

**Department of
Developmental Disabilities**

Mike DeWine, Governor
Jeff Davis, Director

NOTICE OF PUBLIC HEARING

DATE: April 10, 2020
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 rescind and adopt the following rules of the Administrative Code on a permanent basis on or about May 17, 2020, and to conduct a public hearing thereon. At this public hearing, the Department will accept verbal and/or written testimony regarding the proposed rule actions.

Persons unable to attend the public hearing may submit written comments regarding 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 Department is rescinding rule 5123:1-5-01 (Trusts for Supplemental Services) and adopting a replacement rule of the same title numbered 5123-13-01. The rule defines supplemental services that may be provided through a trust and establishes standards for the maintenance and distribution to a beneficiary of assets of a trust authorized by section 5815.28 of the Revised Code. Based on the required five-year review of the rule, the Department is extending the period of time permitted for county boards of developmental disabilities to expend trust funds received in accordance with the rule from 12 to 24 months and clarifying related reporting requirements.

The Department is rescinding rule 5123:1-8-01 (Conducting Meetings of the Ohio Developmental Disabilities Council Via Interactive Videoconference or Teleconference) and adopting a replacement rule of the same title numbered 5123-12-01. The rule authorizes members of the Ohio Developmental Disabilities Council to participate in Council meetings via interactive videoconference or teleconference; establishes requirements for conducting Council meetings via interactive videoconference or teleconference; and establishes a policy regarding the distribution and circulation of meeting-related documents to Council members, the public, and the media. Based on the required five-year review of the rule, the Department is adding another potential method (i.e., electronic file sharing) for providing meeting-related documents to members of Council.

The Department is rescinding rule 5123:2-1-11 (Service and Support Administration) and adopting a replacement rule of the same title numbered 5123-4-02. 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. In July 2019, the Department convened the Individual Service Plan (ISP) Workgroup to develop and implement a single assessment and ISP template to be used for all people receiving developmental disabilities services in Ohio. The Workgroup includes people who receive services, family members, providers of services, and staff of county boards of developmental

disabilities. This momentous undertaking is expected to continue throughout 2020 and will likely impact the Service and Support Administration rule. Rule 5123:2-1-11 is due for five-year review. The Department has already requested and received the maximum-allowed extensions and cannot simply file the rule to "continue without change" because it contains erroneous citations to other administrative rules. At this time, to avoid having the rule become overdue for review, the Department is filing the rule with minimal technical revisions. The substance of the rule will be comprehensively examined after the Workgroup has completed its work.

The Department is rescinding rule 5123:2-1-13 (In-Service Training for Members of County Boards of Developmental Disabilities) and adopting a replacement rule of the same title numbered 5123-4-03. The rule delineates requirements for annual in-service training for members of county boards of developmental disabilities. Based on the required five-year rule review, the Department is correcting a citation to an administrative rule.

The rules are available for review at the Register of Ohio website (<http://registerofohio.state.oh.us>) and at the Department's website (<https://dodd.ohio.gov/wps/portal/gov/dodd/forms-and-rules/rules-under-development/3-public-hearings-scheduled-for-proposed-rules>). The rules are also available for review at each county board of developmental disabilities.

- * Please note that visitors to the Rhodes State Office Tower must enter the building through the Broad Street lobby. Visitors may be required to register at the security desk by showing government-issued photo identification and/or pass through a magnetometer. Visitors' belongings, such as purses and briefcases, may be subject to inspection.