



## Ohio Administrative Code

### Rule 5160-41-08 Free choice of provider requirements for medicaid home and community-based services programs administered by the Ohio department of developmental disabilities.

Effective: April 1, 2017

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(A) The purpose of this rule is to set forth the requirements the Ohio department of developmental disabilities (DODD) must meet to assure free choice of provider.

(B) The (DODD), through an interagency agreement with the Ohio department of medicaid (ODM), acts as the administrative agency for components of the medicaid home and community-based services programs in accordance with section 5162.35 of the Revised Code. In accordance with section 5166.21 of the Revised Code, the DODD, as the designated administrator, shall promulgate rule(s) to require that recipients of home and community-based services are provided choice of medicaid home and community-based providers consistent with federal free choice of provider requirements set forth in 42 C.F.R. 431.51 (as amended December 4, 2007). Any rule(s) authorized by this rule and promulgated by the DODD are valid only to the extent they are consistent with 42 C.F.R. 431.51. If the rules promulgated by DODD are capable of more than one interpretation, they shall be applied in a manner most consistent with the letter and intent of 42 C.F.R. 431.51.

(C) Rules promulgated by DODD shall establish policies related to the provision of free choice of medicaid home and community-based service providers for each service specified in a recipient's individual service plan and shall include the following:

(1) The general roles and responsibilities of the county board of developmental disabilities as specified in rule 5123:2-9-11 of the Administrative Code.

(2) The roles and responsibilities of the county board of developmental disabilities for the assurance of due process and fair hearing rights regarding recipients' free choice of medicaid home and community-based service providers.

(3) The roles and responsibilities of DODD for monitoring and assuring compliance with recipients' free choice of medicaid home and community-based service provider requirements.



(D) ODM shall conduct periodic monitoring and compliance reviews related to free choice of medicaid home and community-based service providers.