

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-4-02

Rule Type: Amendment

Rule Title/Tagline: Service and support administration.

Agency Name: Department of Developmental Disabilities

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 5/17/2025
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5123.04, 5126.041, 5126.05, 5126.08
5. **What statute(s) does the rule implement or amplify?** 5123.04, 5126.041, 5126.05, 5126.055, 5126.08, 5126.15
6. **What are the reasons for proposing the rule?**

The Department is amending the rule in preparation for implementation of Ohio Individual Service Plan (Ohio ISP)--the web-based information technology platform created and maintained by the Department to carry out the person-centered process for assessing and planning with Ohioans with developmental disabilities.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

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 add a definition of "Ohio Individual Service Plan" as paragraph (B)(11). Paragraph (F) is being amended to require county boards to use Ohio Individual Service Plan. Paragraphs (C) and (F) are being amended to align with wording used in proposed new rule 5123-3-03 (Licensed Residential Facilities - Person-Centered Planning). Additional amendments are being made to update citations to administrative rules.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporated references are to the Revised Code and the Administrative Code. Pursuant to Section 121.75 of the Revised Code, the requirements in Sections 121.71 to 121.74 do not apply. The Revised Code and the Administrative Code are available at libraries and on the internet at <http://codes.ohio.gov>. The Department's administrative rules are also available at dodd.ohio.gov.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

REVISED PARAGRAPH (B)(11) FROM:

"Ohio individual service plan" means 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.

TO:

"Ohio individual service plan" means 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 and includes an information technology platform maintained by a county board or an intermediate care facility for individuals with intellectual disabilities to manage, store, and electronically exchange information with the department's web-based information technology platform.

ADDED PARAGRAPH (B)(15):

"Service and support administrator" means a person, regardless of title, employed by or under contract with a county board to perform the functions of service and support

administration and who holds the appropriate certification in accordance with rule 5123:2-5-02 of the Administrative Code.

RESTORED PARAGRAPH (F)(2)(a) FROM:

Initially, and at least every twelve months thereafter, use Ohio individual service plan to coordinate assessment of the individual.

TO:

Initially, and at least every twelve months thereafter, coordinate assessment of the individual.

RESTORED PARAGRAPH (F)(2)(b) FROM:

Use Ohio individual service plan to develop, review, and revise the individual service plan and ensure that the individual service plan:

TO:

Using person-centered planning, develop, review, and revise the individual service plan and ensure that the individual service plan:

ELIIMINATED WHAT WAS PARAGRAPH (F)(2)(b)(i) IN RULE ORIGINAL-FILED JULY 1, 2021:

Is based on person-centered planning.

RESTORED PARAGRAPH (F)(2)(k) FROM:

Use Ohio individual service plan to review and revise the individual service plan at least every twelve months and more frequently under the following circumstances:

TO:

Review and revise the individual service plan at least every twelve months and more frequently under the following circumstances:

ADDED PARAGRAPH (L):

(L) Transition to Ohio individual service plan

(1) Prior to September 1, 2022, a county board may conduct assessments and develop and review individual service plans of individuals who receive service and support administration from the county board in accordance with the provisions set forth in this rule or in accordance with the provisions set forth in rule 5123-4-02 of the Administrative Code as it existed on the day immediately prior to the effective date of this rule.

(2) Beginning no later than September 1, 2022, a county board shall use Ohio individual service plan to conduct assessments and develop and review individual service plans of individuals who receive service and support administration from the county board in accordance with the provisions set forth in this rule.

(3) No later than September 1, 2023, a county board shall ensure that all assessments and individual service plans for individuals who receive service and

support administration from the county board are captured in Ohio individual service plan.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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The amendments being made will neither increase nor decrease revenues or expenditures of the Department.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The rule implements Section 5126.15 of the Revised Code which requires county boards of developmental disabilities to provide service and support administration. The costs of providing service and support administration vary by county board depending on the number of individuals served and the number and wages of service and support administrators employed.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? No**
- 17. Does this rule have an adverse impact on business? No**
- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding? 2

ADDED (L)(2) IN RESPONSE TO TESTIMONY: Beginning no later than September 1, 2022, a county board shall use Ohio individual service plan to conduct assessments and develop and review individual service plans of individuals who receive service and support administration from the county board in accordance with the provisions set forth in this rule.

ADDED (L)(3) IN RESPONSE TO TESTIMONY: No later than September 1, 2023, a county board shall ensure that all assessments and individual service plans for individuals who receive service and support administration from the county board are captured in Ohio individual service plan.

- B. How many existing regulatory restrictions do you propose removing? 0