



NOTICE OF PUBLIC HEARING

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 February 16, 2017, and to conduct a public hearing thereon.

The Department is proposing to rescind existing rule 5123:2-3-16 (Emergency Removal of Individuals from a Residential Facility) and adopt new replacement rule 5123:2-3-07 (Licensed Residential Facilities - Immediate Removal of Residents). The rule establishes a process by which the Director of the Ohio Department of Developmental Disabilities may order the removal of residents of a residential facility licensed in accordance with Section 5123.19 of the Revised Code when conditions at the residential facility present immediate danger of physical or psychological harm and all other available interventions have proved ineffective or infeasible. The new rule reflects revisions made as a result of the five-year review.

The Department is proposing to rescind existing rule 5123:2-3-18 (Calculation of Room and Board Payment for an Individual Residing at a Residential Facility) and adopt new replacement rule 5123:2-3-11 (Licensed Residential Facilities - Room and Board). The rule identifies components of Room and Board and establishes standards and procedures for determining the amount of earned income and unearned income retained by an individual as personal funds and the amount of Room and Board for which an individual is responsible when residing in a residential facility licensed in accordance with Section 5123.19 of the Revised Code other than an Intermediate Care Facility for Individuals with Intellectual Disabilities. The new rule reflects revisions made as a result of the five-year review.

The Department is proposing to rescind existing rule 5123:2-7-29 (Intermediate Care Facilities - Outlier Services for Pediatric Ventilator

Services) and adopt new replacement rule 5123:2-7-29 (Intermediate Care Facilities for Individuals with Intellectual Disabilities - Pediatric Ventilator Services). The rule sets forth requirements for serving persons residing at an Intermediate Care Facility for Individuals with Intellectual Disabilities whose care needs are not adequately measured by the resident assessment classification system and case mix payment system described in rule 5123:2-7-20 of the Administrative Code. The new rule includes a provision to allow the Department to waive a requirement that an individual has had to have been an inpatient for at least 90 days within the past 12 months in an acute care hospital for treatment of a life-threatening or complex medical condition to be eligible for pediatric ventilator services.

The Department is proposing to rescind existing rule 5123:2-9-01 (Home and Community-Based Services Waivers - Enrollment and Disenrollment) and adopt new replacement rule 5123:2-9-01 (Home and Community-Based Services Waivers - Enrollment, Denial of Enrollment, Disenrollment, and Reenrollment). The rule establishes procedures for the enrollment, denial of enrollment, disenrollment, and reenrollment of individuals in Home and Community-Based Services waivers administered by the Department. The new rule includes revisions made to reflect current practice, eliminate redundant language, add timelines for the Department to make determinations regarding waiver enrollment, and correct a reference to the Administrative Code.

A public hearing on the proposed rule actions will be held on **January 6, 2017**, 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, 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, by fax to 614/752-8551, 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.