



NOTICE OF PUBLIC HEARING

Pursuant to Chapter 119. of the Revised Code, the Ohio Department of Developmental Disabilities hereby gives notice of its intent to adopt and rescind the following rules of the Administrative Code on a permanent basis on or about July 1, 2013, and to conduct a public hearing thereon.

Rule Actions Pertaining to Certification of Employees of County Boards of Developmental Disabilities:

Rule 5123:2-5-01 entitled "Adult Services Registration and Certification Standards" is an existing rule proposed for rescission. The rule establishes minimum qualifications for staff working in adult services positions at county boards of developmental disabilities or their contract agencies. The rule will be replaced by a new rule of the same number.

Rule 5123:2-5-01 entitled "Adult Services Certification Standards" is a new rule proposed to replace an existing rule of the same number. The rule establishes minimum qualifications for staff employed in adult services positions at county boards of developmental disabilities. In accordance with recommendations of county boards, the rule has been streamlined to eliminate multiple levels and grades of credentials and to reflect the requirement, set forth in section 5126.25 of the Revised Code, for superintendents of county boards to issue the credentials.

Rule 5123:2-5-02 entitled "Service and Support Administration Registration and Certification Standards" is an existing rule proposed for rescission. The rule establishes minimum qualifications for staff working in service and support administration positions at county boards of developmental disabilities or their contract agencies. The rule will be replaced by a new rule of the same number.

Rule 5123:2-5-02 entitled "Service and Support Administration Certification Standards" is a new rule proposed to replace an existing rule of the same number. The rule establishes minimum qualifications for staff employed in service and support administration positions at county boards of developmental disabilities. In accordance with recommendations of county boards, the rule has been streamlined to eliminate multiple levels and grades of credentials and to reflect the requirement, set forth in section 5126.25 of the Revised Code, for superintendents of county boards to issue the credentials.

Rule 5123:2-5-03 entitled "Superintendent and Assistant Superintendent Certification Standards" is an existing rule proposed for rescission. The rule establishes minimum qualifications for superintendents and assistant superintendents employed by county boards of developmental disabilities. The rule will be replaced by a new rule of the same number.

Rule 5123:2-5-03 entitled "Superintendent Certification Standards" is a new rule proposed to replace an existing rule of the same number. The rule establishes minimum qualifications for superintendents of county boards of developmental disabilities. In accordance with recommendations of county boards, the rule has been streamlined to eliminate multiple levels and grades of credentials. Paragraph (H) includes the grounds and process for the Department to deny, suspend, or revoke superintendent certification.

Rule 5123:2-5-04 entitled "Denial, Suspension, and Revocation of Certificates and Evidence of Registration" is an existing rule proposed for rescission. The rule establishes the grounds and process for the Department to deny, suspend, or revoke certificates or evidence of registration under Chapter 5123:2-5 of the Administrative Code. The rule will be replaced by a new rule of the same number.

Rule 5123:2-5-04 entitled "Denial, Suspension, and Revocation of Registration and Certification" is a new rule proposed to replace an existing rule of the same number. The rule establishes the grounds and process for superintendents of county boards of developmental disabilities to deny, suspend, or revoke adult services, service and support administration, and early intervention credentials issued in accordance with section 5126.25 of the Revised Code.

Rule 5123:2-5-05 entitled "Early Intervention Registration and Certification Standards" is an existing rule proposed for rescission. The rule establishes minimum qualifications for staff working in early intervention positions at county boards of developmental disabilities or their contract agencies. The rule will be replaced by a new rule of the same number.

Rule 5123:2-5-05 entitled "Early Intervention Certification Standards" is a new rule proposed to replace an existing rule of the same number. The rule establishes minimum qualifications for staff employed in early intervention positions at county boards of developmental disabilities. In accordance with recommendations of county boards, the rule has been streamlined to eliminate multiple levels and grades of credentials and to reflect the requirement, set forth in section 5126.25 of the Revised Code, for superintendents of county boards to issue the credentials.

