



**Department of
Developmental Disabilities**

Mike DeWine, Governor
Jeff Davis, Director

NOTICE OF PUBLIC HEARING

DATE: November 18, 2021

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, 2022, 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) or by U.S. mail to 1810 Sullivant Avenue, Columbus, Ohio 43223-1239.

Amended Substitute House Bill 110 of Ohio's 134th General Assembly provided funding for rate increases for providers of some Home and Community-Based Services. As a result, the Department is filing the following rule actions:

Rule 5123-9-06 (Home and Community-Based Services Waivers - Documentation and Payment for Services Under the Individual Options and Level One Waivers) establishes standards governing documentation and payment for services under the Individual Options Waiver and Level One Waiver components of the Medicaid program that the Ohio Department of Developmental Disabilities administers pursuant to section 5166.21 of the Revised Code. The rule is being amended to increase the funding ranges for individuals enrolled in the Individual Options Waiver to accommodate the payment rate increases being made to services available under the Waiver and update citations to administrative rules.

Rule 5123-9-13 (Home and Community-Based Services Waivers - Career Planning Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Career Planning 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 increase the payment rates for the service, remove training requirements that are now addressed in rule 5123-2-08 (Provider Certification - Agency Providers) and rule 5123-2-09 (Provider Certification - Independent Providers), align wording with newer rules, and update citations to administrative rules.

Rule 5123-9-14 (Home and Community-Based Services Waivers - Vocational Habilitation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Vocational Habilitation 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 increase the payment rates for the service, adjust the group size for services provided in an integrated community setting, add service codes for services provided through virtual support, and update citations to

administrative rules.

Rule 5123-9-17 (Home and Community-Based Services Waivers - Adult Day Support Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Adult Day Support 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 increase the payment rates for the service, adjust the group size for services provided in an integrated community setting, add service codes for services provided through virtual support, and update citations to administrative rules.

Rule 5123-9-18 (Home and Community-Based Services Waivers - Non-Medical Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Non-Medical 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 increase the payment rates for the service and update citations to administrative rules.

Rule 5123-9-19 (Home and Community-Based Services Waivers - General Requirements for Adult Day Support, Career Planning, Group Employment Support, Individual Employment Support, Non-Medical Transportation, and Vocational Habilitation) establishes general requirements governing provision of and payment for Adult Day Support, Career Planning, Group Employment Support, Individual Employment Support, Non-Medical Transportation, and Vocational Habilitation provided to individuals enrolled in Home and Community-Based Services waivers administered by the Department. The rule is being amended to increase the budget limitations for these services and update citations to administrative rules.

Rule 5123-9-21 (Home and Community-Based Services Waivers - Informal Respite Under the Level One Waiver) 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 increase the payment rates for the service, align wording with newer rules, remove a definition of a term not used in the rule, remove a reference to a Level One Waiver payment limitation, and update citations to administrative rules.

Rule 5123-9-22 (Home and Community-Based Services Waivers - Community Respite Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Community 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 increase the payment rates for the service, align wording with newer rules, remove a reference to a Level One Waiver payment limitation, and update citations to administrative rules.

Rule 5123-9-24 (Home and Community-Based Services Waivers - Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) 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 increase the payment rates for the service, remove a reference to a Level One Waiver payment limitation, and update citations to administrative rules.

Rule 5123-9-30 (Home and Community-Based Services Waivers - Homemaker/Personal Care Under the Individual Options and Level One Waivers) 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 increase the payment rates for the service, add clarification to paragraph (D)(7), and update citations to administrative rules.

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) 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 rule is being amended to increase the payment rates for the service, add clarification to paragraph (D)(10), and update citations to administrative rules.

Rule 5123-9-33 (Home and Community-Based Services Waivers - Shared Living Under the Individual Options Waiver) defines Shared Living 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 increase the payment rates for the service, remove a sentence from paragraph (D)(3) that has caused confusion, and add clarification to paragraph (D)(12).

Rule 5123-9-34 (Home and Community-Based Services Waivers - Residential Respite Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Residential 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 increase the payment rates for the service, remove a reference to a Level One Waiver payment limitation, remove paragraph (G), and update citations to administrative rules.

Rule 5123-9-39 (Home and Community-Based Services Waivers - Waiver Nursing Services Under the Individual Options Waiver) defines Waiver Nursing Services 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 increase the payment rates for the service, better align with Ohio Department of Medicaid rules, remove paragraph (H), and update citations to administrative rules.

Rule 5123:2-9-15 (Home and Community-Based Services Waivers - Individual Employment Support Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines

Individual Employment Support and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. Rule 5123:2-9-15 is being rescinded and replaced by new rule 5123-9-15 of the same title. New rule 5123-9-15 reflects increased payment rates for the service, elimination of training requirements that are now addressed in rule 5123-2-08 (Provider Certification - Agency Providers) and rule 5123-2-09 (Provider Certification - Independent Providers), wording aligned with newer rules, and updated citations to administrative rules.

Rule 5123:2-9-16 (Home and Community-Based Services Waivers - Group Employment Support Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Group Employment Support and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. Rule 5123:2-9-16 is being rescinded and replaced by new rule 5123-9-16 of the same title. New rule 5123-9-16 reflects increased payment rates for the service, elimination of training requirements that are now addressed in rule 5123-2-08 (Provider Certification - Agency Providers), wording aligned with newer rules, and updated citations to administrative rules.

The rules are available for review at the [Register of Ohio](#) and at the [Department's website](#). 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.