment Support, Individual Employment Support, Non-Medical Transportation, and Vocational Habilitation provided to individuals enrolled in Home and Community-Based Services waivers administered by the Department. New rule 5123-9-19 reflects increases to the Non-Medical Transportation budget limitations which are included in Appendix B to the rule.

Rule 5123-9-24 (Home and Community-Based Services Waivers - Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) is being amended. The rule defines Transportation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to align the payment rates for Transportation with the payment rates for Non-Medical Transportation at the per-mile rate set forth in rule

5123-9-18.

The rules are available for review at the Register of Ohio website (<http://registerofohio.state.oh.us>) and at the Department's website (<https://dodd.ohio.gov/wps/portal/gov/dodd/forms-and-rules/rules-under-development/3-%2Bpublic-hearings-scheduled-for-proposed-rules>). The rules are also available for review at each county board of developmental disabilities.