

Congress of the United States
Washington, DC 20515

September 23, 2015

Mr. Andrew Slavitt, Acting Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Acting Administrator Slavitt:

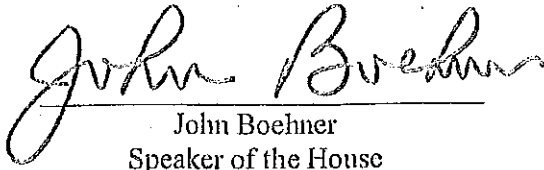
We appreciate your willingness to work with the state of Ohio on its Transition Plan to ensure compliance with the final Home and Community Based Services (HCBS) rule issued by the Centers for Medicare & Medicaid Services (CMS) in January of 2014. We are writing to ask that you provide the State of Ohio with the flexibility and time necessary for a successful transition – one that prioritizes the safety and wellbeing of those with developmental disabilities.

We request that during the rule's implementation that consideration be given to the unique needs of all affected individuals, including those who have intellectual and developmental disabilities. As published, the rule does not holistically attend to the Intellectual Developmentally Disabled (I/DD) population, many of whom may not be capable of community employment even with specialized job training and supported job coaching due to their intense needs. The overriding concern is that prioritizing community employment without also considering a person's individual circumstances, needs, and preferences may pose a health and safety risk either due to these individuals' unique challenges or by subjecting them to an environment that may not be in their best interest. Without adequate time and support, the rule's implementation could result in the elimination of a choice that provides I/DD Ohioans with daily structure, meaningful activities, and a productive work environment.

We support the goal to provide individuals with every available opportunity to participate and hold employment in the community. To achieve this goal, the option to choose the best-suited program must be available for the most vulnerable I/DD individuals, especially those who are unable to communicate, articulate, and effectively argue for the type of support they require. We urge you to consider the current reliance on and the future state of the full range of opportunities for this population – including, but not limited to community employment, adult day programs, and sheltered workshops - and the individual's preference for these programs when implementing this rule. To ensure success, adequate time and planning must be allowed to guarantee the health, safety, and well-being of all individuals who will be entering a more community-based work environment. We encourage you to work closely with and provide flexibility and support for the State of Ohio to ensure that the rights and interests of all affected individuals are prioritized throughout this transition period.

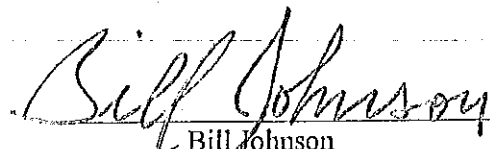
Thank you for your attention to this matter. If you or your staff have any questions, please contact Lauren Baker from Senator Portman's staff at Lauren_baker@portman.senate.gov or (202)-224-3353 or Abigail Duggan from Senator Brown's staff at Abigail_duggan@brown.senate.gov or (202)-224-2315.

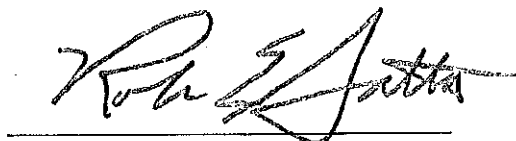
Sincerely,



John Boehner
Speaker of the House

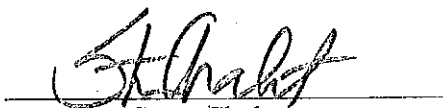

Rob Portman
United States Senator



Sherrod Brown
United States Senator

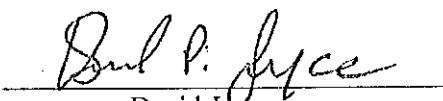

Bill Johnson
Member of Congress



Robert Latta
Member of Congress

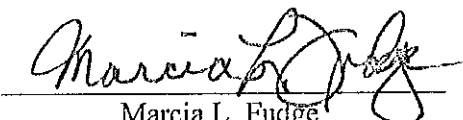

Brad Wenstrup
Member of Congress

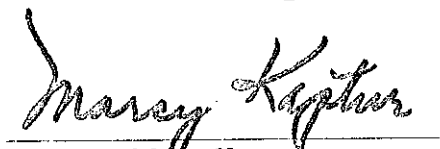

Steve Chabot
Member of Congress


Bob Gibbs
Member of Congress


David Joyce
Member of Congress

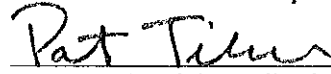

Michael R. Turner
Member of Congress


Marcia L. Fudge
Member of Congress


Marcy Kaptur
Member of Congress



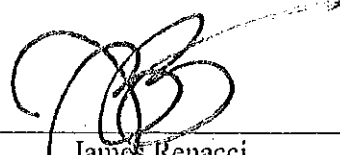
Tim Ryan
Member of Congress



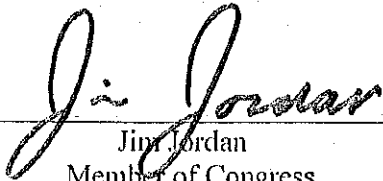
Patrick J. Tiberi
Member of Congress



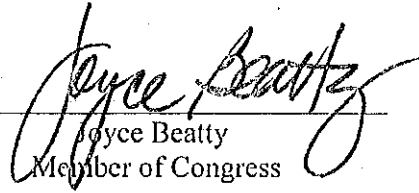
Steve Stivers
Member of Congress



James Renacci
Member of Congress



Jim Jordan
Member of Congress



Joyce Beatty
Member of Congress

cc: The Honorable Sylvia Mathews Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Governor John Kasich
Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215