



Hearing Summary Report

Hearing Date: 05/16/2025

Today's Date: 05/31/2025

Rule Numbers: 5123-7-02 (amend), 5123-7-04 (amend), 5123-7-05 (amend), 5123-7-09 (amend), 5123-7-14 (amend), 5123-7-18 (amend), 5123-7-21 (amend), 5123-7-22 (amend), 5123-7-23 (amend), 5123-9-04 (amend), 5123-9-08 (enact), 5123-9-12 (amend), 5123-9-25 (amend), 5123-9-39 (rescind and enact), 5123-9-44 (enact), 5123-9-45 (amend)

If no comments at hearing, please check the box.

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

5123-9-08:

- Sarah Bloom Anderson, Mother of Audrey Anderson
- Jessica (Garlough) Bishop
- William E. Blatterman
- Candace Boatman
- Heidi Bollin
- Jennifer Bruyere
- June Buttles
- Greg Carter aka Lauren's Dad/Guardian/ Advocate
- Lane Connell
- Deborah Cooper
- Jeffrey T. Davenport
- Melissa Dean
- Vicki Deel-Lezon
- Brendan Deiter, Compliance Coordinator, Bittersweet, Inc.
- Jennifer Dietsch
- Jan Dougherty, Ohio APSE
- Drs. Jean and Jay Egolf, Grove City, Ohio

- Michelle Elder
- L. Robyn Fell
- Julie Fleck, RN
- Tom Gilbert
- Theresa Grant
- Stacey Gruber, Ph.D., Auglaize County
- Carolyn Gutowski
- Natasha Hartman
- Richard W. Hartman
- Karen Hater
- Tracy Hatfield
- Debra Heintz
- Patricia Heldman
- Susan Henderson, Mother and Legal Guardian of My Adult Autistic Child
- Linda Herman
- Richard Herman
- Joanne Horen, Esquire
- Cara D. Hume
- Chris Hume
- Kendra Kabouchi
- Lorraine Kaplan, Mom to Jacob Kaplan, Age 36
- Pamela E. Kuch, Arlington, Ohio
- Grace Liston
- Rachelle Magaram
- Charlene Matus
- Lea Mayo
- Justin and Ashley Meade
- Cheryl Meister, RN, Help Desk Expert Panel Contributor, Ohio Council for Home Care and Hospice
- Linda Miles
- Corrine Minock
- Marcy Mullins
- Patricia Murnen
- Becky Neal
- Laura Palmer
- Janet L. Peasant
- Dr. Monica Gordon Pershey
- Annette Reed
- Brittney Seymour
- Amy Shuman
- Laurie Simmons

- Jennifer Sloan
- Jon Smith
- Justin Sodano
- Lindsey Sodano, End Ohio's Parent Penalty
- Sandra Soresso
- Janet Swarthout and David Swarthout
- Noah Sweeny
- Theresa Sweeny
- Monique Taylor
- Karen Uspenski
- Mary-Anna Fricano Welch
- Peter Wenk
- Sue Wenk
- Tina M. White
- Gwen Wise
- Sherri Yuskewich

5123-9-12:

- Cheryl Meister, RN, Help Desk Expert Panel Contributor, Ohio Council for Home Care and Hospice

5123-9-44:

- Jamie Garnes, M.S., Director of Service and Support Administration, Lawrence County Developmental Disabilities
- Loralynn Wharton, Provider Compliance Reviewer and Certification Support Specialist, Stark County Board 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).

5123-9-08 (Home and community-based services waivers - responsibilities and procedures related to extended travel):

Seventy-six people provided opposing testimony regarding the proposed new rule. People expressed opposition to the rule for a variety of reasons such as their belief that the rule violates the U.S. Constitution and/or the Revised Code, the rule inappropriately delegates authority to personnel of county boards of developmental disabilities, the rule creates administrative burden, the rule violates principles of self-determination, the Rule Summary and Fiscal Analysis form is inaccurate, and the rule will cause harm. Several people included personal stories, questions, or suggestions. The Department responded to explain the reasons for developing the rule, that is to:

- Comply with federal requirements that the Department ensure the health and welfare of people who receive services in accordance with 42 CFR 441.302 and 42 CFR 440.180 and include services provided to an individual in a written plan of care in accordance with 42 CFR 441.203.
- Respond to questions posed by individuals and families who receive services, providers of services, and county boards of developmental disabilities regarding when and how waiver services may be used out of state.

5123-9-12 (Home and community-based services waivers - assistive technology under the individual options, level one, and self-empowered life funding waivers):

One person asked if direct support staff are responsible for the care of a service animal. The Department responded that the role of direct support staff in interacting with and supporting the unique needs of each individual served (including the individual's use of Assistive Technology) must be documented in the Individual Service Plan.

5123-9-44 (Home and community-based services waivers - vehicle modification under the individual options, level one, and self-empowered life funding waivers):

One person suggested the rule should address when an individual would be eligible to receive a new vehicle modification after previously receiving one funded through the waiver. The Department responded that vehicle modifications are no different than any other service; a person's needs and current resources must be considered when planning and authorizing services.

One person sought clarification regarding the training requirements in paragraph (C)(2)(b) for persons who install vehicle modifications. The Department responded by revising the paragraph.

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.

5123-9-08:

The Department designated rule 5123-9-08 "To Be Refiled" and advised those who commented that the Department removed the wording from its pending Home and Community-Based Services waiver amendments under review by the federal Centers for Medicare and Medicaid Services. The Department will consider all feedback before advancing the rule.

5123-9-44:

The Department revised paragraph (C)(2)(b) as indicated:

~~Ensure persons who install vehicle modifications have successfully completed all required trainings and meet requirements specific to the vehicle modifications installed.~~

Ensure the person who installs a vehicle modification meets requirements and has successfully completed all required training as specified by the manufacturer of the adaptation or alternation being installed.