



Department of Developmental Disabilities
Division of Legal and Oversight

Mike DeWine, Governor
Kim Hauck, Director

NOTICE OF PUBLIC HEARING

DATE: June 9, 2023
TIME: 10:00 a.m.
PLACE: Lobby Hearing Room
Rhodes State Office Tower
30 East Broad Street
Columbus, Ohio 43215

Pursuant to Chapter 119 of the Revised Code, the Ohio Department of Developmental Disabilities hereby gives notice of its intent to amend rules of the Administrative Code on a permanent basis on or about July 16, 2023, and to conduct a public hearing thereon. At this public hearing, the Department will accept verbal and/or written testimony regarding the proposed rule actions.

Persons unable to attend the public hearing may submit written comments regarding 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 1810 Sullivant Avenue, Columbus, Ohio 43223-1239.

The Department is amending rule 5123-9-18 (Home and community-based services waivers - non-medical transportation under the individual options, level one, and self-empowered life funding waivers). The rule defines Non-Medical Transportation and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to further clarify the meaning of commercial transportation providers and realign practices with the intent of the federally-approved service. The term, "commercial vehicles," is being replaced by "commercial transportation," which is defined to mean a public bus transit system, a public light rail transit system, or a taxicab that transports passengers in accordance with an established fare schedule documented by auditable records. "Taxicab" is defined to mean a motor vehicle that carries passengers for a fare, and which is licensed or otherwise authorized by a county, municipality, or other local authority. The proposed amendments ensure that commercial transportation, first and foremost, is truly available to, and used primarily by, the general public. Additional amendments are being made to align wording with newer rules.

The Department is amending rule 5123-9-29 (Home and community-based services waivers - home-delivered meals under the individual options, level one, and self-empowered life funding waivers). The rule defines Home-Delivered Meals and sets forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the service. The rule is being amended to:

- Make clear that meals are to be delivered to an individual's residence;
- Permit a provider to leave meals at an individual's residence provided the delivery driver attests that delivery occurred;
- Require a provider to replace a meal that is lost or stolen; and
- Align wording with newer rules.

The rules are available for review at the [Register of Ohio](#) and at the [Department's website](#). The rules are also available for review at each county board of developmental disabilities.

The Department is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act and other applicable laws. To request a reasonable accommodation due to a disability, please contact Becky Phillips, Administrative Rules Coordinator, no later than May 26, 2023, by email to becky.phillips@dodd.ohio.gov or by telephone (614-644-7393 / TTY 711).

Please note that visitors to the Rhodes State Office Tower must enter the building through the Broad Street lobby. Visitors may be required to register at the security desk by showing government-issued photo identification and/or pass through a magnetometer. Visitors' belongings, such as purses and backpacks, may be subject to inspection.