



Ohio Rehabilitation Services Commission

Guide to Public Participation in RSC's Rule-Making Process

RSC'S MISSION

The mission of the Ohio Rehabilitation Services Commission (RSC), a state/federal program, is to partner with individuals with disabilities to achieve quality employment, independence, and disability determination outcomes.

RSC is the sole state agency designated to administer the state vocational rehabilitation plan under the "Rehabilitation Act of 1973," 29 U.S. Code 701 et seq. The Act was last amended effective August 7, 1998, as Title IV of the Workforce Investment Act. RSC provides vocational rehabilitation services to eligible persons with disabilities to enable them to become competitively employed and/or to live independently.

RSC'S ORGANIZATION TO ACHIEVE ITS MISSION

RSC is governed by a seven-member commission created by the Ohio Legislature in 1970. The governor with the advice and consent of the Senate appoints the members, the majority of whom have to be persons with disabilities. The RSC executive director is appointed by the commission and manages the overall operations of the agency.

RSC is comprised of three bureaus:

- the **Bureau of Vocational Rehabilitation (BVR)** assists people with physical, mental and emotional disabilities through vocational rehabilitation and other services;
- the **Bureau of Services for the Visually Impaired (BSVI)** assists with vocational rehabilitation and other services for Ohioans who are blind or have a visual impairment; and
- the **Bureau of Disability Determination (BDD)**, in agreement with the Social Security Administration, is responsible for determining medical eligibility for Ohio's Social Security Disability Insurance and Supplemental Security Income claims.

RSC policy staff develop administrative rules that prescribe policies for:

- general rules,
- the vocational rehabilitation program,
- vehicle modifications,
- the Personal Care Assistance Program, and
- Independent Living.

RSC policy staff provide technical assistance in the development of administrative rules to:

- the BSVI Business Enterprise Program under the authority of the Randolph-Sheppard Act, and to
- the Ohio Governor's Council on People with Disabilities that is assigned to RSC for administrative purposes.

RSC's statutory authority is found at Chapter 3304 of the Ohio Revised Code.

RSC'S RULE-MAKING PROCESS WITH PUBLIC PARTICIPATION

When a federal or state law is implemented as new, amended or rescinded, and when federal regulations are issued that affect RSC business, the bill or regulation is analyzed by policy and appropriate executive staff to determine what rule changes, if any, may be needed. The executive director informs the RSC commission of legislation affecting RSC.

The legislative change may require amending or rescinding a current rule or developing a new rule. The RSC executive director and executive staff and other interested parties, as appropriate, review the analysis. For changes that affect RSC consumers, committees of interested parties may be developed to address the issues arising from implementing the legislation.

Rule Filing

After the proposed amendments are reviewed with the appropriate parties, the RSC Commissioners are asked to approve the original filing of the rule(s). At this meeting, the public has an opportunity to give comment on the proposed rule(s). When this approval is given, RSC schedules a public hearing and electronically files the proposals with the Joint Committee on Agency Rule Review (JCARR), the Legislative Service Commission, the Secretary of State and, as appropriate, with the Office of Small Business at the Department of Development. RSC conducts a public hearing for all administrative rules filed in compliance with Chapter 119. of the Ohio Revised Code. At the public hearing, the public has a second opportunity to comment on proposed rule(s).

Notice of Public Hearing

At least thirty days before the public hearing, RSC prepares a notice of public hearing that includes all of the following:

1. a statement that it is RSC's intention to propose, amend, or rescind rules;
2. the date, time, and place of the hearing;
3. a general statement of the subject matter to which the proposed rules, amendments, or rescissions relate;
4. the reason for proposing, amending, or rescinding the rule(s);
5. a statement that the rule(s) shall be available for review, free of charge, at the office of the RSC executive director;
6. a statement that the notice of the public hearing and/or the full text(s) of the rule(s) is available from the office of the RSC executive director by any person who requests it and pays a fee not to exceed the cost of copying and mailing; and
7. a statement that the public hearing shall be conducted in accordance with Chapter 119. of the Ohio Revised Code.

For all RSC administrative rules, at least thirty days before all public hearings, RSC mails, by first-class postal mail or electronic mail, a notice of public hearing to the Client Assistance Program (CAP)/Ohio Legal Rights Services (OLRS).

