

Kimberly Hauck  
Director  
Ohio Department of Developmental Disabilities  
30 E. Broad St., 12th Floor  
Columbus, OH 43215

Dear Director Hauck,

I hope this message finds you well. I am writing on behalf of OPRA and our membership to express our concerns about recent interpretations and discussions surrounding the Settings Rule, particularly as they relate to the Community Integration Add-on. We value our strong partnership with the Ohio Department of Developmental Disabilities (DODD) and deeply appreciate the work you and your team are doing to promote high-quality, person-centered services for Ohioans with developmental disabilities.

Recently, however, we have observed that DODD appears to be applying a different standard, tool, and interpretation of the Settings Rule compared to other state agencies, such as the Ohio Department of Medicaid (ODM) and the Ohio Department of Aging (ODA). These discrepancies are creating challenges for providers, particularly around the implementation of the Community Integration Add-on, and could ultimately have a negative impact on the individuals we all aim to serve.

We are particularly concerned by DODD's references to the Corrective Action Plan (CAP) approved by the Centers for Medicare & Medicaid Services (CMS), as well as to "new guidance" from CMS around the Settings Rule. Despite these references, we have been unable to locate any new guidance from CMS that would substantiate the shifts in interpretation. Additionally, upon review, the CAP itself does not appear to be sufficiently robust to support these recent changes in enforcement and interpretation.

Furthermore, it has become evident that the Community Integration Add-on and the Settings Rule have become intertwined in ways that were not initially intended, and this convergence is creating confusion among providers. The blending of these two distinct areas of compliance is complicating the landscape and making it more difficult for providers to navigate their obligations, which, in turn, could affect the quality of services available to individuals with disabilities.

In light of these issues, we respectfully request that DODD pause any citations related to the Settings Rule and the Community Integration Add-on until all stakeholders can engage in a broader, more deliberate conversation about how best to move forward. During this pause, we believe that offering technical assistance (TA) instead of citations would provide

a more productive path for helping providers achieve compliance while reducing unnecessary burdens.

We welcome the opportunity to meet with you and your team to discuss this matter further and explore how we can all work together to ensure Ohioans with developmental disabilities continue to receive the high-quality, community-integrated services they deserve.

Thank you for considering our request and for your continued partnership.

Sincerely,