

**Department of  
Developmental Disabilities**

Mike DeWine, Governor  
Jeff Davis, Director

**NOTICE OF PUBLIC HEARING**

**DATE:** November 17, 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, adopt, and amend the following rules of the Administrative Code on a permanent basis on or about January 1, 2021, 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 ([becky.phillips@dodd.ohio.gov](mailto: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 5123:1-5-02 (Assistance to Enable a County Board to Pay the Nonfederal Share of Medicaid Expenditures for Home and Community-Based Services) and adopting replacement rule 5123-4-05 (Assistance to Enable a County Board of Developmental Disabilities to Pay the Nonfederal Share of Medicaid Expenditures for Home and Community-Based Services). The rule sets forth the process for a county board of developmental disabilities to request assistance in the event of failure of an operating levy for services for individuals with developmental disabilities and the process followed by the Department to respond to such a request. Based on five-year review of the rule, the Department is renumbering the rule and making a few minor adjustments.

The Department is amending rule 5123-9-30 (Home and Community-Based Services Waivers - Homemaker/Personal Care Under the Individual Options and Level One Waivers). 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 Department is amending the rule to increase payment rates for providers of Homemaker/Personal Care. Additional amendments are being made to adjust wording regarding the Staff Competency rate modification and correct citations to administrative rules.

The Department is amending rule 5123-9-32 (Home and Community-Based Services Waivers - Participant-Directed Homemaker/Personal Care Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers). The rule defines Participant-Directed Homemaker/Personal Care and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The Department is amending the rule to increase payment rates for providers of Participant-Directed Homemaker/Personal Care. Additional amendments are being made to require providers of Participant-Directed Homemaker/Personal Care to utilize electronic visit verification in accordance with rule 5160-1-40 of the Administrative Code and correct citations to administrative rules.

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/public+hearings+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.