Rule 5123:2-5-06 entitled "Application Fees for Registration and Certification" is an existing rule proposed for rescission. The rule establishes application fees for registration and certification issued by the Department under Chapter 5123:2-5 of the Administrative Code. The rule is being rescinded because the Department no longer has authority to collect application fees.

Rule 5123:2-5-07 entitled "Investigative Agent Certification Standards" is an existing rule proposed for rescission. The rule establishes minimum qualifications for staff working in investigative agent positions at county boards of developmental disabilities and persons or employees of government entities under contract with a county board to provide investigative agent services. The rule will be replaced by a new rule of the same number.

Rule 5123:2-5-07 entitled "Investigative Agent Certification Standards" is a new rule proposed to replace an existing rule of the same number. The rule establishes minimum qualifications for staff working in investigative agent positions at county boards of developmental disabilities and persons or employees of government entities under contract with a county board to provide investigative agent services. Paragraph (H) includes the grounds and process for the Department to deny, suspend, or revoke investigative agent certification.

Rule Actions Pertaining to Amendment of the Level One Waiver:

Rule 5123:2-9-06 entitled "Home and Community-Based Services Waivers - Documentation and Payment for Services Under the Individual Options and Level One Waivers" is an existing rule proposed for rescission. The rule establishes the standards governing documentation and payment for Home and Community-Based Services under components of the Medicaid program that the Department administers pursuant to section 5111.871 of the Revised Code. The rule will be replaced by a new rule of the same number.

Rule 5123:2-9-06 entitled "Home and Community-Based Services Waivers - Documentation and Payment for Services Under the Individual Options and Level One Waivers" is a new rule proposed to replace an existing rule of the same number. The rule establishes the standards governing documentation and payment for Home and Community-Based Services under components of the Medicaid program that the Department administers pursuant to section 5111.871 of the Revised Code. The rule reflects changes to the Level One Waiver benefit package (i.e., making new services—Community Respite, Home-Delivered Meals, Remote Monitoring, and Remote Monitoring Equipment—available and replacing the Institutional Respite service with the similar but more flexible Residential Respite service).

Rule 5123:2-9-21 entitled "Home and Community-Based Services Waivers - Informal Respite Under the Level One Waiver" is an existing rule proposed for amendment. The rule defines Informal Respite 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 reflect changes to the Level One Waiver benefit package.

Rule 5123:2-9-22 entitled "Home and Community-Based Services Waivers - Institutional Respite Under the Level One Waiver" is an existing rule proposed for rescission. The rule defines Institutional Respite and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being rescinded because the Institutional Respite service is being replaced by the similar but more flexible Residential Respite service.

Rule 5123:2-9-22 entitled "Home and Community-Based Services Waivers - Community Respite Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers" is a proposed new rule. The rule defines Community Respite and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule replaces the provisions of existing rule 5123:2-9-34 that pertain to the Community Respite service and reflects addition of the Community Respite service to the Level One Waiver benefit package.

Rule 5123:2-9-23 entitled "Home and Community-Based Services Waivers - Environmental Accessibility Adaptations Under the Individual Options and Level One Waivers" is an existing rule proposed for amendment. The rule defines Environmental Accessibility Adaptations 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 reflect changes to the Level One Waiver benefit package.

Rule 5123:2-9-24 entitled "Home and Community-Based Services Waivers - Transportation Under the Individual Options and Level One Waivers" is an existing rule proposed for amendment. The rule defines Transportation 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 reflect changes to the Level One Waiver benefit package.

Rule 5123:2-9-25 entitled "Home and Community-Based Services Waivers - Specialized Medical Equipment and Supplies Under the Individual Options and Level One Waivers" is an existing rule proposed for amendment. The rule defines Specialized Medical Equipment and Supplies 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 reflect changes to the Level One Waiver benefit package.