For Vocational Rehabilitation administrative rules, at least thirty days before all public hearings, RSC mails, by first-class postal mail or electronic mail, a notice of public hearing with the request to notify the groups they represent about the public hearing to the following:

1. the RSC Consumer Advisory Council liaisons; and
2. the executive secretary of the Ohio Governor's Council on People with Disabilities.

For administrative rules that relate to the group's area of interest, at least thirty days before a public hearing, RSC mails a notice of public hearing to the following:

1. the president and executive director of the Ohio Association of Rehabilitation Facilities;
2. the board of the Ohio Vendors Representative Committee; and
3. the president of the Ohio Goodwill Association.

For BSVI Business Enterprise administrative rules (Chapter 3304:1-21 of the Administrative Code), at least thirty days before the public hearing for administrative rules for Chapter 119. of the Ohio Revised Code, BSVI mails, by first-class postal mail or electronic mail, a notice of public hearing to the members and alternates of the Ohio Vendors Representative Committee and to Radio Reading Services with the request to notify the groups they represent about the public hearing.

The notice of public hearing is made available in appropriate modes of communication that enable a person with a disability to access and respond to the information that is being communicated. It is made available in regular and large print, Braille, on audio tape and computer disk (Word or WordPerfect 5.1 for MS-DOS).

The notice of public hearing is posted on the RSC Website at http://rsc.ohio.gov/Hot_News/index.asp by paging down to the Hot News item *Public Hearing on RSC Rules...* The notice of public hearing is also submitted to the Legislative Service Commission for publication in the *Register of Ohio*.

PUBLIC PARTICIPATION IN RSC'S ADMINISTRATIVE RULE(S) PUBLIC HEARING

The notice of public hearing invites any person affected by the proposed rule-making agency to appear and be heard at RSC's public hearing. The purpose of this hearing is to provide the opportunity for any interested person or group to give testimony for or against the proposal(s)/amendment(s)/rescission(s) of the Ohio Administrative Code rules. Testimony for the proposal(s) or against it/them may be made either at the public hearing or in writing to the RSC executive director or to the director of BSVI for BSVI Business Enterprise administrative rules before the public hearing. Questions about the rule(s) are not entertained at the public hearing, but may be addressed to the executive director either before or after the public hearing.

RSC permits persons affected by a proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period both before and after the hearing. A person who presents a position, argument, or contention in this manner is not required to appear at the RSC public hearing. Testimony is recorded at the hearing at RSC's expense. RSC transcribes a record that is coded. An English version will be available if a person requests transcription of all or part of the record and agrees to reimburse RSC for the cost of transcription. RSC may require advance payment for all or part of the transcription costs.

RSC's executive and policy staff and appropriate parties review testimony received in response to or during the public hearing. If appropriate, changes are made to the rule(s) and it is refiled electronically.

JCARR Hearing and Final Filing

After the RSC public hearing, appropriate RSC staff attend a JCARR hearing. Next the RSC Commissioners, at one of their public meetings, are asked to approve the final filing and adoption of the rule(s). At this meeting, the public has a final opportunity to give comment on the rule(s) before final filing. The rule(s) are filed for adoption with JCARR and become effective as soon as ten days later. However, when the rule(s) are time sensitive or pressing for any reason, the executive director will be notified and can provide the commissioners with a copy of the final proposed rule(s) and contact them for filing approval. This avenue provides a safeguard for any contingencies that may occur.

This *Guide to Public Participation in RSC's Rule-Making Process* is available in pamphlet form to any person upon request. Please contact RSC Legal Counsel, Policy Unit at (614) 438-1289 (voice/TTY) in Columbus, and at 1-(800) 282-4536, extension 1289 (voice/TTY) outside of the Columbus area. RSC may charge a fee for the copy, not to exceed the per copy cost of producing the pamphlet guide and the actual cost of delivering it to the person. This information is available electronically, on tape or computer disk (Word or WordPerfect 5.1 for MS-DOS), in Braille, and in large print if needed as a reasonable accommodation.

RSC does not discriminate on the basis of age, color, national origin, race, sex, or type of disability.