

**WARREN COUNTY**

**STATE OF OHIO**

**S.S.**

I, Lindsey Sodano, having first been sworn according to law and under and under the pains and penalties of perjury, herein states the following of which Affiant has personal knowledge:

1. My 16-year-old daughter has an extremely rare genetic disorder that impacts every function of her brain. On the Ohio Developmental Disabilities Profile (ODDP), which assesses the level of care required, she scores a 9—the highest possible score in the state. Her condition is severe, often requiring 2:1 staffing to ensure her safety and well-being. She has had a Medicaid waiver for about ten years.

2. I became a direct care worker for a portion of my daughter's hours in the fall of 2022 and have been filling this role ever since.

3. In early 2024, I met all the requirements to serve as my daughter's direct care worker under OAC 5160-44-32. However, despite meeting every criterion, the Ohio Department of Developmental Disabilities (DODD) now mandates that the Warren County Board of Developmental Disabilities ("WCBDD") attempt to replace me every 4-6 months. This mandate is not specifically stated in OAC 5160-44-32.

4. Furthermore, DODD's own guidance document allows a parent caregiver to retain some hours once a portion of the care hours are given to another provider. I followed this guidance by hiring an independent provider to take on some of the hours.

5. Surprised by the repeated search requirement, I wrote to DODD's Deputy Director Lyndsay Nash on August 28, 2024, seeking clarification. Ms. Nash replied the same day, erroneously claiming: "The rule [OAC 5160-44-32] and the associated FAQs require a new provider search.

6. As indicated in our guidance, this should happen within 4-6 months. The provider search is required whether the parent is providing some or all of the authorized hours." This statement misrepresents OAC 5160-44-32, which does not require any ongoing provider replacement search.

7. I requested public records of DODD's correspondence with WCBDD on this issue. These records revealed that WCBDD's Service and Support Administration ("SSA") Director Tony Hidy cited DODD's unlawful guidance in his interpretation of the rule: "I am of the opinion that re-engaging the provider search process is required based upon the following taken from the Frequently Asked Questions around Ohio Admin. Code 5123-44-32 [sic] document dated November 20, 2023." Amanda Rowlinson, Medicaid Health Systems Administrator, endorsed this interpretation, replying: "Your understanding is appropriate and is provided in the FAQ you listed below. DODD's expectation is in plan [sic] format there."

8. I followed up with DODD, asking a critical question:

**EXHIBIT D**

What if the county assigns a provider to take, for example, ten hours of care? Then, 4-6 months later, they find another provider to cover an additional ten hours, and a few months after that, another provider is added. Over time, this approach could result in [Relator M.S.] receiving care from up to 7-8 different individuals. This issue could be compounded if agencies send different caregivers each day. Is there a limit to how many 'willing and able' strangers these young girls are expected to expose their bodies to during personal care tasks such as bathing and diapering? Has DODD given any consideration to the comfort of the teenage waiver recipients?

9. DODD Deputy Director Allan Showalter responded: "We have not set limits on how many willing and able providers a family may use... Over time a provider may also be able to cover more hours for a family, allowing for more continuity of care."

10. In other words, DODD's plan appears to include dismantling my daughter's long-established continuity of care and then rebuild it over time—an approach that is nonsensical at best and dangerous at worst. None of this is mandated by OAC 5160-44-32.

11. The SSA posted the job listing and received seven applicants. Two were eliminated immediately for being unqualified. Among the remaining applicants, I discovered that ATES Healthcare Services, LLC, lists its business address as "123 Main Street, Suite 101, Anytown, USA, 12345," with a phone number of "1-800-123-4567" and a description of home health services that states: "I'm a paragraph. Click here to add your own text and edit me. It's easy. Just click 'Edit Text' or double click me to add your own content and make changes to the font."

12. During both the initial provider search required by OAC 5160-44-32 and this subsequent, unnecessary search, my service coordinators noted that none of the applicants seemed to have read the job description before claiming to be "willing and able" to provide care. This is not a trivial issue. The last time we trusted a caregiver who claimed to be "able," their negligence resulted in my daughter suffering a skull fracture, brain hemorrhage, and traumatic brain injury. That caregiver didn't even call 911.

13. My daughter is lucky to be alive.

14. My precious daughter's care is too complex to entrust to an endless rotation of untrained, unfamiliar caregivers—especially those who don't bother to read a basic description of her needs.

15. DODD's plan to impose a revolving door of caregivers with "no limit" is not only dangerous but also unnecessary.

16. I have already fully qualified under OAC 5160-44-32 to be her direct care worker.

FURTHER AFFIANT SAYETH NAUGHT.

Lindsey Sodano  
LINDSEY SODANO, AFFIANT

12/12/24  
DATE

LINDSEY SODANO, being known to me and having proven her identity to my satisfaction, did appear before me and execute the above Affidavit this 12 day of December, 2024, under oath and pursuant to the Laws of the State of Ohio.

Max Durante  
NOTARY



**MAX DURANTE**  
Notary Public, State of Ohio  
My Commission Expires  
February 13, 2029