



Department of Developmental Disabilities

Mike DeWine, Governor
Jeff Davis, Director

Ohio Senate Transportation, Commerce, and Workforce Committee
Written Testimony for Sub. HB 263
Jeremiah Wagner, Legislative Director, Ohio Department of Developmental Disabilities
December 8th, 2020

Chairman McColley, Ranking Member Antonio, and members of the Senate Transportation, Commerce, and Workforce Committee, my name is Jeremiah Wagner and I serve as the Legislative Director for the Ohio Department of Developmental Disabilities (DODD). Thank you for the opportunity to provide interested party testimony on Substitute House Bill 263 and its impact on Ohio's developmental disabilities system.

DODD takes offenses against people with developmental disabilities and the support system seriously. People with developmental disabilities are a vulnerable population that has a substantially increased risk of abuse and neglect. DODD uses a comprehensive background check system to ensure that prospective providers are cleared to work in our field prior to being allowed to provide services. Further, the system provides a daily report of providers who have negative contact with law enforcement so that DODD is immediately aware of the possibility of criminal conduct or conviction.

In 2008, in coordination with other health and human services agencies, DODD devoted extensive resources to develop a shared background check system that has been in use by the agencies since 2012. This system squarely meets the intent of Sub HB 263 to provide a second chance opportunity to potential applicants and employees. Developed based on research by Professor Alfred Blumstein on recidivism and the passage of time, the current DODD background check structure provides the following:

- O.A.C. 5123-2-02- Tiered levels of offenses that range from a permanent disqualification for the most serious offenses to five years for less serious offenses.
- Eliminated the concept of moral character elements as consideration for certification or employment.
- Affirmatively recognizes the validity of a certificate of qualification for employment issued by a court pursuant to R.C. 2953.25.
- Affirmatively recognizes the opportunity for an applicant to have a past conviction expunged.
- Makes it a requirement that each certified provider be enrolled in the Retained Applicant Fingerprint Database (Rapback) maintained by the Ohio Attorney General. Via Rapback, the department is immediately made aware of potential criminal activity that would pose a risk to individuals served by DODD.

Our process is heavily researched and scientifically based to protect the DODD vulnerable population. The uniformity and second-chance goals of Sub HB 263 are already incorporated in the DODD background check system, which is an ensconced and valuable element of the entire health and safety process maintained by the department. As an existing example that aligns with the goals of this proposed legislation, the Department respectfully requests that no changes be made to R. C. 5123.161, 5123.45, or 5126.25.

On behalf of DODD, I thank you for your time and consideration. I am available to discuss further and answer any questions members of the committee may have.