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Becky Phillips, Administrative Rules Coordinator
Ohio Department of Developmental Disabilities
30 East Broad Street, 12th Floor,
Columbus, Ohio 43215-3414.

RE: Ohio Administrative Code ("OAC") Section 5123:2-17-03 Abuser Registry Rule

Dear Ms. Phillips:

We appreciate the opportunity to provide our comments on the Ohio Department of Developmental Disabilities' ("Department") proposal to rescind rule 5123:2-17-03 (Abuser Registry) and adopt replacement rule 5123-17-03 (Abuser Registry). Disability Rights Ohio is the federally mandated and state authorized protection and advocacy system in Ohio with mission to advocate for the human, civil, and legal rights of people with disabilities in Ohio.

While the Department has decided to cancel the public hearing scheduled for May 4th, it is our understanding that it will be considering comments and feedback as it further evaluates the rule. Disability Rights Ohio has serious concerns with the proposed rule changes and asks that the Department not implement these changes.

The Department should not reduce the time to petition to be removed from the Abuser Registry from 5 years to 1 year

The current process for placement on the Abuser Registry is often longer than 1 year

It is not unusual for the placement of an individual on the Registry to take more than 1 year. Should the proposed rule be implemented, victims, already subjected to long waiting periods for the abuser to be placed on the Registry, would know that the abuser might only be on the Registry for 1 year.

Lack of Trauma-Informed Care

As you know, before an individual's name is placed on the Registry, they are afforded a hearing. This hearing process is burdensome, stressful, and time-consuming for the victim. As noted above, it is not unusual for the process to take more than 1 year and a half to complete. This causes the victim to relive traumatic events months or years after they have occurred. In addition, during this time, it is possible that the

accused individual could remain in the field and subject other persons with disabilities to harm.

The Department's proposed reduction in time means that an abuser may be on the Registry for less time than it took to assign that individual to the Registry. Allowing a petition for removal after only one year makes it easier for an individual who has been placed on the Registry to return to working with people with disabilities. Not only does this place people with disabilities at increased risk of abuse, neglect, or exploitation, it also undermines the victim's confidence that they will be safe from their abuser, adding to the fear and trauma they experience.

Finally, we note that although this rule is pending (and now withdrawn), Department's website states, "After 1 year, the person may petition the Department for removal of their name from the Registry. If the petition is denied, the name remains on the Registry." We recommend removing this information from the website since that is not the current requirement.

Thank you for the opportunity to provide comments regarding the proposal to rescind rule 5123:2-17-03 and adopt replacement rule 5123-17-03. If you have questions or wish to discuss the issue further feel free to reach out to me or my staff.

Respectfully yours,



Michael Kirkman

Executive Director/General Counsel