



Department of
Developmental Disabilities

NOTICE OF PUBLIC HEARING

DATE: May 3, 2018
TIME: 10:00 a.m.
PLACE: Lobby Hearing Room
Rhodes State Office Tower
30 East Broad Street
Columbus, Ohio 43215

The Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind and adopt the following rules of the Administrative Code on a permanent basis on or about July 1, 2018, and to conduct a public hearing thereon.

The Department is rescinding rule **5123:2-1-08 (*Waiting Lists*)** and adopting new replacement rule **5123-9-04 (*Home and Community-Based Services Waivers - Waiting List*)**. Existing rule 5123:2-1-08 sets forth requirements for waiting lists established by a county board of developmental disabilities pursuant to Section 5126.042 of the Revised Code for Medicaid Home and Community-Based Services and for non-Medicaid services. New rule 5123-9-04 sets forth requirements for the waiting list established pursuant to Section 5126.042 of the Revised Code when a county board determines that available resources are insufficient to enroll individuals who are assessed to need and who choose Medicaid Home and Community-Based Services in Department-administered waivers. New rule 5123-9-04 reflects work undertaken by [Fix The List](#), a coalition of people with disabilities, family members, and organizations representing guardians, county boards, providers, and the Department

to fix Ohio's waiting list for Home and Community-Based Services waivers. Rule 5123-9-04 simplifies the system to better reflect unmet needs and more efficiently direct supports to people and families who need them most. New rule 5123-9-04 addresses only the waiting list for Medicaid Home and Community-Based Services waivers. Provisions regarding waiting lists for non-Medicaid services are being incorporated to new rule 5123-4-01 described below.

The Department is rescinding rule **5123:2-1-02 (*Administration and Operation of County Boards of Developmental Disabilities*)** and adopting new replacement rule **5123-4-01 (*Administration and Operation of County Boards of Developmental Disabilities*)**. The rules establish standards for the administration and operation of county boards of developmental disabilities that protect the rights of individuals and ensure the safe and equitable provision of services to eligible individuals and their families. New rule 5123-4-01:

- Includes provisions regarding waiting lists for non-Medicaid services;
- Recognizes the Department's role as lead agency for Early Intervention services; and
- Clarifies requirements for volunteers.

At this public hearing, the Department will accept verbal and/or written testimony on the proposed rule actions. 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 or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.

The rules are available for review at the Register of Ohio website (<http://registerofohio.state.oh.us>) and at the Department's website (<http://dodd.ohio.gov/RulesLaws/Pages/Rules-Under-Development.aspx>). The rules are also available for review at each county board of developmental disabilities.