



Department of Developmental Disabilities
Division of Legal and Oversight

Mike DeWine, Governor
Kim Hauck, Director

Date: July 17, 2023

To: Caleb White, Business Advocate
Common Sense Initiative

Copy: Joseph Baker, Director
Common Sense Initiative

From: Becky Phillips, Administrative Rules Coordinator

Re: Memorandum of Response to Common Sense Initiative Review of
Post-Pandemic Flexibility Rules Package

Thank you for reviewing the Department's Post-Pandemic Flexibility rules package which included amendment of seven rules:

- 5123-2-08 (Provider certification - agency providers)
- 5123-2-09 (Provider certification - independent providers)
- 5123-8-01 (Developmental disabilities level of care)
- 5123-9-30 (Home and community-based services waivers - homemaker/personal care under the individual options and level one waivers)
- 5123-9-31 (Home and community-based services waivers - homemaker/personal care daily billing unit for sites where individuals enrolled in the individual options waivers share services)
- 5123-9-32 (Home and community-based services waivers - participant-directed homemaker/personal care under the individual options, level one, and self-empowered life funding waivers)
- 5123-9-33 (Home and community-based services waivers - shared living under the individual options waiver)

as well as rescission and adoption of rule 5123-9-34 (Home and community-based services waivers - residential respite 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.