



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: February 18, 2021

RE: **CSI Review – Developmental Specialists (OAC 5123:2-5-05 and 5123-10-05)**

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This rule package consists of one new rule and one rescinded rule proposed by the Ohio Department of Developmental Disabilities (DODD) as part of the statutory five-year review requirement. This rule package was submitted to the CSI Office on November 20, 2020, and the public comment period was held open through December 18, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on November 20, 2020.

Ohio Administrative Code (OAC) 5123:2-5-05 establishes certification standards for early intervention services providers, including developmental specialists and early intervention supervisors. The rule includes definitions, certification and training requirements, and procedures for denying, suspending, or revoking a license. The current rule is proposed for rescission and is being replaced with new rule OAC 5123-10-05. The new rule specifically applies to development specialists and includes a new format for the tracks to obtaining certification, for both one-year and five-year certificates. The rule also requires employers to provide evidence-based coaching to new developmental specialists who do not meet the requirements for a five-year certificate.

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During early stakeholder outreach, DODD reviewed the proposed rule in meetings of the Developmental Specialist Rule Workgroup and the Ohio Association of County Boards Serving People with Developmental Disabilities. During that time, DODD implemented changes to the rule based on feedback from stakeholders, including the scope of work for developmental specialists, flexibility in hiring newer developmental specialists, and requirements for professional development. During the CSI public comment period, one comment was received that asked for clarification regarding early renewal, transitional certification, and evidence-based practice coaching. In response to stakeholder concerns, DODD amended the rule to explicitly state that an individual holding a valid five-year or ten-year developmental specialist certification or early intervention supervisor certification may serve as an Evidence-Based Practice Coach.

The business community impacted by the rule includes approximately 654 certified developmental specialists currently practicing in Ohio. Of these specialists, 104 hold one-year certificates and 550 hold five-year certificates. The adverse impacts created by the rule include meeting requirements for training and education, applying for certification, and the potential for suspension or revocation of a license for violations of the rule. Completing courses necessary for certification can vary based on the institution and course offered. Courses offered by DODD cost \$50 for each of the six seminars. Web-based trainings and professional development courses are required and are offered by DODD at no charge, as well as through other institutions. Additionally, employers required to provide new developmental specialists with coaching must provide either employed certificate holders or outside certificate holders to conduct coaching.

Recommendations

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

Conclusion

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