



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Becky Phillips, Ohio Department of Developmental Disabilities

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** March 31, 2020

**RE:** **CSI Review – Abuser Registry (OAC 5123:2-17-03 and 5123-17-03)**

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

#### Analysis

This rule package consists of one rescinded rule and one new rule proposed by the Ohio Department of Developmental Disabilities (DODD). This rule package was submitted to the CSI Office on February 11, 2020, and the public comment period was held open through February 26, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 11, 2020.

Ohio Administrative Code (OAC) 5123:2-17-03 establishes procedures surrounding the registry of DODD employees found guilty of abuse, neglect, or misappropriation. Individuals found guilty of these offenses are entered in the registry and are unable to be employed providing services to developmentally disabled individuals. The rule also includes procedures for determining whether an individual in the registry has been rehabilitated and may be removed from the registry. The rule is being rescinded and the entire content is being moved to new rule OAC 5123-17-03 to comply with DODD numbering conventions.

During early stakeholder outreach, DODD sent the proposed rule to relevant stakeholders for

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

review, including developmental disabilities service providers, care facilities, and professional health care organizations. No comments were received during this time or during the CSI public comment period.

The business community impacted by this rule includes all individuals identified by the rule as DODD employees, including individuals employed by DODD, county boards of developmental disabilities, and specialized service providers. The adverse impact created by the rule is primarily the inability of an individual to be employed in the developmental disabilities service provision system after being placed in the registry. To be removed from the registry, an individual must submit a petition to DODD that includes reasons that removal from the registry would be appropriate. DODD states in the BIA that the rule is necessary to prevent harm to those receiving developmental disabilities services.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Department of Developmental Disabilities should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.