

**NOTICE OF PUBLIC HEARING**

**DATE:** September 10, 2024

**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 October 20, 2024, 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. 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) or by U.S. mail to 1810 Sullivant Avenue, Columbus, Ohio 43223-1239. Comments regarding rules are public records; persons submitting comments should refrain from including confidential or personal information about themselves or any other person.

Rule 5123-2-03 (Quality assurance) points to administrative rules of the Department that describe processes to achieve quality outcomes for Ohioans with developmental disabilities. Based on the comprehensive five-year review, the Department is amending the rule to update citations to the Administrative Code.

Rule 5123-9-04 (Home and community-based services waivers - waiting list) sets forth requirements for the waiting list established pursuant to Section 5126.042 of the Revised Code when a county board of developmental disabilities determines that available resources are insufficient to enroll individuals who are assessed to need and who choose Home and Community-Based Services in Department-administered Home and Community-Based Services waivers. Based on the comprehensive five-year review, the Department is amending the rule to:

- Clarify when county boards of developmental disabilities are required to administer the Waiting List Assessment Tool.
- Specify timelines for administration of the Waiting List Assessment Tool.
- Clarify the process for notifying individuals and families of the outcome of administration of the Waiting List Assessment Tool.
- Require county boards of developmental disabilities to issue and explain due process using a form approved by the Ohio Department of Job and Family Services.
- Eliminate paragraph (I) which addressed the process for advancement from the transitional list to the single waiting list in September 2018 through December 2020.
- Update citations to the Administrative Code.
- 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 August 27, 2024, by email to [becky.phillips@dodd.ohio.gov](mailto: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 will be required to register at the security desk by showing government-issued photo identification and pass through a magnetometer. Visitors' belongings, such as purses and backpacks, are subject to inspection.