

**Department of  
Developmental Disabilities**

**Mike DeWine**, Governor  
**Jeff Davis**, Director

**Hearing Summary Report****Hearing Date:** 08/31/2021**Today's Date:** 09/08/2021

**Rule Numbers:** 5123:2-7-08 (Rescind), 5123-7-08 (New), 5123-9-06 (Amend), 5123-9-12 (Amend), 5123-9-14 (Amend), 5123-9-17 (Amend), 5123-9-33 (Amend), and 5123-9-48 (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.

**5123-7-08:**

- Kelly Shank, President, Ohio Association of Advanced Practice Nurses

**5123-9-33:**

- Stephanie Evanoff, Provider of Shared Living
- Lori Stanfa, Chief Policy 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).

**5123-7-08 (Intermediate Care Facilities for Individuals with Intellectual Disabilities - Bed-Hold Days):**

**Comment by Kelly Shank:** The Ohio Association of Advanced Practice Nurses requests that paragraphs (D)(3)(b)(i), (D)(3)(b)(ii), and (D)(3)(c)(i) be amended to include advanced practice registered nurses as providers that may approve a plan to use bed-hold days.

**Department's Response:** The rule has been amended in accordance with your request.

**5123-9-33 (Home and Community-Based Services Waivers - Shared Living Under the Individual Options Waiver):**

**Comment by Stephanie Evanoff:** I support the revision to paragraph (D)(10) that allows Shared Living and Homemaker/Personal Care to be provided on the same day. Shared Living providers desperately need breaks.

**Comment by Lori Stanfa:** The Ohio Association of County Boards of Developmental Disabilities (OACB) fully supports the revision to paragraph (D)(10) with some parameters. Shared Living providers desperately need breaks and respite. OACB supports the ability of a county board to authorize up to 180 hours per span for Shared Living and Homemaker/Personal Care to be billed on the same day. This will allow Shared Living providers an opportunity for short breaks on a regular basis or longer breaks more sporadically through the span and may better meet the intent of Shared Living outlined in paragraph (B)(16)(a). It is vital that we keep the process of authorizing the Homemaker/Personal Care service simple and that full control of the authorization should be at the local level as team discussion is the most appropriate place for this decision.

**Department's Response:** We appreciate your support of the revision made to paragraph (D)(10). We are not making further revisions to the paragraph at this time. We are committed to working with stakeholders to determine appropriate parameters around provision of Shared Living and Homemaker/Personal Care on the same day as part of the waiver simplification work planned for implementation in July 2022.

**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.**

Rule 5123-7-08 was amended in accordance with the testimony submitted by Kelly Shank.