

**NOTICE OF PUBLIC HEARING**

DATE: May 3, 2024

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 rules of the Administrative Code on a permanent basis on or about July 1, 2024, and to conduct a public hearing thereon. At this public hearing, the Department will accept verbal and/or written testimony regarding the proposed rules.

Persons unable to attend the public hearing may submit written comments. 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. Comments regarding rules are public records; persons submitting comments should refrain from including confidential or personal information about themselves or any other person.

The Ohio Department of Developmental Disabilities is proposing to amend four rules governing the Early Intervention program based on the comprehensive five-year review.

Rule 5123-10-01 (Early intervention program - procedural safeguards) sets forth procedural safeguards in the Early Intervention program, including the provisions of parental consent and notice; retention, confidentiality, access to, and amendment of records; and dispute resolution. The rule is being amended to:

- Clarify that "Early Intervention records" includes records in any format.
- Distinguish between assessment of a child and assessment of the child's family.
- Eliminate paragraph (M) which authorized the Director of the Department to waive provisions of the rule during the COVID-19 state of emergency.
- Update references to forms.
- Eliminate regulatory restrictions.

Rule 5123-10-02 (Early intervention program - eligibility and services) sets forth the Early Intervention program requirements for eligibility, developmental screening, evaluation, assessment, individualized family service plan meetings and content, transition to preschool and other programs, service coordination, Early Intervention records, and exiting and transferring from the program. The rule is being amended to:

- Define "case notes" and "family-directed assessment."
- Clarify that "Early Intervention records" includes records in any format.
- Eliminate definition and use of "intensity" to describe Early Intervention services.
- Distinguish between assessment of a child and assessment of the child's family.
- Ensure assessment of a child and the child's family considers family routines and activities.
- Add new paragraph (C) to address referral of children to Help Me Grow.

- Eliminate requirements for annual redetermination of a child's eligibility for Early Intervention services.
- Modify the timeline in paragraph (K)(5)(d) for an Early Intervention Service Coordinator to submit forms necessary for payment of contractual Early Intervention services providers.
- Adjust paragraph (L) to describe the minimum federally-mandated personally identifiable information that will be shared with the Ohio Department of Education and Workforce and a child's school district of residence.
- Modify the timeline in paragraph (N)(13) for an Early Intervention Service Coordinator to provide follow-up to a professional referral source to align with specific Early Intervention activities (exit and Individualized Family Service Plan).
- Add new paragraph (N)(14) to specify provision of information about a child's eligibility and services needs to the child's medical providers with parent consent.
- Simplify reasons in paragraph (P) for exiting a child from the Early Intervention program.
- Eliminate paragraph (Q) which authorized the Director of the Department to waive provisions of the rule during the COVID-19 state of emergency.
- Correct a paragraph citation in Appendix A.
- Modify the list of qualified personnel in Appendix B.
- Clarify and reorder the list of physical and mental conditions with a high probability of resulting in a developmental delay in Appendix C.
- Update references to forms.
- Eliminate regulatory restrictions.

Rule 5123-10-03 (Early intervention program - system of payments) establishes a structure to pay for activities and expenses that are reasonable and necessary for implementing Ohio's Early Intervention program for eligible children and their families. The rule is being amended to:

- Increase the number of units of Early Intervention services available to parents at no cost from 55 to 100 per year.
- Eliminate paragraph (I) which authorized the Director of the Department to waive provisions of the rule during the COVID-19 state of emergency.
- Update references to forms.
- Eliminate regulatory restrictions.

Rule 5123-10-04 (Early intervention program - credentials for early intervention service coordinators and early intervention service coordination supervisors) establishes minimum qualifications through credentialing standards for Early Intervention Service Coordinators and Early Intervention Service Coordination Supervisors. All persons working in these positions are required to hold the appropriate credential issued in accordance with the rule. The rule is being amended to:

- Streamline requirements for Early Intervention Service Coordinator and Early Intervention Service Coordination Supervisor credentials by reducing education and work experience requirements to obtain a one-year credential, while clarifying the training requirements during the first year of employment.
- Add new paragraph (I) to authorize the Director of the Department to waive provisions of the rule.
- Update citations to administrative rule 5123-2-02.
- Eliminate regulatory restrictions.

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 April 19, 2024, 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 will be required to register at the security desk by showing government-issued photo identification and pass through a magnetometer. Visitors' belongings, such as purses and backpacks, are subject to inspection.