



Interested Party Testimony – House Bill 281

Ohio Developmental Disabilities Council

December 6, 2022

Chairman Huffman and members of the Senate Health Committee, the Ohio Developmental Disabilities Council offers interested party testimony to House Bill 281. The Ohio DD Council is created by federal law and is comprised of adults with developmental disabilities, family members of individuals with developmental disabilities and state and local agencies and organizations that serve people with disabilities. On behalf of the members of the DD Council and the many voices we represent, the Council is submitting additional testimony on House Bill 281.

The Council is generally supportive of the language contained in House Bill 281, so long as the changes made do not reflect a change in programs or services. When Representatives Jarells and Young and others began discussing these changes, the Council was included in those discussions and have been assured by the Legislative Service Commission that all changes were limited to those areas of the revised code that would not result in changes in application of the law.

For example, in 2009, when the Legislature adopted Senate Bill 79, which removed the terms “mental retardation” from the state agency and county board titles, we realized and accepted that we could not remove the same terms from the statute when describing intermediate care facilities because it would have altered how Ohio law and federal law treated those facilities. It is with this understanding to first, do no harm to our system, that the Council has offered to support individuals seeking to change the law.

During the previous hearing on this bill, several questions were raised that point directly to the same concerns the Ohio DD Council had when the bill was in drafting. As we move forward, it is vital that we ensure that no change, however innocuous it may seem, has an unintended consequence to individuals with disabilities.

When looking at concerns raised during previous hearings, we examined the statute. Concerns were raised about changing the term “confined to a wheelchair” to “uses a wheelchair”. Because the section being altered relates to the definition of an ambulance, and this change relates specifically to excluding from the definition of an ambulance any vehicle that is, “designed and solely used” to transport patients who are not bound to a stretcher but who may have full use of their limbs or who may, as statute is currently written, be confined to a wheelchair. As you can see, the adjustment to the term “uses a wheelchair” is not substantive with respect to the application of the statute, but rather alters the language to be more respectful to individuals who use a chair. Many people with disabilities who use a chair feel very strongly that the terminology “confined to a wheelchair” is insulting.

In the other item raised by the committee, the concern was the elimination of the term “special” before “needs”. Contained in the bill are several sections related specifically to the Ohio Department of Job and Family Services adopting rules related to certification of day care centers, Type A, Type B, and in-home care. In each case, the statute requires JFS to establish a rule related to the special needs of children with disabilities. The bill’s elimination of the term “special” is not viewed, in this sense, as creating a change in the scope and intent of the statute. It’s also important to note that “special needs” with respect to the Jon Peterson Special Needs Scholarship, special education statutes, and special needs trusts retain the clarifying moniker.

The Council extends its gratitude to the committee for considering our input into House Bill 281.

Sincerely,

Carolyn S. Knight

Executive Director