

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5123:2-5-02

**Rule Type:** Rescission

**Rule Title/Tagline:** Service and support administration certification standards.

**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? 3/21/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5123.04, 5126.25
5. What statute(s) does the rule implement or amplify? 5123.04, 5126.201, 5126.25
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The Department is rescinding rule 5123:2-5-02 and adopting replacement rule 5123-5-02.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule establishes minimum qualifications through certification standards that shall apply to persons, directly providing or supervising the provision of Service and Support Administration, who are employed by county boards of developmental disabilities and entities under contract with county boards of developmental disabilities to provide or supervise the provision of Service and Support Administration.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporated references are to the Revised Code and the Administrative Code. Pursuant to Section 121.75 of the Revised Code, the requirements in Sections 121.71 to 121.74 do not apply. The Revised Code and the Administrative Code are available at libraries and on the internet at <https://codes.ohio.gov>. The Department's administrative rules are also available at <https://dodd.ohio.gov/forms-and-rules/rules-in-effect/administrative-rules-list>.

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

No changes were made to the rule. The public hearing notice was revised to reflect the correct title of rule 5123:2-5-02.

## **II. Fiscal Analysis**

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$ 0

Rescinding rule 5123:2-5-02 and adopting replacement rule 5123-5-02 will neither increase nor decrease revenues or expenditures of the Department.

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

The rule requires Superintendents of county boards of developmental disabilities to issue Service and Support Administration certification to persons who provide or

supervise the provision of service and support administration. Issuing certification requires staff resources, the costs of which vary based on the number of certifications issued and the wages paid to staff who carry out the function.

A Superintendent may recoup costs by requiring applicants for Service and Support Administration certification to pay an application fee. The application fee for Service and Support Administrator certification may not exceed \$50. The application fee for Service and Support Administration Supervisor certification may not exceed \$75.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

### **III. Common Sense Initiative (CSI) Questions**

17. **Was this rule filed with the Common Sense Initiative Office? No**
18. **Does this rule have an adverse impact on business? No**
  - 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? No**
  - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
  - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

**A. How many new regulatory restrictions do you propose adding to this rule?**

Not Applicable

**B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

## Rule Summary and Fiscal Analysis

### Part B - Local Governments Questions

**1. Does the rule increase costs for:**

<b>A. Public School Districts</b>	No
<b>B. County Government</b>	Yes
<b>C. Township Government</b>	No
<b>D. City and Village Governments</b>	No

**2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.**

Superintendents of county boards of developmental disabilities issue Service and Support Administration certification to persons directly providing or supervising the provision of service and support administration. The costs associated with issuing certification vary based on the number of service and support administration staff who must be certified by the county board. The Department does not have data regarding the costs.

**3. Is this rule the result of a federal government requirement? No**

**A. If yes, does this rule do more than the federal government requires?** *Not Applicable*

**B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

*Not Applicable*

**4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:**

**A. Personnel Costs**

Superintendents of county boards of developmental disabilities issue Service and Support Administration certification to persons directly providing or supervising the provision of service and support administration. The costs associated with issuing certification vary based on the number of service and

support administration staff who must be certified by the county board. The Department does not have data regarding the costs.

**B. New Equipment or Other Capital Costs**

Not applicable.

**C. Operating Costs**

Superintendents of county boards of developmental disabilities issue Service and Support Administration certification to persons directly providing or supervising the provision of service and support administration. The costs associated with issuing certification vary based on the number of service and support administration staff who must be certified by the county board. The Department does not have data regarding the costs.

**D. Any Indirect Central Service Costs**

Not applicable.

**E. Other Costs**

Not applicable.

**5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.**

Superintendents of county boards of developmental disabilities have been responsible for issuing Service and Support Administration certification since implementation of House Bill 487 of the 129th General Assembly. Adopting rule 5123-5-02 to replace rule 5123:2-5-02 is not expected to increase costs.

**6. What will be the impact on economic development, if any, as the result of this rule?**

The rule is not expected to impact economic development.