

As Introduced

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H. B. No. 939

Representatives White, A., Odioso

Cosponsors: Representatives Lett, Salvo

To amend sections 5126.15, 5180.31, and 5180.32 and 1
to enact section 5126.16 of the Revised Code to 2
require county boards of developmental 3
disabilities to provide early intervention 4
services to eligible children. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5126.15, 5180.31, and 5180.32 be 6
amended and section 5126.16 of the Revised Code be enacted to 7
read as follows: 8

Sec. 5126.15. (A) A county board of developmental 9
disabilities shall provide service and support administration to 10
each individual three years of age or older who is eligible for 11
service and support administration if the individual requests, 12
or a person on the individual's behalf requests, service and 13
support administration. A board shall provide service and 14
support administration to each individual receiving home and 15
community-based services. A board may provide, in accordance 16
with the service coordination requirements of 34 C.F.R. 17
~~303.23~~303.34, service and support administration to an 18
individual under three years of age eligible for early 19
intervention services under 34 C.F.R. part 303. A board may 20

provide service and support administration to an individual who 21
is not eligible for other services of the board. Service and 22
support administration shall be provided in accordance with 23
rules adopted under section 5126.08 of the Revised Code. 24

A board may provide service and support administration by 25
directly employing service and support administrators or by 26
contracting with entities for the performance of service and 27
support administration. Individuals employed or under contract 28
as service and support administrators shall not be in the same 29
collective bargaining unit as employees who perform duties that 30
are not administrative. 31

A service and support administrator shall perform only the 32
duties specified in division (B) of this section. While employed 33
by or under contract with a board, a service and support 34
administrator shall neither be employed by or serve in a 35
decision-making or policy-making capacity for any other entity 36
that provides programs or services to individuals with 37
developmental disabilities nor provide programs or services to 38
individuals with developmental disabilities through self- 39
employment. 40

(B) A service and support administrator shall do all of 41
the following: 42

(1) Establish an individual's eligibility for the services 43
of the county board of developmental disabilities; 44

(2) Assess individual needs for services; 45

(3) Develop individual service plans with the active 46
participation of the individual to be served, other persons 47
selected by the individual, and, when applicable, the provider 48
selected by the individual, and recommend the plans for approval 49

by the department of developmental disabilities when services 50
included in the plans are funded through medicaid; 51

(4) Establish budgets for services based on the 52
individual's assessed needs and preferred ways of meeting those 53
needs; 54

(5) Assist individuals in making selections from among the 55
providers they have chosen; 56

(6) Ensure that services are effectively coordinated and 57
provided by appropriate providers; 58

(7) Establish and implement an ongoing system of 59
monitoring the implementation of individual service plans to 60
achieve consistent implementation and the desired outcomes for 61
the individual; 62

(8) Incorporate identified trends and patterns of unusual 63
incidents and major unusual incidents into amendments of an 64
individual's service plan for the purpose of improving and 65
enhancing the quality and appropriateness of services rendered 66
to the individual. 67

Sec. 5126.16. (A) A county board of developmental 68
disabilities shall provide early intervention services to all 69
eligible individuals residing in the county as part of the 70
state's part C early intervention services program, as described 71
in section 5180.30 of the Revised Code. 72

(B) Early intervention services provided by a county board 73
shall include all of the following in accordance with 34 C.F.R. 74
303.13: 75

(1) Occupational therapy; 76

(2) Physical therapy; 77

<u>(3) Special instruction;</u>	78
<u>(4) Speech-language pathology services.</u>	79
<u>(C) (1) Each county board shall pay the costs incurred in providing early intervention services pursuant to this section.</u>	80 81
<u>(2) Each county board shall include details regarding the funding of early intervention services in the county board's strategic plan and written early intervention services policy required in rules adopted by the department of developmental disabilities.</u>	82 83 84 85 86
<u>(D) Within ninety days after the end of each state fiscal year, each county board shall submit to the department of children and youth a statement of the expenses incurred by the board in providing the early intervention services required by this section, including all documentation required by the department pursuant to rules adopted under section 5180.32 of the Revised Code.</u>	87 88 89 90 91 92 93
Sec. 5180.31. <u>(A) The department of children and youth may do any of the following as the lead agency to implement the state's part C early intervention services program, as described in section 5180.30 of the Revised Code:</u>	94 95 96 97
(A) <u>(1) Enter into an interagency agreement with one or more other state agencies to implement the program and ensure coordination of early childhood programs;</u>	98 99 100
(B) <u>(2) Distribute program funds through contracts, grants, or subsidies to entities that are program service providers;</u>	101 102
(C) <u>(3) Establish a system of payment to program service providers.</u>	103 104
<u>(B) Except as provided in division (C) of this section,</u>	105

the department shall reimburse each county board of 106
developmental disabilities for at least one-half of the costs 107
the board incurs in funding early intervention services pursuant 108
to section 5126.16 of the Revised Code as part of the state's 109
part C early intervention services program, as documented in the 110
statement of expenses submitted to the department pursuant to 111
that section. 112

(C) Reimbursable costs specified in division (B) of this 113
section shall not include any expenditures for services, 114
activities, or functions that are funded, in whole or in part, 115
through the service coordination grant administered by the 116
department or through funds provided under Title XX of the 117
"Social Security Act," 42 U.S.C. 1397. 118

Sec. 5180.32. The director of children and youth shall 119
adopt rules in accordance with Chapter 119. of the Revised Code 120
that are necessary to implement the state's part C early 121
intervention services program, including rules that specify all 122
of the following: 123

(A) Eligibility requirements to receive program services; 124

(B) Eligibility requirements to be a program service 125
provider; 126

(C) Operating standards and procedures for program service 127
providers, including standards and procedures governing data 128
collection, program monitoring, and program evaluation; 129

(D) Procedures to appeal the denial of an application to 130
receive program services or the termination of program services; 131

(E) Procedures to appeal a decision by the department of 132
developmental disabilities to deny an application to be a 133
program service provider or to terminate a provider's status; 134

(F) Procedures for addressing complaints by persons who receive program services;	135 136
(G) Criteria for the payment of program service providers;	137
(H) <u>Documentation of expenses to be submitted by county boards of developmental disabilities related to funding the provision of early intervention services as part of the program;</u>	138 139 140
(I) <u>Procedures for the reimbursement to county boards of developmental disabilities for expenses incurred in funding the provision of early intervention services as part of the program;</u>	141 142 143
(J) <u>The metrics or indicators used to measure program service provider performance.</u>	144 145
Section 2. That existing sections 5126.15, 5180.31, and 5180.32 of the Revised Code are hereby repealed.	146 147