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JOINT COMMITTEE ON AGENCY RULE REVIEW

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R.C. 121.93 Required Report

- 1) **Date: April 3, 2023**
- 2) **Agency: Opportunities for Ohioans with Disabilities (OOD)**
- 3) **Agency Contact**
 - a) Name: Rick Schanz
 - b) Email: rick.schanz@ood.ohio.gov
 - c) Phone: (614) 545-8964
- 4) Provide the number of operations reviews that your agency completed during the governor's recently expired term.

Please see the attached letter.

- 5) List any principles of law or policies described in [R.C. 121.93\(A\)](#) that your agency identified in your operations review(s). Opportunities for Ohioans with Disabilities has not identified any principles of law or policies described in R.C. 121.93(A).

Opportunities for Ohioans with Disabilities did not identify any principles of law or policies.

- 6) Describe your agency's considerations regarding the identified principles of law or policies under [R.C. 121.93\(B\)](#).

Not applicable.

- 7) List any principles of law or policies for which your agency determined rulemaking is indicated or for which your agency has commenced the rulemaking process under [R.C. 121.93\(C\)](#).

Not applicable.



Opportunities for Ohioans with Disabilities

Mike DeWine
Governor
Kevin L. Miller
Director

Bureau of Services for the Visually Impaired
Bureau of Vocational Rehabilitation
Division of Disability Determination

SENT VIA E-MAIL

April 3, 2023

Joint Committee on Agency Rule Review
77 South High Street
Concourse Level
Columbus, Ohio 43215
jcarr1@jcarr.state.oh.us

RE: Opportunities for Ohioans with Disabilities R.C. 121.93 Required Report

Dear Joint Committee on Agency Rule Review:

Opportunities for Ohioans with Disabilities (“OOD”) is the State of Ohio agency that empowers Ohioans with disabilities through employment, disability determinations, and independence. OOD operates in three main areas: 1.) Bureau of Vocational Rehabilitation; 2.) Bureau of Services for the Visually Impaired; and 3.) Division of Disability Determination. OOD receives its funding through The Rehabilitation Act of 1973, which is administered by the United State Department of Education, Rehabilitation Services Administration (“RSA”) and the Social Security Administration. OOD receives funding through Federal sources, and OOD has a robust review process that ensures its compliance with Ohio Revised Code Chapter 3304, Ohio Administrative Code 3304, 34 CFR Chapter III.

OOD promulgates several rules under the authority of R.C. 3304.15(C)(1). These rules can be found in Ohio Admin.Code 3304-1 through 6. These rules are reviewed at least once every five years. The rules may also be modified from time-to-time depending on the needs of the different divisions of OOD. These rules go through the usual review process outlined within R.C. Chapter 119. They also receive input from different stakeholder groups such as the Opportunities for Ohioans with Disabilities Council and the Ohio Vendors Representative Committee. These rules must also be in general compliance with the requirements stipulated in 34 CFR Chapter III Part 395. Compliance with 34 CFR Chapter III Part 395 is accomplished through a review and approval process in which draft rules must be submitted to RSA for review, modification and ultimately approval.

OOD policies and procedures further allow the public at large to see how OOD operates on a daily basis. These policies and procedures can be found at <https://ood.ohio.gov/laws-rules-and-policies/policies/>. Each policy and procedure undergoes review at least once every two years. A policy and procedure may also be modified from time-to-time to account for changes in OOD’s processes. In all cases, the policies and procedures go through a review process, which includes a review from subject-matter experts,

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administration, and public stakeholders. Moreover, each policy and procedure is rooted in the rules promulgated in Ohio Admin.Code 3304-1 through 6 or R.C. Chapter 3304.

OOD also has an internal review team that reviews contracts on a bi-annual basis, conducts provider reviews on an annual basis based upon a random sampling following a risk assessment. The internal review team also does an annual review of the petty cash disbursement and a periodic issue review upon request by administration. This internal review team is in compliance with the requirements set out by the federal RSA.

The Division of Legal Services within OOD also must conduct an annual review of the appeals that are received from participants in the Bureau of Vocational Rehabilitation and the Bureau of Services for the Visually Impaired. This review is required by RSA, and is compiled into an RSA-722 Report. This report is essentially an accounting of all appeals and grievances that are submitted to OOD. The accounting goes through how each of the appeals and grievances were ultimately resolved and what general topic area the appeal or grievance covers. Moreover, the RSA-722 report requires an affirmation to RSA that OOD follows specific rules, policies and procedures which specifically outline the grievance and appeal procedure as required by federal law.

The Bureau of Vocational Rehabilitation and the Bureau of Services for the Visually Impaired conducts an annual VR Comprehensive Statewide Needs assessment which reviews the vocational rehabilitation needs of the State of Ohio. This assessment is comprehensive in using multiple data points and input from the field to properly evaluate how vocational rehabilitation services have been provided to State of Ohio residents and forecasts potential needs in the future. A copy of the latest assessment can be found here <https://ood.ohio.gov/about-us/statistics2/2021-comprehensive-statewide-needs-assessment>.

Finally, the Division of Disability Determination is in agreement with the Social Security Administration (“SSA”), to determine medical eligibility for Ohioans who apply for Social Security Benefits. The Division of Disability Determination is federally regulated and receives 100 percent of its funding from the SSA. Therefore, reviews are conducted of its operations and adjudications through SSA.

In total, OOD performs upwards of 10 separate reviews of its operations to determine that it is in compliance with Ohio Revised Code Chapter 3304, Ohio Administrative Code 3304, 34 CFR Chapter III, the Rehabilitation Act of 1973 and the regulations provided by the Social Security Administration. Through those reviews, OOD has not been able to identify any principles of law or policies described in R.C. 121.93(A). OOD looks forward to continuing to serve Ohioans with disabilities through employment, disability determinations, and independence.

Sincerely,



Rick Schanz

Chief Legal Counsel, Opportunities for Ohioans with Disabilities