

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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The Department is amending the rule to extend the timeline for county boards of developmental disabilities to implement Ohio Individual Service Plan, the web-based information technology platform used to carry out the person-centered process for assessing and planning with Ohioans with developmental disabilities.

- 8. 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 Department is amending the rule to extend the timeline for county boards of developmental disabilities to implement Ohio Individual Service Plan, the web-based information technology platform used to carry out the person-centered process for assessing and planning with Ohioans with developmental disabilities. Additional amendments are being made to align wording with newer rules.

- 9. Does the rule incorporate material by reference? Yes**
- 10. 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 <https://codes.ohio.gov>. The Department's administrative rules are also available at <https://dodd.ohio.gov/forms-and-rules/rules-in-effect/administrative-rules-list>.

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

PARAGRAPH (L) REVISED FROM:

No later than June 30, 2024, a county board shall ensure that all assessments and individual service plans for individuals who are enrolled in home and community-based services waivers are captured in Ohio individual service plan.

TO:

The use of Ohio individual service plan to capture assessments and individual service plans by June 30, 2024 is required only for individuals enrolled in home and community-based services waivers.

II. Fiscal Analysis

- 12. 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.

\$ 0

Extending the timeline for county boards of developmental disabilities to implement Ohio Individual Service Plan will neither increase nor decrease revenues or expenditures of the Department.

13. 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 rule requires county boards to use Ohio Individual Service Plan to assess and plan services for individuals served. Service and support administrators employed by county boards need to complete training to use Ohio Individual Service Plan. The Department is providing the training free-of-charge in a web-based format so that staff may complete the training when it is convenient to do so and without travel time and expense. The training to be completed by each staff member is approximately ten hours.

The costs of providing service and support administration, including using Ohio Individual Service Plan to assess and plan services for individuals served, vary by county board depending on the number of individuals served and the number and wages of service and support administrators employed.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. 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

17. Was this rule filed with the Common Sense Initiative Office? No

18. 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**19. 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 to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 24**

5123-4-02 (C)(3): The authorization shall be made in writing.

5123-4-02 (C)(4): This paragraph shall not be construed to require appointment of a guardian.

5123-4-02 (C)(4): This paragraph shall not be construed to require appointment of a guardian.

5123-4-02 (E): A county board may assign responsibility for eligibility determination to a service and support administrator who does not perform other service and support administration functions; in such a case, results of the eligibility determination shall be shared with the service and support administrator who is the primary point of coordination for the individual in order to ensure coordination of services and supports.

5123-4-02 (E): Results of the eligibility determination shall be shared in a timely manner with the individual and the individual's guardian, and/or the adult whom the individual has identified, as applicable.

5123-4-02 (F)(1): A county board shall identify a service and support administrator for each individual receiving service and support administration who shall be the primary point of coordination for the individual.

5123-4-02 (F)(2)(a)(i): The assessment shall take into consideration:

5123-4-02 (F)(2)(a)(ii): The assessment shall identify supports that promote the individual's:

5123-4-02 (F)(2)(i)(ii): All dissenting opinions shall be specifically noted in writing and attached to the individual service plan.

5123-4-02 (F)(2)(j): Ongoing individual service plan coordination shall:

5123-4-02 (F)(2)(k)(i): At the request of the individual or a member of the team, in which case revisions to the individual service plan shall occur within thirty calendar days of the request;

5123-4-02 (F)(2)(l)(iii): Notice shall be provided in accordance with section 5101.35 of the Revised Code.

5123-4-02 (F)(2)(m): Such written notice and explanation shall also be provided to an individual if the individual service plan process results in an approved service that the individual does not want to receive, but is necessary to ensure the individual's health, safety, and welfare.

5123-4-02 (F)(2)(m): Notice shall be provided in accordance with rule 5123-4-04 of the Administrative Code.

5123-4-02 (F)(2)(q)(i): The continuous review process shall be tailored to the individual and based on information provided by the individual and the team.

5123-4-02 (F)(2)(q)(ii): The scope, type, and frequency of reviews shall be specified in the individual service plan and shall include, but are not limited to:

5123-4-02 (F)(2)(q)(ii): The scope, type, and frequency of reviews shall be specified in the individual service plan and shall include, but are not limited to:

5123-4-02 (H)(1): Paper or electronic records shall be maintained for individuals receiving service and support administration and shall include, at a minimum:

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5123-4-02 (I): Due process shall be afforded to each individual receiving service and support administration pursuant to section 5101.35 of the Revised Code for services funded by a home and community-based services waiver and targeted case management services or pursuant to rule 5123-4-04 of the Administrative Code for services other than services funded by a home and community-based services waiver and targeted case management services.

5123-4-02 (J): The department shall monitor compliance with this rule by county boards.

5123-4-02 (J): Technical assistance, as determined necessary by the department, shall be provided upon request and through regional and statewide trainings.

5123-4-02 (L)(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.

5123-4-02 (L)(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.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable