



Department of Developmental Disabilities  
Division of Legal and Oversight

Mike DeWine, Governor  
Jeff Davis, Director

**Date:** October 15, 2021

**To:** Joseph Baker, Regulatory Policy Advocate  
Office of Lt. Governor Jon Husted

**Copy:** Sean McCullough, Director of the Common Sense Initiative Office  
Office of Lt. Governor Jon Husted

**From:** Becky Phillips, Administrative Rules Coordinator

**Re:** Memorandum of Response to Common Sense Initiative Office Review of  
Home and Community-Based Services Payment Rate Increases

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Thank you for reviewing the package of rules being filed to implement payment rate increases for providers of Home and Community-Based Services. The package includes amendments to 14 rules:

- 5123-9-06 (Documentation and Payment for Services Under the Individual Options and Level One Waivers)
- 5123-9-13 (Career Planning Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123-9-14 (Vocational Habilitation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123-9-17 (Adult Day Support Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123-9-18 (Non-Medical Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123-9-19 (General Requirements for Adult Day Support, Career Planning, Group Employment Support, Individual Employment Support, Non-Medical Transportation, and Vocational Habilitation)
- 5123-9-21 (Informal Respite Under the Level One Waiver)
- 5123-9-22 (Community Respite Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)

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- 5123-9-24 (Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123-9-30 (Homemaker/Personal Care Under the Individual Options and Level One Waivers)
- 5123-9-32 (Participant-Directed Homemaker/Personal Care Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123-9-33 (Shared Living Under the Individual Options Waiver)
- 5123-9-34 (Residential Respite Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123-9-39 (Waiver Nursing Services Under the Individual Options Waiver)

as well as rescission and adoption of replacement rules for two additional services:

- 5123:2-9-15 / 5123-9-15 (Individual Employment Support Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)
- 5123:2-9-16 / 5123-9-16 (Group Employment Support Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers)

The Department will proceed to file the rules with the Joint Committee on Agency Rule Review.