



Department of Developmental Disabilities
Division of Legal and Oversight

Mike DeWine, Governor
Kim Hauck, Director

NOTICE OF PUBLIC HEARING

DATE: February 7, 2023
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 amend two rules and adopt one rule of the Administrative Code on a permanent basis on or about March 20, 2023, 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 or by U.S. mail to 1810 Sullivant Avenue, Columbus, Ohio 43223-1239.

The Department is amending rule 5123-3-03 (Licensed Residential Facilities - Person-Centered Planning).

The rule sets forth requirements to ensure that services for individuals living in residential facilities licensed by the Department are delivered pursuant to an individual service plan that is developed through person-centered planning. Paragraph (F) of the rule includes timelines for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) to transition to Ohio Individual Service Plan ("OhioISP"). OhioISP is a web-based information technology platform used to carry out the person-centered process for assessing and planning with Ohioans with developmental disabilities. Paragraph (F) of the rule is being amended to extend the timeline for ICF/IID to implement OhioISP. Additional amendments are being made to the rule to align wording with newer 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 (county board) 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. Paragraph (L) of the rule includes timelines for county boards to transition to Ohio Individual Service Plan ("OhioISP"). OhioISP is a web-based information technology platform used to carry out the person-centered process for assessing and planning with Ohioans with developmental disabilities. Paragraph (L) of the rule is being amended to extend the timeline for county boards to implement OhioISP. Additional amendments are being made to the rule to align wording with newer rules.

The Department is adopting rule 5123-9-05 (Home and Community-Based Services Waivers - Retention Payments for Direct Support Professionals)

based on a proposal by developmental disabilities service delivery system stakeholders. Rule 5123-9-05 establishes requirements and processes for retention payments to benefit Direct Support Professionals providing specific Home and Community-Based Services (HCBS) to individuals enrolled in Medicaid HCBS waivers administered by the Department. Filing of the rule is necessary to ensure the rule remains in place when the existing emergency-filed version expires after 120 days.

The rules are available for review at the Register of Ohio and at the Department's website. The rules are also available for review at each county board of developmental disabilities.

The Department is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act and other applicable laws. To request a reasonable accommodation due to a disability, please contact Becky Phillips, Administrative Rules Coordinator, no later than **January 24, 2023** by email to becky.phillips@dodd.ohio.gov or by telephone (614-644-7393 / TTY 711).

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 backpacks, may be subject to inspection.