



## NOTICE OF PUBLIC HEARING

Pursuant to Chapter 119. of the Revised Code and 42 CFR 447.205, the Ohio Department of Developmental Disabilities (DODD) hereby gives notice of its intent to rescind and adopt the following rules under Chapter 5123:2-9 of the Administrative Code on a permanent basis on or about March 19, 2012, and to conduct a public hearing thereon.

Existing rules proposed for rescission include:

**Rule 5123:2-9-16 entitled "HCBS Waivers - Supported Employment-Enclave and Supported Employment-Community"** is proposed for rescission. The rule defines Supported-Employment-Enclave and Supported Employment-Community and sets forth certification standards for providers of the services. In accordance with its newer model for waiver service rules, DODD is bringing forth two new rules—one for Supported Employment-Community (5123:2-9-15) and one for Supported Employment-Enclave (5123:2-9-16)—to replace the rule being rescinded.

**Rule 5123:2-9-17 entitled "HCBS Waivers - Adult Day Support and Vocational Habilitation"** is proposed for rescission. The rule defines Adult Day Support and Vocational Habilitation and sets forth certification standards for providers of the services. In accordance with its newer model for waiver service rules, DODD is bringing forth two new rules—one for Vocational Habilitation (5123:2-9-14) and one for Adult Day Support (5123:2-9-17)—to replace the rule being rescinded.

**Rule 5123:2-9-18 entitled "HCBS Waivers - Non-Medical Transportation"** is proposed for rescission. The department is rescinding this rule and bringing forth a new rule of the same number because intended amendments affect more than fifty percent of the rule.

**Rule 5123:2-9-19 entitled "HCBS Waivers - Payment Standards for Adult Day Support, Vocational Habilitation, Supported Employment-Enclave, Supported Employment-Community, and Non-Medical Transportation"** is proposed for rescission. The department is rescinding this rule and bringing forth a new rule of the same number because intended amendments affect more than fifty percent of the rule.

**Rule 5123:2-9-20 entitled "HCBS Waivers - Adult Day Support Services Provided Through Contract with ODA-Certified Providers"** is proposed for rescission. The rule specifies the conditions under which agency providers and county boards of developmental disabilities certified by DODD to provide Adult Day Support may contract with and reimburse providers certified by the Ohio Department of Aging. Provisions of this rule are being incorporated into the proposed new rule for Adult Day Support (5123:2-9-17).

New rules proposed for adoption include:

**Rule 5123:2-9-14 entitled "Home and Community-Based Services Waivers - Vocational Habilitation Under the Individual Options and Level One Waivers"** is a proposed new rule which will replace provisions specific to Vocational Habilitation in existing rules 5123:2-9-17 and 5123:2-9-19. The new rule defines Vocational Habilitation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

**Rule 5123:2-9-15 entitled "Home and Community-Based Services Waivers - Supported Employment-Community Under the Individual Options and Level One Waivers"** is a proposed new rule which will replace provisions specific to Supported Employment-Community in existing rules 5123:2-9-16 and 5123:2-9-19. The new rule defines Supported Employment-Community and sets forth

provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

**Rule 5123:2-9-16 entitled "Home and Community-Based Services Waivers - Supported Employment-Enclave Under the Individual Options and Level One Waivers"** is a proposed new rule which will replace provisions specific to Supported Employment-Enclave in existing rules 5123:2-9-16 and 5123:2-9-19. The new rule defines Supported Employment-Enclave and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

**Rule 5123:2-9-17 entitled "Home and Community-Based Services Waivers - Adult Day Support Under the Individual Options and Level One Waivers"** is a proposed new rule which will replace existing rule 5123:2-9-20 and provisions specific to Adult Day Support in existing rules 5123:2-9-17 and 5123:2-9-19. The new rule defines Adult Day Support and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

**Rule 5123:2-9-18 entitled "Home and Community-Based Services Waivers - Non-Medical Transportation Under the Individual Options and Level One Waivers"** is a proposed new rule which will replace existing rule 5123:2-9-18 and provisions specific to Non-Medical Transportation in existing rule 5123:2-9-19. The new rule defines Non-Medical Transportation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service.

**Rule 5123:2-9-19 entitled "Home and Community-Based Services Waivers - General Requirements for Adult Day Support, Supported Employment-Community, Supported Employment-Enclave, Vocational Habilitation, and Non-Medical Transportation Under the Individual Options and Level One Waivers"** is a proposed new rule which will replace existing rule 5123:2-9-19. The rule establishes general requirements governing provision of and payment for Adult Day Support, Supported Employment-Community, Supported Employment-Enclave, Vocational Habilitation, and Non-Medical Transportation.

A public hearing on the proposed rule actions will be held on **February 3, 2012**, beginning at **10:00 a.m.**, and continuing until all persons in attendance have had an opportunity to testify. The hearing will be held in the **Lobby Hearing Room of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio 43215**. At this hearing, DODD will accept verbal and/or written testimony on the proposed rule actions under consideration.

Persons unable to attend the public hearing may submit written comments on 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); by fax to 614/644-5013; or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.

The rules are available at the Register of Ohio website: <http://registerofohio.state.oh.us> and at the DODD website: <https://doddportal.dodd.ohio.gov/rules/underdevelopment/Pages/default.aspx>. The rules are also available for review at each local county board of developmental disabilities.