



## Ohio Revised Code

### Section 5126.046 Right to community-based services; list of providers.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

---

(A) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for home and community-based services has the right to obtain the services from any provider of the services that is qualified to furnish the services and is willing to furnish the services to the individual. A county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services and refuses to permit an individual to obtain home and community-based services from a qualified and willing provider shall provide the individual timely notice that the individual may appeal under section 5160.31 of the Revised Code.

(B) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for ICF/IID services has the right to obtain the services from any provider that is qualified to furnish the services and is willing to furnish the services to the individual.

(C) An individual with a developmental disability who is eligible for both home and community-based services and ICF/IID services has the right to choose whether to receive home and community-based services or ICF/IID services.

(D) An individual with a developmental disability who is eligible for nonmedicaid residential services or nonmedicaid supported living has the right to obtain the services from any provider of the residential services or supported living that is qualified to furnish the residential services or supported living and is willing to furnish the residential services or supported living to the individual.

(E) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their providers.



AUTHENTICATED,  
OHIO LEGISLATIVE SERVICE  
COMMISSION  
DOCUMENT #238736

---