



## Ohio Administrative Code

### Rule 3304-2-52 Least cost, use of comparable benefits, participant contribution, and fees for services.

Effective: August 17, 2023

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#### (A) Definitions

(1) "Comparable benefits" means service and benefits, including accommodations and auxiliary aids and services, that are provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits; are available to the individual at the time needed to ensure the progress toward achieving the employment outcome in the individual's individualized plan for employment; and are commensurate to the services that the individual would otherwise receive from OOD.

(2) "Extreme medical risk" means a probability of substantially increasing functional impairment or a risk of death if medical services, including mental health services, are not provided expeditiously. Determination of such risk shall be based on medical evidence provided by an appropriate, licensed medical professional.

(B) OOD shall provide services to an individual with a disability at the least cost consistent with their disability and rehabilitation needs.

(C) If an individual with a disability, consistent with informed choice, chooses to receive services from a qualified service provider other than the least cost provider identified in accordance with this rule, OOD shall only pay for the services in the amount it would cost to go to the least cost service provider. Any costs incurred by the individual above that amount shall be the individual's sole responsibility to pay.

(D) OOD shall not pay for missed appointments or other goods and services which have not been provided, except when required for purchase order items and except for the guaranteed minimum two hour fee for interpreter service.

(E) OOD shall purchase services and goods only from service providers and vendors who agree not



to charge or accept any payment from an individual with a disability or the individual's family unless the amount of the charge or payment is previously known and approved by OOD.

(F) Notwithstanding paragraph (B) of this rule, an individual with a disability may not choose an alternative provider when goods or services are procured through the competitive bidding process.

(G) An individual with a disability may be expected to pay for services to the extent they are able.

(H) OOD shall use comparable benefits to pay for services, unless such a determination would interrupt or delay:

(1) Services to an individual with a disability who is at extreme medical risk.

(2) An immediate job placement.

(3) The progress of an individual with a disability toward achieving the employment outcome in the individualized plan for employment.

(I) The following services do not require the use of nor the determination of the availability of comparable benefits:

Assessments for determining eligibility and vocational rehabilitation needs, counseling and guidance, referral, job-related services, including job search and placement assistance, on-the-job support services, follow-up services and follow-along services, and rehabilitation technology, including when any of these are provided as post-employment services.

(J) Maximum fees for medical, psychological and dental services paid wholly or in part by OOD shall be based on the fee schedules established by the Ohio department of Medicaid as set forth in rule 5160-1-60 of the Administrative Code and the appendix to the rule.

(K) Pursuant to section 3304.15 of the Revised Code, the executive director shall establish a fee schedule for vocational rehabilitation services. The executive director hereby adopts the vocational rehabilitation fee schedule indicated in appendix A to this rule, developed with stakeholder input.



Any community rehabilitation program, entity or person providing a service listed on the vocational rehabilitation fee schedule shall bill in accordance with the fee schedule.

(L) OOD shall pay only the fee agreed upon up to the maximum listed in the fee schedules, less the individual with a disability's contribution and less any applicable comparable benefit.

(M) Exceptions to this rule may be made only upon the express, written approval of the executive director of OOD or the executive director's designee.

(N) This rule is designed to implement "the Workforce Innovation and Opportunity Act of 1973," and "Title IV of the Workforce Investment Act," 29 U.S.C. 2801-2945, which contains the 1998 amendments to "The Rehabilitation Act of 1973," 29 U.S.C. 701 - 797 and resulting regulations.