



Department of Developmental Disabilities
Division of Legal and Oversight

Mike DeWine, Governor
Kim Hauck, Director

NOTICE OF PUBLIC HEARING

DATE: March 16, 2023

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 April 27, 2023, 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 or by U.S. mail to 1810 Sullivant Avenue, Columbus, Ohio 43223-1239.

Four rules governing Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFIID) are being rescinded and replaced by new rules.

Rule 5123:2-7-11 (ICFIID - Relationship of Other Covered Medicaid Services) identifies covered services generally available to individuals who are eligible for Medicaid and describes the relationship of such services to those provided to residents of an ICFIID. The rule is being rescinded and replaced by new rule 5123-7-11 of the same title. New rule 5123-7-11 reflects revisions to align wording with newer rules and update a citation to the Administrative Code.

Rule 5123:2-7-15 (ICFIID - Claim Submission, Payment, and Adjustment Process) establishes procedures for an ICFIID to submit claims and be paid for services rendered. The rule is being rescinded and replaced by new rule 5123-7-15 (ICFIID - Claim Submission). New rule 5123-7-15 reflects revisions to eliminate restatement of Ohio Department of Medicaid rule 5160-1-19, remove unnecessary provisions, align wording with newer rules, and update a citation to the Administrative Code.

Rule 5123:2-7-29 (ICFIID - Ventilator Services) sets forth requirements for an ICFIID to provide and be reimbursed for providing services to residents who are dependent on invasive mechanical ventilators. The rule is being rescinded and replaced by new rule 5123-7-29 of the same title. New rule 5123-7-29 reflects revisions to change "individual plan" to "individual service plan," adjust wording regarding submission of information to the Department, align wording with newer rules, update citations to the Administrative Code, and eliminate paragraph (I) which addressed implementation of the rule in 2018.

Rule 5123:2-7-32 (ICFIID - Administration of the Ohio Developmental Disabilities Profile) sets forth a requirement and process for administration of the Ohio Developmental Disabilities Profile to residents of an ICFIID. The rule is being rescinded and replaced by new rule 5123-7-32 of the same title. New rule 5123-7-32 reflects revisions to align wording with newer rules and update a citation to the Administrative Code.

Three rules governing ICFIID are being rescinded without replacement:

Rule 5123:2-7-31 (ICFIID - Recoupment of Downsizing Incentive) establishes a process for the recoupment of a downsizing incentive from an ICFIID when the ICFIID obtained Department approval to become a downsized ICFIID pursuant to Section 5124.39 of the Revised Code and did not become a downsized ICFIID on or before July 1, 2018. The rule is no longer necessary because this process has run its course.

Rule 5123-7-20 (ICFIID - Resident Assessment Classification System Based on Administration of the Individual Assessment Form) sets forth a method and process for determining the per resident/per day rate paid to an ICFIID for direct care costs using the Individual Assessment Form pursuant to Sections 5124.195 to 5124.198 of the Revised Code. The rule is no longer necessary because Sections 5124.195 to 5124.198 of the Revised Code have been rescinded.

Rule 5123-7-30 (ICFIID - Exception Review Process for individual Assessment Form Data) sets forth a process by which the Department conducted exception reviews related to Individual Assessment Form data submitted by an ICFIID in accordance with rule 5123-7-20. The rule is no longer necessary because Sections 5124.195 to 5124.198 of the Revised Code have been rescinded.

Two rules governing ICFIID are being amended:

Rule 5123-7-09 (ICFIID - Personal Needs Allowance Accounts) establishes requirements and procedures regarding personal needs allowance accounts for residents of an ICFIID. The rule is being amended to restore paragraph (J)--which was eliminated in 2019--to address disposition of a resident's personal needs allowance account funds in the event of the resident's death. Requirements regarding disposition of a resident's personal needs allowance account funds formerly resided in rule 5123:2-2-07 (Personal Funds of the Individual). The requirements were removed from rule 5123:2-2-07, as personal needs allowance accounts pertain only to residents of ICFIID and

are governed by rule 5123-7-09. Additional amendments are being made to align wording with newer rules and update citations to the Administrative Code.

Rule 5123-7-12 (ICFIID - Cost Report and Chart of Accounts) sets forth standards and requirements for an ICFIID, other than a Department-operated ICFIID, to submit cost reports to the Department and maintain supporting documents and records. The rule is being amended to add guidance for reporting expenses related to assistive technology. Additional amendments are being made to align wording with newer rules, update citations to the Administrative Code, and improve formatting of the rule's appendix.

One rule governing complaints involving the Department is being rescinded and replaced by a new rule:

Rule 5123:2-17-01 (Administrative Resolution of Complaints Involving the Ohio Department of Developmental Disabilities) establishes a procedure for the filing and resolution of complaints involving the programs, services, policies, or administrative practices of the Ohio Department of Developmental Disabilities or an entity under contract with the Department. The rule is being rescinded and replaced by new rule 5123-11-02 of the same title. New rule 5123-11-02 reflects revisions to align wording with newer rules and update a citation to the Administrative Code.

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 **March 2, 2023** by email to 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 backpacks, may be subject to inspection.