Rule 5123:2-9-26 entitled "Home and Community-Based Services Waivers - Personal Emergency Response Systems Under the Level One Waiver" is an existing rule proposed for amendment. The rule defines Personal Emergency Response Systems 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 reflect changes to the Level One Waiver benefit package.

Rule 5123:2-9-27 entitled "Home and Community-Based Services Waivers - Emergency Assistance Under the Level One Waiver" is an existing rule proposed for amendment. The rule sets forth the coverage and eligibility for emergency assistance under the Level One Waiver. The rule is being amended to reflect changes to the Level One Waiver benefit package.

Rule 5123:2-9-29 entitled "Home and Community-Based Services Waivers - Home-Delivered Meals Under the Individual Options Waiver" is an existing rule proposed for amendment. The rule defines Home-Delivered Meals 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 reflect addition of the Home-Delivered Meals service to the Level One Waiver benefit package.

Rule 5123:2-9-30 entitled "Home and Community-Based Services Waivers - Homemaker/Personal Care Under the Individual Options and Level One Waivers" is an existing rule proposed for amendment. 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 reflect changes to the Level One Waiver benefit package.

Rule 5123:2-9-34 entitled "Home and Community-Based Services Waivers - Residential Respite and Community Respite Under the Individual Options and Self-Empowered Life Funding Waivers" is an existing rule proposed for rescission. The rule defines Residential Respite and Community Respite and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the services. Provisions of the rule that pertain to Residential Respite are being replaced by a new rule of the same number. Provisions of the rule that pertain to Community Respite are being incorporated into new rule 5123:2-9-22.

Rule 5123:2-9-34 entitled "Home and Community-Based Services Waivers - Residential Respite Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers" is a proposed new rule. The rule defines Residential Respite and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the services. The rule replaces the provisions of existing rule 5123:2-9-34 that pertain to the Residential Respite service and reflects addition of the Residential Respite service to the Level One Waiver benefit package.

Rule 5123:2-9-35 entitled "Home and Community-Based Services Waivers - Remote Monitoring and Remote Monitoring Equipment Under the Individual Options and Self-Empowered Life Funding Waiver" is an existing rule proposed for amendment. The rule defines Remote Monitoring and Remote Monitoring Equipment and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the services. The rule is being amended to reflect addition of the Remote Monitoring and Remote Monitoring Equipment services to the Level One Waiver benefit package

Rule Actions Pertaining to Major Unusual Incidents and Unusual Incidents:

Rule 5123:2-17-02 entitled "Incidents Adversely Affecting Health and Safety" is proposed for rescission. The rule establishes requirements for managing incidents adversely affecting health or safety and implements a continuous quality improvement process in order to prevent or reduce the risk of harm to individuals. The rule is being replaced by a new rule of the same number.

Rule 5123:2-17-02 entitled "Addressing Major Unusual Incidents and Unusual Incidents to Ensure Health, Welfare, and Continuous Quality Improvement" is a new rule proposed to replace an existing rule of the same number. The rule establishes the requirements for addressing major unusual incidents and unusual incidents and implements a continuous quality improvement process in order to prevent or reduce the risk of harm to individuals.

A public hearing on the proposed rule actions will be held on **May 21, 2013**, beginning at **10:00 a.m.**, and continuing until all persons in attendance have had an opportunity to testify. The hearing will be held in the **Lobby Hearing Room of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio 43215**. At this hearing, the Department will accept verbal and/or written testimony on the proposed rule actions under consideration.

Persons unable to attend the public hearing may submit written comments on 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, by fax to 614/644-5013, or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.

The rules are available at the Register of Ohio website:

<http://registerofohio.state.oh.us> and at the Department's website:

<https://doddportal.dodd.ohio.gov/rules/underdevelopment/Pages/default.aspx>.

The rules are also available for review at each county board of developmental disabilities.