



Ohio Revised Code

Section 5126.042 Waiting lists for non-medicaid programs or services.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

(A) As used in this section, "department of developmental disabilities-administered medicaid waiver component" means a medicaid waiver component administered by the department of developmental disabilities pursuant to section 5166.21 of the Revised Code.

(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law.

(C) If a county board determines that available resources are insufficient to enroll in department of developmental disabilities-administered medicaid waiver components all individuals who are assessed as needing home and community-based services and have requested those services, it shall establish a waiting list for the services in accordance with rules adopted under this section. Before placing an individual on a waiting list established under this division, the board shall inform the individual of the option to receive ICF/IID services, provide the individual with the contact information for all ICFs/IID located in the county the board serves and contiguous counties, and direct the individual to the searchable database of vacancies in licensed residential facilities included on the department's internet web site pursuant to section 5123.193 of the Revised Code.

(D) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting list established under division (C) of this section, including rules that establish all of the following:

(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before September 29, 2017, to the waiting list the county board establishes under that division after that date;



- (2) Procedures by which a county board is to ensure that the due process rights of individuals placed on the county board's waiting list are observed;
- (3) Criteria a county board is to use to determine all of the following:
 - (a) An individual's eligibility to be placed on the county board's waiting list;
 - (b) The date an individual who has been assessed as needing home and community-based services requests the services;
 - (c) The order in which individuals on the county board's waiting list are to be offered enrollment in a department of developmental disabilities-administered medicaid waiver component;
 - (d) The department of developmental disabilities-administered medicaid waiver component in which an individual on the county board's waiting list is to be offered enrollment.
- (4) Grounds for removing an individual from the county board's waiting list.
 - (E) The director shall consult with all of the following when adopting rules under division (D) of this section:
 - (1) Individuals with developmental disabilities;
 - (2) Associations representing individuals with developmental disabilities and the families of such individuals;
 - (3) Associations representing providers of services to individuals with developmental disabilities;
 - (4) The Ohio association of county boards serving people with developmental disabilities.
 - (F) The following shall take precedence over the applicable provisions of this section:



(1) Medicaid rules and regulations;

(2) Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver component with respect to which a county board has authority to provide services, programs, or supports.