

Rule Summary and Fiscal Analysis (Part A)**Department of Mental Retardation and Developmental Disabilities**

Agency Name

Community Services

Division

Becky Phillips

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5123:2-17-03

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Abuser registry.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB178**General Assembly: **125**Sponsor: **Senator Spada**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5123.54**

5. Statute(s) the rule, as filed, amplifies or implements: **5123.50 to 5123.542**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Comply with Senate Bill 178 and section 119.032 of the Ohio Revised Code (five-year review). We are rescinding current rule and bringing through a new rule.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

To set forth procedures to be used to determine whether the name of an MR/DD

employee should be placed on the registry established under section 5123.52 of the Revised Code and set forth standards for determining whether such employee has been rehabilitated.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Paragraph (D)(2)(a): Added language to specify that the review committee shall consist of at least five members who represent various stakeholder groups.

Paragraph (E)(8): Added language to specify that the director shall notify the entity responsible for regulating professions pursuant to Chapter 3319. of the Revised Code (in addition to those pursuant to Title 47 of the Revised Code) if the MR/DD employee holds a license, certificate, registration or other authorization to engage in a profession. Added language to specify that if the department has issued to the MR/DD employee, a license, certificate, registration, or other authorization to provide services, the department shall initiate the process to revoke the license, certificate, registration, or authorization.

Paragraph (F)(1): Revised first sentence from:

"The department shall establish a process to be used..." to:

"The department shall maintain a process to be used..."

Paragraph (F)(2): Revised first sentence from:

"The department shall establish and maintain a procedure setting forth..." to:

"The department shall maintain a procedure setting forth..."

Paragraph (F)(3): Revised paragraph from:

"Any person or government entity seeking to hire, contract with, or employ a person as an MR/DD employee shall make an inquiry to the department regarding whether the person's name is on the registry. If the subject of the inquiry is on the registry, the inquiring party shall not hire, contract with, or employ the person as an MR/DD employee."

to:

"Any person or governmental entity seeking to hire, contract with, or employ a person as an employee of the department, county board, or in a position that provides specialized services to an individual shall make an inquiry to the department regarding whether the person's name is on the registry. If the subject of the inquiry is on the registry, the inquiring party shall not hire, contract with, or employ the person in any of these capacities."

Paragraph (G)(8): Revised second sentence from:

"If a person's name has been removed from the registry, the department shall respond to any inquiries regarding whether the person's name is currently on the registry in the negative, and shall not voluntarily disclose the fact that the person's name was previously on the registry."

to:

"If a person's name has been removed from the registry, the department shall respond to any inquiries regarding whether the person's name is currently on the registry in the negative, and shall not, unless the information is specifically requested, disclose the fact that the person's name was previously on the registry."

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required:

the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$ 0

No net impact to department budget.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No additional cost of compliance.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**