

**Department of  
Developmental Disabilities****Mike DeWine**, Governor**Kim Hauck**, Director**Hearing Summary Report****Hearing Date:** 02/07/2023**Today's Date:** 02/15/2023**Rule Numbers:** 5123-3-03 (amend), 5123-4-02 (amend), 5123-9-05 (adopt)**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.**

**Rule 5123-3-03:**

- Harris Capps
- Dan Housepian, Director of ICF Services, Luther Home of Mercy

**Rule 5123-4-02:**

- Monica Juenger, Chief Policy Officer, Ohio Association of County Boards Serving People with 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).**

**Rule 5123-3-03 - Harris Capps:**

Paragraph (A): Do you mean "individual's service plan" instead of "individual service plan"?

**Department's Response:** While "individual's service plan" is more natural sounding when spoken, the term, "individual service plan," is defined in paragraph (B)(5) and that is why we use the term in paragraph (A).

Paragraph (B)(4) - Definition of "individual": Add the words: "If the individual lacks the capacity to make decisions, the person's guardian." This will preclude you from having to say the part about guardians in each of the later uses of the word.

**Department's Response:** We appreciate your suggestion and take that approach in many of our administrative rules. As this entire rule is about the service planning process and the important roles of individuals served and guardians, however, we think it best to specifically distinguish between the two as indicated.

Throughout rule: You may want to capitalize "Medicaid."

**Department's Response:** State agencies must follow the protocol for rule drafting dictated by the Legislative Service Commission. In accordance with the protocol, "medicaid" is not capitalized.

### **Rule 5123-3-03 - Dan Housepian:**

Mr. Housepian expressed support for the person-centered planning process but asserted that Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFIID) should be exempted from OhioISP, which, he indicated:

1. Solves a problem that does not exist for ICFIID and wastes resources with no benefit to residents.
2. Was developed during the pandemic, with no sense of the reality ICFIID and other providers are facing every day just to maintain basic service delivery.
3. Takes too much time to access and navigate.
4. Is not working, as evidenced by the need to extend the timeline for implementation.
5. May require contracting with an outside company to help ICFIID interface or navigate the system, which does not make sense.

#### **Department's Response:**

1. From inception, OhioISP was intended to support persons with developmental disabilities systemwide, without regard to where a person lives or how the person's services are funded. This concept is not new, nor was it created by the Department. People who receive services as well as providers of services--wary of inconsistent practices and frustrated by voluminous service plans that do little to support person-centered services or the Direct Support Professionals charged with implementing the services--asked that a standard service plan template be implemented statewide. Representatives of ICFIID participated in development of and implementation planning for OhioISP. The most important benefit of a single assessment and plan is how it allows Ohioans with developmental disabilities and their families to be at the center of the planning process and truly drive the conversation toward their desired outcomes. People served and providers of services will also benefit from OhioISP because it ensures a person's plan is meaningful, concise, and portable and fosters collaboration across counties, settings, and providers. Should a person move from one ICFIID to another, from a community setting to an ICFIID, or from one county to another, the person's plan will be available. The receiving team will have immediate access to the person's established plan, instead of starting the assessment and planning process from scratch. Direct Support Professionals testing and using OhioISP indicated that implementation of a consistent plan format and the system's ability to generate person-specific documentation sheets will save time and increase efficiency.
2. The Department operates eight ICFIID. The residents and the staff who serve them experienced the public health emergency in much the same manner as other ICFIID and continue to face the ongoing challenges. Implementation of OhioISP, although delayed somewhat, pressed on not without regard for the pandemic, but in the spirit of surviving the pandemic. Implementation of

OhioISP is no different than other mission-critical initiatives that improve the lives of those we serve; expansion of trauma-informed care initiatives and training efforts did not cease during the public health emergency. Planning beyond a crisis is the cornerstone of survival and recovery.

3. Information and resources about OhioISP, including a step-by-step implementation guide for ICFIID, are available at the Department's [website](#). [Regional Support Facilitators](#) are available to provide personalized support for all aspects of transitioning to OhioISP, including establishing access and appropriate roles within the system and technical assistance related to the OhioISP template, the assessment and planning process, and the online platform. If your staff need additional training or assistance, please let us know. The Department's OhioISP team is available to aid in whatever manner is most effective and convenient for you.
4. OhioISP is working! One-hundred-eighty-three ICFIID (more than 40%) have used OhioISP to create at least one plan. In total, OhioISP includes plans for 677 ICFIID residents. Again, in response to stakeholders, we are extending the timeline for implementation by 10 months. An alternative course of action would be to enforce the timeline in the currently effective rule, but our approach has been to work collaboratively with system stakeholders in a manner that is responsive to their needs.
5. OhioISP does not require any provider to engage an outside entity to navigate or interface with the system. Based on requests from county boards of developmental disabilities and provider agencies that use a third-party entity, OhioISP was engineered to accommodate third-party relationships. Although this effort contributed to implementation delays, we felt it important to support these existing arrangements.

**Rule 5123-4-02 - Monica Juenger:**

The Ohio Association of County Boards Serving People with Developmental Disabilities (OACB) is not in favor of including people who are not enrolled in Medicaid waivers to complete the OhioISP process. To provide clarity to the rule, OACB requests adding one word to paragraph (L):

No later than June 30, 2024, a county board shall ensure that all assessments and individual service plans only for individuals who are enrolled in home and community-based services waivers are captured in Ohio individual service plan.

**Department's Response:** In response to your testimony, paragraph (L) was reworded as indicated to include the word, "only." We hope this addresses your concerns.

~~No later than June 30, 2024, a county board shall ensure that all assessments and individual service plans for individuals who are enrolled in home and community-based services waivers are captured in Ohio individual service plan.~~

The use of Ohio individual service plan to capture assessments and individual service plans by June 30, 2024 is required only for individuals enrolled in home and community-based services waivers.

**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.**

The Department reworded paragraph (L) of rule 5123-4-02 in response to testimony submitted by the Ohio Association of County Boards Serving People with Developmental Disabilities.