



# Ohio Legislative Service Commission

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## Bill Analysis

Amy J. Rinehart

### **H.B. 150**

130th General Assembly  
(As Introduced)

**Reps.** Gonzales, Smith, R. Adams, Phillips, Mallory, Sprague, Buchy, Sears

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### **BILL SUMMARY**

- Replaces the Rehabilitation Services Commission (RSC) with the Opportunities for Ohioans with Disabilities Agency (OODA), and generally requires the OODA to perform the duties and exercise the responsibilities assigned to the RSC under current law.
- Replaces the Administrator of the RSC with the Executive Director of the OODA, and generally requires the Executive Director to perform the duties and exercise the responsibilities assigned to the Administrator under current law.
- Requires the Governor to appoint the Opportunities for Ohioans with Disabilities Commission (OODC), and provides that members serving on the RSC immediately prior to the bill's effective date are to continue serving on the new OODC.
- Requires the OODC to review and analyze the effectiveness of and consumer satisfaction with the functions performed by the OODA, vocational rehabilitation services provided by state agencies and other entities, and employment outcomes achieved by individuals receiving services.
- Revises several definitions in the law governing the OODA, including replacing "handicapped person" with "person with a disability."
- Eliminates the Governor's Program on Employment Initiatives in the RSC.

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## CONTENT AND OPERATION

### Replacement of the Rehabilitation Services Commission with the Opportunities for Ohioans with Disabilities Agency

The bill replaces the Rehabilitation Services Commission (RSC) with the Opportunities for Ohioans with Disabilities Agency (OODA), generally requires the OODA to perform the duties and exercise the responsibilities assigned to the RSC under current law (see below), and makes conforming changes.<sup>1</sup> The bill states that the OODA is the designated state unit authorized under the federal Rehabilitation Act of 1973 to provide vocational rehabilitation to eligible persons with disabilities. Under law revised by the bill, the OODA is required to provide vocational rehabilitation services to all eligible persons with disabilities, including any person with a disability who is eligible under the terms of an agreement or arrangement with another state or with the federal government.<sup>2</sup> Under the bill, the OODA may establish up to five positions in the unclassified civil service.<sup>3</sup> Current law does not provide for such positions.

#### Executive Director; functions and responsibilities

The bill replaces the Administrator of the RSC with the Executive Director of the OODA and generally requires the Executive Director to perform the duties and exercise the responsibilities assigned to the Administrator under current law.<sup>4</sup> In addition, the bill requires the Executive Director, rather than the RSC as in current law, to establish administrative subdivisions as necessary or appropriate to carry out the OODA's functions and duties. The Executive Director also is required to appoint deputy directors of the Bureau of Services for the Visually Impaired and Bureau of Vocational Rehabilitation, but, unlike the Administrator as in current law, does not need to obtain the approval of the RSC (OODA).<sup>5</sup>

Additionally, the bill states that the Executive Director of the OODA is the executive and administrative officer of the OODA. The bill authorizes the Executive

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<sup>1</sup> R.C. 121.35, 121.37, 123.01, 124.11, 125.602, 125.603, 127.16, 191.02, 2151.83, 3303.41, 3304.12, 3304.13, 3304.14 (3304.15), 3304.15 (3304.16), 3304.16 (3304.14), 3304.17, 3304.18, 3304.181, 3304.182, 3304.20, 3304.21, 3304.22, 3304.23, 3304.231, 3304.25, 3304.26 (repealed), 3304.28, 3304.41, 3501.01, 3798.01, 4112.31, 4121.69, 4123.57, 4503.44, 4511.191, 5107.64, 5111.709, 5120.07, 5123.022, and 5126.051; Section 3.

<sup>2</sup> R.C. 3304.15(A).

<sup>3</sup> R.C. 124.11(A)(26).

<sup>4</sup> R.C. 121.37, 191.02, 3303.41, 3304.15, 3304.16, 3304.18, 3304.20, 3304.23, 3304.231, 3304.25, 4112.31, 5111.709, and 5120.07.

<sup>5</sup> R.C. 3304.16.



