



The Ability Center

The Common Sense Initiative Public Comments
77 South High Street, 30th Floor
Columbus, OH 43215-6117

SENT VIA E-MAIL TO:

CSIPublicComments@governor.ohio.gov, BIA@Medicaid.Ohio.gov

RE: Alignment Phase 3 – Equipment/Supplies/Vehicle Mod; OAC 5160-44-21 and 5160-44-23 and OAC 5160-46-04

To Whom it May Concern:

On behalf of The Ability Center of Greater Toledo, an organization that is a member of the HCBS Rules Workgroup, I am writing to provide comment on the proposed rule changes to OAC 5160-44-21, OAC 5160-44-23, and OAC 5160-46-04.

The Ability Center of Greater Toledo is a Center for Independent Living that serves seven counties in Northwest Ohio. Our mission is to advocate, educate, partner, and provide services supporting people with disabilities to thrive within their community. Thus, we have great interest in making sure that Home and Community-Based Services Waivers are optimal in assisting people with disabilities so that they may reside and participate in activities in the setting of their choosing and have full and necessary supports in place for them to live independently outside of an institutionalized setting.

OAC 5160-44-21 Nursing facility-based level of care home and community-based services programs: vehicle modifications

As a result of comments received during the January 14, 2020 meeting of the HCBS Rules Workgroup, the definition of vehicle modifications was modified to clarify and underscore the role the services play in reducing the need for physical assistance and institutionalization. Additionally, the proposed list of acceptable vehicle modifications was modified to include factory-direct modifications that are documented on a separate, itemized invoice. These additions are beneficial; the addition of factory-direct modifications, so long as they are noted, seems especially beneficial, so that unnecessary time does not have to be spent on modifying a vehicle after purchase if it is possible to customize and alter the vehicle to meet the needs of the driver prior to leaving the factory. Therefore, the vehicle can be used almost immediately upon receipt without have to wait an extended period of time after purchase for modifications to occur in order for the consumer to fully access their community.

OAC 5160-44-23 Nursing facility-based level of care home and community-based services programs: specialized medical equipment, supplies, and devices.

As a result of comments received during the January 14, 2020 meeting of the HCBS Rules Workgroup, the definition of specialized medical equipment, supplies and devices was also modified to underscore the role the services play in reducing the need for physical assistance and institutionalization. It is useful



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that important role these services play is addressed clearly within the rule language, so that there remains no ambiguity as to the necessity of the approved supplies and devices. The distinction between what would be covered as specialized medical equipment, supplies, and devices and what would not be covered is reasonable.

OAC 5160-46-04 Ohio home care waiver: definitions of the covered services and provider requirements and specifications.

Part C of 5160-46-04 Ohio home care waiver: definitions of the covered services and provider requirements and specifications, was eliminated in favor of creating both OAC 5160-44-21 and OAC 5160-44-23. It is advantageous that these two rules were created instead of combining them both under one part of an existing rule, as it allows for more specificity and clarity in the definitions, as well as provider requirements and specifications of these modifications and services.

We appreciate the opportunity to offer our comments regarding these proposed rule changes. Thank you for your time.

Sincerely,

Kathryn Shelley, Disability Rights Advocate – Healthcare
The Ability Center of Greater Toledo