



# Common Sense Initiative

Mike DeWine, *Governor*  
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Rick Schanz, Opportunities for Ohioans with Disabilities

**FROM:** Michael Bender, Business Advocate

**DATE:** July 2, 2024

**RE:** **CSI Review – Vocational Rehabilitation Fee Schedule (OAC 3304-2-52)**

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

### Analysis

This rule package consists of one amended rule proposed by Opportunities for Ohioans with Disabilities (OOD) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on June 5, 2024, and the public comment period was held open through June 12, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 5, 2024.

Ohio Administrative Code (OAC) 3304-2-52 requires OOD to provide services to an individual with a disability at the least cost consistent with the individual's disability and rehabilitation needs. The rule describes when OOD is and is not expected to pay for goods and services, with contributions from the individual taken into account. OOD is required to use comparable benefits to pay for services, unless doing so would lead to an interruption or delay in certain situations. The rule is amended to adopt a medical, psychological, and dental fee schedule and clarify that OOD must pay cancellation rates for American Sign Language and international language interpreting services. Two appendices to the rule are also provided. Appendix A contains the vocational rehabilitation (VR) fee schedule adopted by the rule and is amended to add clarifying language, increase rates for services,

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expand services, and propose additional services. Appendix B is new and contains the medical, psychological, and dental fee schedule adopted by the rule.

During early stakeholder outreach, OOD held multiple online forums, focus groups, meetings, and feedback periods with stakeholders from December 2023 through May 2024 to solicit input on the rule. Among those engaged by OOD were individuals with disabilities receiving VR fee schedule services, providers of VR fee schedule services, individuals who are blind or low vision, individuals who are deaf or hard of hearing, the Ohio Speech and Hearing Governmental Affairs Coalition, the Healthcare Alliance, the Ohio Department of Developmental Disabilities, the Ohio Department of Mental Health and Addiction Services, OOD staff, and OOD's Provider Stakeholder group, which itself includes representatives from the Ohio Association of Goodwill Industries, the Ohio Council of Behavioral Health & Family Services Providers, the Ohio Provider Resource Association, and County Boards Associations, as well as other provider representatives. Based on the feedback provided by stakeholders, OOD made changes to the rule to include a 5.5% general rate increase to compensate providers, increase investment by 11% for Summer Youth Work Experience for students, increase Service Area Modifier (SAM) rates, add two additional SAM rate levels to compensate for providers' travel costs, and develop a benchmark approach to Pre-Employment Transition Services (Pre-ETS). Other changes expanded the definition of School-Based Job Readiness Training, expanded Supported Employment to provide additional support for traumatic brain injuries as well as deaf and deafblind participants, and expanded the use of intakes for most VR fee schedule services.

During the CSI public comment period, OOD received three comments from Bridges Interpreting, Cleveland Sight Center (CSC), and the Family Hearing and Balance Center (FHBC). Bridges Interpreting asked how the changes made to the VR fee schedule would impact the interpreting services it provides for OOD. OOD said that it would continue purchasing interpreting services from a variety of vendors and would follow the fee schedules that interpreters and agencies use for all their community partners and businesses. CSC asked whether the categories of Activities of Daily Living, Orientation & Mobility Training, Pre-ETS, and technology would be covered under the changes made to the VR fee schedule. OOD replied that all these categories would remain on the VR fee schedule with the exception of technology, explaining that the purchase of general technology has not been covered by the schedule because such purchases are individual decisions for participants. However, OOD noted that the VR fee schedule does include a Rehabilitation Technology category which will remain with increased rates. The FHBC asked several questions for clarification purposes regarding the costs of products and services. OOD explained that it would enter into contracts with major manufacturers of the relevant devices and develop a system where hearing care professionals can order directly from these contracts. For the services offered by hearing care professionals, OOD has proposed a list of separate rates. Lastly, OOD made technical and grammatical corrections to the VR fee schedule in Appendix A.

The business community impacted by the rule includes providers of VR services to individuals with disabilities who are eligible for OOD services. The adverse impacts created by the rule include the time and costs associated with completing services according to the requirements of the fee schedules in order to be compensated by OOD. According to OOD, the time it takes for a VR provider to complete a report of service will vary with the nature and extent of the VR services provided to the eligible individual with a disability. However, OOD notes that the adverse impacts of completing invoice reports are offset by the fact that the VR provider will receive compensation from OOD for the services. Furthermore, OOD points out that it continues to use an electronic bill payment portal which makes it easier for providers to submit, track, and resubmit payments. OOD emphasizes that participation in the VR program is voluntary and stresses that the changes to the rule and appendices will reduce the burden on businesses by allowing providers more opportunities to receive compensation, streamlining the fee structure for Pre-ETS to a benchmark approach, allowing for an intake for most VR fee schedule services, and simplifying the VR fee schedule. OOD states that the adverse impacts to business are justified to implement federal law and empower Ohioans with disabilities through employment, disability determinations, and independence.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that OOD should proceed in filing the proposed rule with the Joint Committee on Agency Rule Review.