

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

Agency Name

**Community Services**

Division

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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? **No**

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: **5123.04, 5123.54**

5. Statute(s) the rule, as filed, amplifies or implements: **5123.04, 5123.50 to 5123.542**

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

The department is rescinding the existing rule and bringing forth a new rule of the same number because intended amendments affect more than fifty per cent of the 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:

The rule sets forth procedures to be used to determine whether the name of a DD employee (i.e., an employee of the department, an employee of a county board of developmental disabilities, or a person who is employed in a position that includes providing specialized services to an individual with developmental disabilities) should be placed on the registry established under section 5123.52 of the Revised Code and 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:

Revised paragraph (D)(2) from:

"If the department determines the facts of a case may warrant placement of a DD employee's name on the registry, the department shall present the case to the review committee."

to:

"If the department determines a case is appropriate for consideration by the review committee, the department shall present the case to the review committee. If the

DD employee has been convicted of a criminal offense for the same incident, the case need not be reviewed by the review committee. The department shall consider the review committee's recommendation and determine whether there is a reasonable basis for believing that a DD employee has committed a registry offense."

Eliminated former paragraph (D)(2)(a) because it has been incorporated into paragraph (D)(2).

Renumbered former paragraph (D)(2)(b) to (D)(3).

Eliminated former paragraph (D)(2)(c) because it has been relocated to new paragraph (E)(1).

Eliminated former paragraph (D)(3) because it has been incorporated into paragraph (D)(2).

Added new paragraph (E)(1):

"Before conducting a hearing, the department shall determine whether any criminal proceeding or collective bargaining arbitration arising from the same allegation has concluded. The department may conduct a hearing before a criminal proceeding concerning the same allegation is concluded if the department notifies the prosecutor responsible for the criminal proceeding that the department proposes to conduct a hearing and the prosecutor consents to the hearing."

Revised last sentence of paragraph (G)(8) to correct reference from "paragraph (E)(6) of this rule" to "paragraph (E)(7) of this rule."

## 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

The rule will neither increase nor decrease revenues or expenditures for the department.

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:

Not applicable.

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**