

**NOTICE OF PUBLIC HEARING**

DATE: November 17, 2025

TIME: 10:00 a.m.

PLACE: Multi-Purpose 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, enact, and rescind rules of the Administrative Code on a permanent basis on or about January 1, 2026, 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 must 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. Comments regarding

rules are public records; persons submitting comments should refrain from including confidential or personal information about themselves or any other person.

The Department is seeking approval from the federal Centers for Medicare and Medicaid Services to amend its Home and Community-Based Services (HCBS) waivers effective January 1, 2026. This work impacts three administrative rules of the Department:

Rule 5123-9-12 (HCBS waivers - assistive technology under the individual options, level one, and self-empowered life funding waivers) defines Assistive Technology 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:

- Refine the definition of "Assistive Technology" to include non-electronic items.
- Clarify that Assistive Technology - Equipment may include the cost of software applications or monthly recurring fees such as subscriptions.
- Add a definition of "subscription."
- Reorder paragraph (D).
- Add paragraph (D)(5) to set forth that the terms of the arrangement for acquiring Assistive Technology - Equipment will be documented in the individual service plan or a written agreement.
- Add a safeguard in paragraph (D)(9) to make clear that Assistive Technology - Equipment that permits other persons to view/listen to/record an individual's activities or conversations will not be activated except when the provider is being paid to provide services.
- Specify in paragraphs (F)(6) and (F)(7) that a provider may bill an additional amount of up to 25% of the provider's actual cost to cover the cost of the provider's responsibilities.
- Add paragraph (F)(8) to address repair and replacement of Assistive Technology - Equipment.
- Clarify in paragraph (F)(10)(b) that additional training of a service animal may be covered only when the animal's initial training was funded by the individual's HCBS waiver.

- Align wording with newer rules.

Rule 5123-9-35 (HCBS waivers - remote support under the individual options, level one, and self-empowered life funding waivers) defines Remote Support 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:

- Revise the definition of "backup support" to clarify the manner in which backup support may be arranged.
- Require a provider of Remote Support and a paid provider of backup support to have a written agreement.
- Change the billing unit from one hour to 15 minutes.
- Refine the definition of "Remote Support."
- Eliminate the concept of a "Remote Support vendor."
- Clarify that Remote Support staff are subject to background investigations.
- Specify details of Remote Support that must be included in a person's individual service plan.
- Clarify requirements for the Remote Support monitoring base.
- Adjust requirements for service documentation.
- Align wording with newer rules.

Due to the volume of amendments, the existing rule is being rescinded and replaced by a new rule of the same number.

Rule 5123-9-47 (HCBS waivers - support brokerage under the self-empowered life funding waiver) defines Support Brokerage 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 the Support Brokerage service available under the Individual Options and Level One waivers.
- Adjust the definition of Support Brokerage.
- Change the billing unit from one hour to 15 minutes.
- Permit individuals enrolled in HCBS waivers to provide Support Brokerage to others.

- Permit Support Brokerage to be provided virtually.
 - Permit providers of Support Brokerage to be paid for driving time.
 - Align wording with newer rules.
- Due to the volume of amendments, the existing rule is being rescinded and replaced by a new rule of the same number.

Additionally, the Department is amending one rule due for five-year review:

Rule 5123-9-19 (HCBS waivers - general requirements for adult day support, career planning, group employment support, individual employment support, non-medical transportation, and vocational habilitation) establishes general requirements governing provision of and payment for the aforementioned services provided to individuals enrolled in HCBS waivers administered by the Department. The rule is being amended to:

- Add the actual definition of "agency provider" from rule 5123-2-08 instead of merely referencing rule 5123-2-08.
- Update the name of a referenced waiver service from "Waiver Nursing Services" to "Waiver Nursing."

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 November 3, 2025, 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 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.