



## MEMORANDUM

**TO:** Theodore Klecker, Opportunities for Ohioans with Disabilities

**FROM:** Sophia Papadimos, Regulatory Policy Assistant

**DATE:** January 14, 2014

**RE:** **CSI Review – Vocational Rehabilitation Provider Fee Schedule** (OAC 3304-1-12 and 3304-2-52)

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

### Analysis

This rule package consists of two amended rules being proposed by Opportunities for Ohioans with Disabilities (OOD) under the five-year review requirement of ORC 119.032, pertaining to the Vocational Rehabilitation (VR) program. Ohio Administrative Code (OAC) 3304-1-12 refers to community rehabilitation program standards. OAC 3304-2-52 relates to least cost, use of comparable benefits, consumer contribution, and fees for service. Both rules are being amended to reflect the new name of the Department, previously known as the Rehabilitation Services Commission. OAC 3304-2-52 references a fee schedule for providers; the schedule has been amended in the Appendix. The primary changes in the fee schedule were shifts in unit of service (UOS) fees to flat fees.

According to the BIA, the adverse impact is the requirement that the vocational rehabilitation providers must complete services and reports as defined in 3304-2-52 Appendix A in order to be reimbursed by OOD. The fee schedule sets a minimum level of requirements to ensure

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consistency and quality services to individuals with disabilities. The time to provide services and complete documentation will vary depending on the nature and extent of the vocational rehabilitation services provided to the injured worker. OOD justifies the adverse impacts by stating their cost analysis has provided fair, market based reimbursements to service providers.

OOD invited all providers to stakeholder meetings prior to the submission of the draft rules to the CSI Office. Three meetings were conducted and providers were given the opportunity to attend in person, via video conference, or through WebEx. OOD accepted comments and suggestions regarding the proposed rules throughout these meetings. Once the proposed rules were submitted to the CSI Office, one comment was received from the Director of Harbor Vocational Services expressing concerns regarding the flat fee for report writing for job development and the template designed by OOD for documenting services. OOD's billing shows the average cost for report writing for all services is \$51.74 per report. This data determined the flat rate of \$50 for general report writing. Further conversations with OOD revealed the template for documenting services is a Microsoft Word document and minimizes compatibility issues. The template is updated annually based on the feedback submitted by service providers.

After reviewing the proposed rules and the associated BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rules is justified.

### **Recommendations**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office