

**Department of
Developmental Disabilities**

Mike DeWine, Governor
Jeff Davis, Director

NOTICE OF PUBLIC HEARING

DATE: August 3, 2021
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 September 17, 2021, 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 (becky.phillips@dodd.ohio.gov) or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.

The Department is rescinding rule 5123:1-6-01 (Access to Confidential Personal Information Maintained by the Ohio Department of Developmental Disabilities) and adopting replacement rule 5123-11-01 of the same title. The rule establishes guidelines for regulating access to the confidential personal information that is maintained by the Department. Based on five-year review of the rule, the Department is making non-substantial adjustments and renumbering the rule in accordance with its established practice.

The Department is rescinding rule 5123:2-3-03 (Licensed Residential Facilities - Person-Centered Planning) and adopting replacement rule 5123-3-03 of the same title. The rule ensures that services for individuals living in residential facilities licensed in accordance with Section 5123.19 of the Revised Code are delivered pursuant to an individual service plan that is developed through person-centered planning. New rule 5123-3-03 requires Intermediate Care Facilities for Individuals with Intellectual Disabilities to use Ohio Individual Service Plan ("Ohio ISP"), the web-based information technology platform created and maintained by the Department used to carry out the person-centered process for assessing and planning with Ohioans with developmental disabilities. New rule 5123-3-03 includes details to describe the elements of the assessment and plan that will be captured in Ohio ISP and reflects updated citations to administrative rules.

The Department is amending rule 5123-4-01 (Administration and Operation of County Boards of Developmental Disabilities). The rule establishes standards for the administration and operation of county boards of developmental disabilities that protect the rights of individuals and ensure the safe and equitable provision of services to eligible individuals and their families. The rule is being amended to require county boards to use Ohio ISP. Additional amendments are being made to update citations to administrative rules.

The Department is amending rule 5123-4-02 (Service and Support Administration). The rule defines the responsibilities of a county board of developmental disabilities for service and support administration and establishes a process for individuals who receive service and

support administration to have an identified service and support administrator who is the primary point of coordination. The rule is being amended to align provisions regarding assessment and service planning with Ohio ISP and new rule 5123-3-03 (Licensed Residential Facilities - Person-Centered Planning, described above).

The Department is amending rule 5123-9-30 (Home and Community-Based Services Waivers - Homemaker/Personal Care Under the Individual Options and Level One Waivers). The rule defines Homemaker/Personal Care 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 remove requirements for training to be completed by direct support professionals who provide the service because the requirements are included in new rules for provider certification:

- 5123-2-08 (Provider Certification - Agency Providers) and
- 5123-2-09 (Provider Certification - Independent Providers).

Additional amendments are being made to update citations to administrative rules.

The Department is amending rule 5123-9-32 (Home and Community-Based Services Waivers - Participant-Directed Homemaker/Personal Care Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers). The rule defines Participant-Directed Homemaker/Personal Care 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 with training requirements in new rule 5123-2-09 (Provider Certification - Independent Providers). Additional amendments are being made to update citations to administrative rules.

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/public+hearings+for+proposed+rules>). The rules are also available for review at each county board of developmental disabilities.

- * Please note that visitors to the Rhodes State Office Tower must enter the building through the Broad Street lobby. Visitors may be required to register at the security desk by showing government-issued photo identification and/or pass through a magnetometer. Visitors' belongings, such as purses and briefcases, may be subject to inspection.