



Department of Developmental Disabilities  
Division of Legal and Oversight

**Mike DeWine**, Governor  
**Kim Hauck**, Director

**NOTICE OF PUBLIC HEARING**

**DATE:** May 17, 2022

**TIME:** 10:00 a.m.

**PLACE:** Lobby Hearing Room  
Rhodes State Office Tower  
30 East Broad Street  
Columbus, Ohio 43215

Pursuant to Chapter 119. of the Revised Code, the Ohio Department of Developmental Disabilities hereby gives notice of its intent to amend, rescind, and adopt rules of the Administrative Code on a permanent basis on or about July 1, 2022, and to conduct a public hearing thereon. At this public hearing, the Department will accept verbal and/or written testimony regarding the proposed rule actions.

Persons unable to attend the public hearing may submit written comments regarding the proposed rule actions. Any written comments received on or before the public hearing date will be treated as testimony and made available for public review. Submittal of written comments may be made to Becky Phillips, Administrative Rules Coordinator, by email to [becky.phillips@dodd.ohio.gov](mailto:becky.phillips@dodd.ohio.gov) or by U.S. mail to 1810 Sullivant Avenue, Columbus, Ohio 43223-1239.

### **Simplification of Home and Community-Based Services Waivers**

The Department engaged stakeholders to participate in the design, development, and implementation of changes to simplify and improve services available to individuals enrolled in the Department's Home and Community-Based Services waivers. As a result of this effort, the Department is amending 13 rules:

Rule 5123-9-06 (Home and Community-Based Services Waivers - Documentation and Payment for Services Under the Individual Options and Level One Waivers) establishes standards governing documentation and payment for services under the Individual Options Waiver and Level One Waiver components of the Medicaid program that the Ohio Department of Developmental Disabilities administers pursuant to section 5166.21 of the Revised Code. The rule is being amended to:

- Add provisions related to participant direction.
- Add an overall annual benefit limitation for services provided under the Level One Waiver.
- Update the list of services available under the waivers.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-18 (Home and Community-Based Services Waivers - Non-Medical Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Non-Medical Transportation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Make clear that the referenced budget limitations apply only to services provided under the Individual Options Waiver.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-19 (Home and Community-Based Services Waivers - General Requirements for Adult Day Support, Career Planning, Group Employment Support, Individual Employment Support, Non-Medical Transportation, and Vocational Habilitation) establishes general requirements governing provision

of and payment for the services. The rule is being amended to:

- Make clear that the budget limitations in Appendix B apply only to services provided under the Individual Options Waiver.
- Align wording with newer rules.
- Update a citation to an administrative rule.

Rule 5123-9-20 (Home and Community-Based Services Waivers - Money Management Under the Individual Options and Level One Waivers) defines Money Management and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Eliminate a reference to a Level One Waiver payment limitation.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-23 (Home and Community-Based Services Waivers - Environmental Accessibility Adaptations Under the Individual Options and Level One Waivers) defines Environmental Accessibility Adaptations and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Eliminate a reference to a Level One Waiver payment limitation.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-25 (Home and Community-Based Services Waivers - Specialized Medical Equipment and Supplies Under the Individual Options and Level One Waivers) defines Specialized Medical Equipment and Supplies and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Eliminate a reference to a Level One Waiver payment limitation.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-29 (Home and Community-Based Services Waivers - Home-

Delivered Meals Under the Individual Options and Level One Waivers) defines Home-Delivered Meals and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Add the service to the Self-Empowered Life Funding Waiver.
- Align requirements and payment rates with a similar service available through the Ohio Department of Aging.
- Eliminate a reference to a Level One Waiver payment limitation.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-35 (Home and Community-Based Services Waivers - Remote Support Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Remote Support and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Eliminate a reference to a Level One Waiver payment limitation.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-40 (Home and Community-Based Services Waivers - Administration of the Self-Empowered Life Funding Waiver) implements the Self-Empowered Life Funding Waiver, a component of the Medicaid Home and Community-Based Services program administered by the Department pursuant to Section 5166.21 of the Revised Code. The rule is being amended to:

- Add the Home-Delivered Meals service and the Self-Directed Transportation service to the Self-Empowered Life Funding Waiver benefit package.
- Eliminate unnecessary provisions.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-41 (Home and Community-Based Services Waivers - Clinical/Therapeutic Intervention Under the Self-Empowered Life Funding

Waiver) defines Clinical/Therapeutic Intervention and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Add the service to the Level One Waiver.
- Increase payment rates for providers of the service.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-43 (Home and Community-Based Services Waivers - Functional Behavioral Assessment Under the Self-Empowered Life Funding Waiver) defines Functional Behavioral Assessment and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Add the service to the Level One Waiver.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-45 (Home and Community-Based Services Waivers - Participant-Directed Goods and Services Under the Self-Empowered Life Funding Waiver) defines Participant-Directed Goods and Services and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Add the service to the Level One Waiver.
- Clarify provisions that have caused confusion.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123-9-46 (Home and Community-Based Services Waivers - Participant/Family Stability Assistance Under the Self-Empowered Life Funding Waiver) defines Participant/Family Stability Assistance and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Add the service to the Level One Waiver.
- Align wording with newer rules.
- Update citations to administrative rules.

Also, as a result of this work, the Department is:

Adopting new rule 5123-9-26 (Home and Community-Based Services Waivers - Self-Directed Transportation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers). The rule defines the new Self-Directed Transportation service and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

Rescinding rule 5123-9-27 (Home and Community-Based Services Waivers - Emergency Assistance Under the Level One Waiver). The rule sets forth coverage and eligibility for emergency assistance provided to individuals enrolled in the Level One Waiver. The rule is no longer necessary as the service-specific payment limitations that might prevent an individual enrolled in the Waiver from being able to access additional units of services needed during an emergency situation are being eliminated.

### **Payment Rate Increases for Home and Community-Based Services**

Payment rates for four services (Interpreter Services, Nutrition Services, Social Work, and Waiver Nursing Delegation) are being increased. In accordance with its established course of renumbering rules to remove the division number, the Department is rescinding the existing rules for these four services and adopting four new replacement rules to implement the payment rate increases:

Rule 5123:2-9-28 (Home and Community-Based Services Waivers - Nutrition Services Under the Individual Options Waiver) defines Nutrition Services and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being rescinded and replaced by new rule 5123-9-28 of the same title. New rule 5123-9-28 reflects revisions to:

- Increase payment rates for providers of the service.
- Align wording with newer rules.

- Update citations to administrative rules.

Rule 5123:2-9-36 (Home and Community-Based Services Waivers - Interpreter Services Under the Individual Options Waiver) defines Interpreter Services and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being rescinded and replaced by new rule 5123-9-36 of the same title. New rule 5123-9-36 reflects revisions to:

- Increase payment rates for providers of the service.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123:2-9-37 (Home and Community-Based Services Waivers - Waiver Nursing Delegation Under the Individual Options, Level One, and Self-Empowered Life Funding Waivers) defines Waiver Nursing Delegation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being rescinded and replaced by new rule 5123-9-37 of the same title. New rule 5123-9-37 reflects revisions to:

- Increase payment rates for providers of the service.
- Align wording with newer rules.
- Update citations to administrative rules.

Rule 5123:2-9-38 (Home and Community-Based Services Waivers - Social Work Under the Individual Options Waiver) defines Social Work and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being rescinded and replaced by new rule 5123-9-38 of the same title. New rule 5123-9-38 reflects revisions to:

- Increase payment rates for providers of the service.
- Align wording with newer rules.
- Update citations to administrative rules.

The rules are available for review at the [Register of Ohio](#) and at the [Department's website](#). The rules are also available for review at each county board of developmental disabilities.

The Department is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act and other applicable laws. To request a reasonable accommodation due to a disability, please contact Becky Phillips, Administrative Rules Coordinator, no later than **May 3, 2022** by email to [becky.phillips@dodd.ohio.gov](mailto:becky.phillips@dodd.ohio.gov) or by telephone (614-644-7393/ TTY 711).

Please note that visitors to the Rhodes State Office Tower must enter the building through the Broad Street lobby. Visitors may be required to register at the security desk by showing government-issued photo identification and/or pass through a magnetometer. Visitors' belongings, such as purses and briefcases, may be subject to inspection.