

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123:2-17-03

Rule Type: Rescission

Rule Title/Tagline: Abuser registry.

Agency Name: Department of Developmental Disabilities

Division: Community Services

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I. Rule Summary

1. **Is this a five year rule review? Yes**
 - A. **What is the rule's five year review date?** 3/29/2018
2. **Is this rule the result of recent legislation? Yes**
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 158 - 131
- Representatives Dever and Howse
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5123.04, 5123.54
5. **What statute(s) does the rule implement or amplify?** 5123.04, 5123.50 to 5123.542
6. **What are the reasons for proposing the rule?**

The Department is rescinding existing rule 5123:2-17-03 and adopting new replacement rule 5123-17-03.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule sets forth procedures to be used to determine whether the name of a DD (developmental disabilities) employee should be placed on the Abuser Registry

established pursuant to Section 5123.52 of the Revised Code and standards for determining whether such employee has been rehabilitated.

8. Does the rule incorporate material by reference? No
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.

This will have no impact on revenues or expenditures.

\$ 0

Rescinding the existing rule and adopting a new replacement rule will neither increase nor decrease revenues or expenditures for the Department.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Checking the Abuser Registry prior to hiring a DD employee takes a potential employer only a few minutes.

The amount of time it takes a person to contest placement of his or her name on the Abuser Registry varies and cannot be estimated by the Department.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Paragraph (E)(7) sets forth that when the Department places a DD employee's name on the Abuser Registry, the Department shall notify an entity responsible for regulating the DD employee's professional practice.

Paragraph (E)(7) sets forth that when the Department places a DD employee's name on the Abuser Registry, the Department shall initiate the process to revoke a Department-issued license, certification, registration, or authorization to provide services.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Paragraph (E)(4) requires a DD employee whose name is being considered for placement on the Abuser Registry and who has requested a hearing, to provide witness lists and lists of the exhibits to be introduced at the hearing.

Paragraph (E)(7) requires an employer of a DD employee who is being placed on the Abuser Registry to notify the Department of the DD employee's employment status.

Paragraph (G)(2) requires a person seeking to have his or her name removed from the Abuser Registry to submit a petition in writing with reasons demonstrating the appropriateness of removal of the person's name.