



Department of
Developmental Disabilities

NOTICE OF PUBLIC HEARING

DATE: January 3, 2019
TIME: 10:00 a.m.
PLACE: Lobby Hearing Room
Rhodes State Office Tower
30 East Broad Street
Columbus, Ohio 43215

The Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind and adopt the following rules of the Administrative Code on a permanent basis on or about February 15, 2019, and to conduct a public hearing thereon.

The Department is adopting new rule 5123-7-34 (Intermediate Care Facilities for Individuals with Intellectual Disabilities - Quality Indicators and the Quality Incentive Payment Program). The rule sets forth a method and process for determining the quality incentive payment that may be paid to an Intermediate Care Facility for Individuals with Intellectual Disabilities for achieving quality indicators pursuant to Section 5124.24 of the Revised Code.

The Department is rescinding rule 5123:2-8-01 (Developmental Disabilities Level of Care) and adopting a new replacement rule of the same title numbered 5123-8-01. The rules set forth the criteria and process used to determine whether an individual requires the level of care necessary to receive Medicaid-funded services from an Intermediate Care Facility for Individuals with Intellectual Disabilities or

through enrollment in a Home and Community-Based Services waiver administered by the Department. New rule 5123-8-01 reflects revisions made to permit a Certified Nurse Practitioner to complete the required medical evaluation and to clarify that a determination by the Department that an individual meets the criteria for a developmental disabilities level of care is valid for up to twelve months.

House Bill 483 of the 131st General Assembly transferred responsibility for implementing the Early Intervention program from the Ohio Department of Health to the Ohio Department of Developmental Disabilities and charged the Ohio Department of Developmental Disabilities with adopting rules necessary to implement the program. The first of new rules to be developed, 5123:2-10-01 (Early Intervention Services - System of Payments) went into effect in 2017. Department staff have since continued to work with system stakeholders to develop the comprehensive body of rules governing the program. Based on that work:

The Department is rescinding rule 5123:2-10-01 (Early Intervention Services - System of Payments). The rule establishes a structure to pay for activities and expenses that are reasonable and necessary for implementing Ohio's Early Intervention system for eligible children and their families. The rule is being replaced by new rule 5123-10-03, described below.

The Department is adopting new rule 5123-10-01 (Early Intervention Program - Procedural Safeguards). The rule sets forth the procedural safeguards in the Early Intervention program including the provisions of parental consent and notice; retention, confidentiality, access to, and amendment of Early Intervention records; and dispute resolution.

The Department is adopting new rule 5123-10-02 (Early Intervention Program - Eligibility and Services). The rule sets forth 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, records, and exiting

and transferring from the Early Intervention program.

The Department is adopting new rule 5123-10-03 (Early Intervention Program - System of Payments). The rule 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 Department is adopting new rule 5123-10-04 (Early Intervention Program - Credentials for Early Intervention Service Coordinators and Early Intervention Service Coordination Supervisors). The rule establishes minimum qualifications through credentialing standards for Early Intervention Service Coordinators and Early Intervention Service Coordination Supervisors.

At this public hearing, the Department will accept verbal and/or written testimony on the proposed rule actions. 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 or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.

The rules are available for review at the Register of Ohio website (<http://registerofohio.state.oh.us>) and at the Department's website (<http://dodd.ohio.gov/RulesLaws/Pages/Rules-Under-Development.aspx>). The rules are also available for review at each county board of developmental disabilities.