



Department of Developmental Disabilities  
Division of Legal and Oversight

**Mike DeWine**, Governor  
**Kim Hauck**, Director

**NOTICE OF PUBLIC HEARING**

**DATE:** May 16, 2023

**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 rules of the Administrative Code on a permanent basis on or about June 30, 2023, 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](mailto:becky.phillips@dodd.ohio.gov) or by U.S. mail to 1810 Sullivant Avenue, Columbus, Ohio 43223-1239.

Based on the required five-year review, rule 5123:2-2-05 (Employment First) is being rescinded and replaced by new rule 5123-2-05 of the same title. The rule implements Ohio's Employment First policy in accordance with Section 5123.022 of the Revised Code. New rule 5123-2-05 reflects revisions to:

- Incorporate the term, "competitive integrated employment," throughout the rule.
- Adjust Place IV on the path to competitive integrated employment described in paragraph (D)(2)(d).
- Include an individual's annual wage earnings in the written progress report, described in paragraph (F)(1), that a provider of employment services submits to an individual served and the individual's team.
- Update citations to the Administrative Code.
- Align wording with newer rules.

Based on the required five-year review, rule 5123:2-9-03 (Home and Community-Based Services Waivers - Overtime and Limit on Number of Hours in a Work Week an Independent Provider May Provide Services) is being rescinded and replaced by new rule 5123-9-03 of the same title. The rule sets forth procedures related to overtime worked by independent providers, places a limit on the number of hours in a work week an independent provider may provide services under a Home and Community-Based Services Medicaid waiver component administered by the Ohio Department of Developmental Disabilities, and establishes a process and the circumstances under which the limit may be exceeded. New rule 5123-9-03 reflects revisions to:

- Eliminate wording regarding implementation of the initial rule.
- Update citations to the Administrative Code.
- Align wording with newer 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.

The Department is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act and other applicable laws. To request a reasonable accommodation due to a disability, please contact Becky Phillips, Administrative Rules Coordinator, no later than May 2, 2023, by email to [becky.phillips@dodd.ohio.gov](mailto:becky.phillips@dodd.ohio.gov) or by telephone (614-644-7393 / TTY 711).

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 backpacks, may be subject to inspection.