

**Department of
Developmental Disabilities**

Mike DeWine, Governor
Jeff Davis, Director

Hearing Summary Report

Hearing Date: 08/03/2021**Today's Date:** 08/19/2021

Rule Numbers: 5123:1-6-01 (Rescind), 5123-11-01 (New), 5123:2-3-03 (Rescind), 5123-3-03 (New), 5123-4-01 (Amend), 5123-4-02 (Amend), 5123-9-30 (Amend), and 5123-9-32 (Amend)

If no comments at hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

5123-3-03, 5123-4-01, and 5123-4-02:

- Debbie Jenkins, Policy Director, Ohio Health Care Association

5123-4-01:

- Scott Flowers, CEO, Brittco
- Brian Marshall, President, Primary Solutions
- Lori Stanfa, Chief Policy Officer, and Adam Herman, Chief Operating Officer, Ohio Association of County Boards of Developmental Disabilities

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

5123-3-03, 5123-4-01, 5123-4-02:

Comment: Include a timeline containing specific dates by which county boards of developmental disabilities (county boards) and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) must transition to using Ohio Individual Service Plan (Ohio ISP).

Department's Response: All references to Ohio ISP have been removed from rule 5123-4-01 as implementation of Ohio ISP by county boards is more appropriately addressed in rule 5123-4-02.

Timelines with specific dates for transitioning to Ohio ISP have been added as paragraph (F) of rule 5123-3-03 and paragraph (L) of rule 5123-4-02. These paragraphs require county boards and ICFIID to begin using Ohio ISP no later than September 1, 2022, and to ensure all plans are captured in Ohio ISP no later than September 1, 2023.

Comment: Include language in the definition of "Ohio ISP" to codify use of third-party information technology platforms maintained by county boards.

Department's Response: The definition of "Ohio ISP" in paragraph (B)(8) of rule 5123-3-03 and paragraph (B)(11) of rule 5123-4-02 has been revised to include this language.

5123-4-01:

Comment: Explicitly state that enforcement measures in response to a county board's failure to implement Ohio ISP shall not occur until the relevant date in the implementation timeline has elapsed.

Department's Response: All references to Ohio ISP have been removed from rule 5123-4-01 as implementation of Ohio ISP is more appropriately addressed in rule 5123-4-02. The dates for implementation of Ohio ISP are now explicitly stated in the rule 5123-4-02.

Comment: Include a requirement for county boards to post hyperlinks at their websites to the Department's ICFIID electronic search tool and the pamphlet that was developed by the Department and the Ohio Association of County Boards of Developmental Disabilities in the matter of Ball et al. v. DeWine et al.

Department's Response: This requirement has been added as paragraph (T).

Comment: Implement recognition of county boards' innovative practices—now paragraph (Q)(7)—in an intentional and organized fashion.

Department's Response: Department staff will coordinate this effort with the Ohio Association of County Boards of Developmental Disabilities.

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

Comments were incorporated as indicated above.