



Ohio Administrative Code Rule 5123-2-01 Technology first.

Effective: April 21, 2022

(A) Purpose

This rule implements the technology first policy in accordance with section 5123.025 of the Revised Code.

(B) Definitions

For the purposes of this rule, the following definitions apply:

- (1) "County board" means a county board of developmental disabilities.
- (2) "Department" means the Ohio department of developmental disabilities.
- (3) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.
- (4) "Individual" means a person with a developmental disability or for purposes of giving, refusing to give, or withdrawing consent for services, the person's guardian in accordance with section 5126.043 of the Revised Code or other person authorized to give consent.
- (5) "Individual service plan" means the written description of services, supports, and activities to be provided to an individual and includes an "individual program plan" as that term is used in 42 C.F.R. 483.440 as in effect on the effective date of this rule.
- (6) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.
- (7) "Technology first policy" means the state of Ohio policy, established in section 5123.025 of the



Revised Code, that individuals with developmental disabilities have access to technology solutions.

(8) "Technology solution" means any product, device, equipment, or service used to maintain, increase, or improve the functional capabilities of an individual with developmental disabilities and that is deployed in accordance with applicable federal, state, and local rules and regulations. The efficacy of a technology solution is subject to review and approval by the department.

(C) Implementing the technology first policy

(1) Each county board and each intermediate care facility for individuals with intellectual disabilities will:

(a) Within one hundred eighty calendar days of the effective date of this rule or within one hundred eighty calendar days of licensure of a new intermediate care facility for individuals with intellectual disabilities, as applicable, develop and implement a written local policy to enact the technology first policy. The written local policy will:

(i) Clearly delineate that technology solutions are to be:

(A) Explored and documented throughout the initial and ongoing person-centered assessment and planning process; and

(B) Used to the greatest extent possible to support the outcomes in an individual service plan.

(ii) Address ability to increase capacity for use of technology solutions and outline specific steps, as applicable, to be taken including, when applicable, establishment of benchmarks for increasing the number of individuals who benefit from the use of technology solutions.

(iii) Identify strategies for increasing the level of knowledge, skill, and comfort of staff related to assessing how technology may help meet needs or achieve outcomes and the use of technology solutions.

(b) Annually review and update, as applicable, its goals and objectives related to increasing the use



of technology solutions by individuals served.

(2) Each county board will actively collaborate with individuals served and their families, providers of services, the department, and community partners (e.g., local schools, mental health agencies, area agencies on aging, county departments of job and family services, public transit authorities, local vocational rehabilitation centers, and employers) to expand awareness and use of technology solutions by individuals served.

(3) Each intermediate care facility for individuals with intellectual disabilities will actively collaborate with residents served and their families, persons or entities under contract to provide services to residents, the department, and community partners (e.g., county boards, local schools, mental health agencies, local vocational rehabilitation centers, and employers) to expand awareness and use of technology solutions by residents served.

(4) Each individual served by a county board or an intermediate care facility for individuals with intellectual disabilities will participate in a person-centered assessment and planning process in accordance with rule 5123-3-03 or 5123-4-02 of the Administrative Code, as applicable, which identifies the individual's unique strengths, interests, abilities, preferences, and resources and explores how technology solutions might support the individual's desired outcomes.

(a) Through the person-centered planning process:

(i) The individual and the individual's team will discuss any technology solution previously or currently used by the individual and the effectiveness of the technology solution;

(ii) The individual and the individual's team will discuss the individual's needs, explore information regarding available technology solutions, and consider how each technology solution might:

(A) Enhance the individual's personal freedom;

(B) Increase the individual's ability to communicate effectively with others;

(C) Expand opportunities for the individual to access and pursue available activities and establish



meaningful relationships with people who are important to the individual;

(D) Enable the individual to perform tasks that support the individual's efforts to obtain or maintain employment; or

(E) Help the individual increase and/or maintain independence with daily tasks and activities.

(iii) After discussing whether or not technology solutions may be appropriate, the individual and the individual's team:

(A) Will discuss how available technology solutions may advance what is important to or important for the individual;

(B) May make referrals for assessments by technology subject matter experts to identify technology solutions; and

(C) May identify additional evaluations needed to determine whether other available technology solutions meet the individual's assessed needs.

(iv) When available technology solutions have been determined by the individual and the individual's team to meet the individual's assessed needs, they will be included in the individual service plan.

(A) Technology solutions included for the duration of the individual service plan may be reviewed and modified at any time based on a request by the individual or the individual's team. Technology solutions included on a trial basis are to be reviewed by the individual and the individual's team at the conclusion of the trial period.

(B) When reviewing a technology solution to determine whether the technology solution is effective and should continue, the individual and the individual's team are to consider:

(i) The individual's experience in terms of achieving outcomes described in paragraph (C)(4)(a)(ii) of this rule;



- (ii) Whether the technology solution enhanced the individual's health or safety;
 - (iii) Whether additional support is needed to facilitate use of the technology solution (e.g., scheduled battery replacements or more frequent communication with the technology solution vendor).
 - (iv) Whether the technology solution reduced dependence on staff by increasing the individual's independence and without having the effect of isolating the individual from the individual's community or preventing the individual from interacting with people with or without disabilities; and
 - (v) Whether the individual has a desire to continue to use the technology solution.
- (b) The results of the person-centered planning process, including, as applicable, the individual's desired outcomes as they relate to technology solutions and the activities that will occur to expand the individual's exploration, awareness, and use of technology solutions, will be integrated into the individual service plan. The individual service plan will be amended if the individual's service needs change.
- (5) The department will consult and collaborate with individuals and families who receive services, county boards, providers of home and community-based services, intermediate care facilities for individuals with intellectual disabilities, vendors of technology solutions, and other state agencies to:
- (a) Identify best practices;
 - (b) Share information about available technology solutions and ways the technology solutions provide individuals with more independence;
 - (c) Identify funding sources or other means for procuring identified technology solutions;
 - (d) Identify and expand capacity for technology-related assessment;
 - (e) Facilitate effective partnerships; and



(f) Identify ways the department can support statewide efforts to expand use of technology solutions.