Director to establish procedures for the governance of the OODA, the conduct of OODA employees and officers, the performance of OODA business, and the custody, use, and preservation of OODA records, papers, books, documents, and property. Under the bill, the Executive Director of the OODA, like the Administrator of the RSC, is appointed by the Governor, and the Governor may grant the Executive Director authority to appoint, remove, and discipline staff as necessary to carry out the functions of the OODA. In exercising exclusive authority to administer the daily operation and provision of vocational rehabilitation services under the Worker Retraining Law, the Executive Director may perform specified activities.<sup>6</sup>

As discussed in the table below, a number of those activities currently are assigned to the RSC. The bill instead assigns them to the Executive Director. In addition, several of the activities currently specified in statute instead are incorporated in the bill's broad directive that the Executive Director must administer the provision of rehabilitation services to eligible persons with disabilities.

<b>Responsibility of RSC under current law</b>	<b>Responsibility under the bill</b>
Adopt all necessary rules	Executive Director
Prepare and submit annual reports to the Governor	Executive Director
Certify disbursement of funds	Executive Director
Take appropriate action to guarantee rights of services to handicapped persons (see below)	Executive Director
Consult with and advise other state agencies and coordinate applicable programs	Executive Director
Establish an administrative division of consumer affairs and advocacy to promote and help guarantee rights of handicapped persons	Eliminated
Maintain an inventory of state services available to handicapped persons	Specifically eliminated, but may be undertaken by the Executive Director under the authority to adopt rules or to take appropriate action to guarantee rights of persons with disabilities to services
Utilize, support, assist, and cooperate with the Governor's committee on employment of the handicapped	Specifically eliminated, but may be performed by the Executive Director under the authority to consult with and advise other state agencies and coordinate programs for persons with disabilities

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<sup>6</sup> R.C. 3304.15(B).

Responsibility of RSC under current law	Responsibility under the bill
Take any other necessary or appropriate action for cooperation with public and private agencies and organizations, which may include reciprocal agreements with other states, contracts with public and other nonprofit agencies, cooperative agreements with the federal government, and functions and services for the federal government	Executive Director
Conduct research and demonstration projects	Executive Director
Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation	Executive Director
Ameliorate the condition of the aged, blind, or other severely disabled individuals by establishing a program of home visitation by Commission employees for the purpose of instruction	Specifically eliminated, but may be undertaken by the Executive Director under the authority to adopt rules or to take appropriate action to guarantee rights of persons with disabilities to services
For purposes of the Business Enterprise Program, establish and manage small businesses owned or operated by visually impaired persons, purchase insurance, and accept computers	Executive Director
Enter into contracts	Executive Director

### Opportunities for Ohioans with Disabilities Commission (OODC)

The bill requires the Governor to appoint the Opportunities for Ohioans with Disabilities Commission (OODC) within the OODA, applies the membership qualifications of the RSC to the OODC, and provides that members serving on the RSC immediately prior to the bill's effective date are to continue serving on the new OODC until the end of their terms. The bill thus continues staggered seven-year terms.<sup>7</sup>

The bill requires the OODC, to the extent feasible, to review and analyze the effectiveness of and consumer satisfaction with the functions performed by the OODA, vocational rehabilitation services provided by state agencies and other entities responsible for providing such services under federal law, and employment outcomes achieved by individuals receiving services.<sup>8</sup>

<sup>7</sup> R.C. 3304.12, 3304.13, 3304.22, and 3304.24; Section 4.

<sup>8</sup> R.C. 3304.16 (3304.14).



## Definitions

The bill replaces the term "handicapped person" or "disabled person" with "person with a disability" in the Worker Retraining Law and defines it as any person with a physical or mental impairment that is a substantial impediment to employment who can benefit in terms of an employment outcome for the provision of vocational rehabilitation services. It also changes "physical or mental disability" to "physical or mental impairment" and "substantial handicap to employment" to "substantial impediment to employment" in that Law, but retains the definitions in current law. The bill then makes conforming changes throughout that Law.<sup>9</sup> The bill also replaces the term "handicapped person" with "person with a disability" in the Licensing of Motor Vehicles Law and makes conforming changes.<sup>10</sup>

## Governor's Program on Employment Initiatives

The bill eliminates the Governor's Program on Employment Initiatives in the RSC. The purpose of the Program is to create employment opportunities for persons with disabilities by providing equipment or supplies to businesses in consideration for job slots being reserved by the businesses for persons with disabilities referred by the RSC.<sup>11</sup>

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## HISTORY

ACTION	DATE
Introduced	05-02-13

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<sup>9</sup> R.C. 3304.11, 3304.12, 3304.17, 3304.19, and 3304.27.

<sup>10</sup> R.C. 4503.44.

<sup>11</sup> R.C. 3304.38 (repealed).

