



Department of
Developmental Disabilities

Office of the Director

John R. Kasich, Governor
John L. Martin, Director

September 30, 2015

Dear Members of the Ohio Delegation,

Thank you for your September 23 letter to Andrew Slavitt, Acting Administrator of the Centers for Medicare & Medicaid Services (CMS), requesting additional time to come into compliance with the final Home and Community Based Services (HCBS) rule.

As you are aware, Ohio approached CMS with two requests for time extensions to come in compliance with the new HCBS requirements. The first request was an extended timeline to come into compliance with the conflict of interest provision. The Department asked for an additional nine years; CMS granted that request.

The second request was an extended timeline to come into compliance with the general provisions of the rule. CMS had given us four years, and we again asked for nine years to allow us adequate time to planfully develop new service models that respect the choices of individuals, and provide for greater opportunities for community involvement, whether that is through community employment or other types of day supports. Developing new models and new ways of doing things takes time. CMS has not yet granted Ohio this extension, and we deeply appreciate your support of our request.

We agree with you that Ohio cannot take a one-size-fits-all approach to day services, and that integrated employment will not be the choice of everyone. However, we do strongly believe that everyone should be given the opportunity to work, and that our system must support people who make this choice. We are proud of Ohio's progress in helping more individuals prepare for and find competitive jobs in the community. That progress is notable: Ohio ranks 12th in the nation adjusted for population in the number of individuals in integrated employmentⁱ, and since Governor Kasich signed the Employment First Executive Order three years ago, more than 1,000 additional individuals are employed. And we are proud of the opportunities available to those who choose not to work; there are new day services options that offer the opportunity to be an active member of the community that weren't available before. The HCBS rule supports the development of additional day service options.

We are grateful to the congressional delegation for its support and understanding. I encourage you to visit some of the excellent programs in your district so you can see first-hand the great work that's taking place across Ohio.

Thank you again for your support.

Sincerely,

John L. Martin
Director

cc: Andrew Slavitt, Acting Administrator of the Centers for Medicare & Medicaid Services (CMS)

ⁱ Butterworth, J., Winsor, J., Smith, F. A., Migliore, A., Domin, D., Ciulla Timmons, J. & Hall, A.C. (2015). State Data: The national report on employment services and outcomes. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.