

**Department of
Developmental Disabilities**

Mike DeWine, Governor
Kimberly Hauck, Director

NOTICE OF PUBLIC HEARING

DATE: February 8, 2022

TIME: 10:00 a.m.

PLACE: Lobby Hearing Room
Rhodes State Office Tower *
30 East Broad Street
Columbus, Ohio 43215

Pursuant to Chapter 119. of the Revised Code, the Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind and adopt the following rules of the Administrative Code on a permanent basis on or about March 21, 2022, and to conduct a public hearing thereon. At this public hearing, the Department will accept verbal and/or written testimony regarding the proposed rule actions.

Persons unable to attend the public hearing may submit written comments regarding the proposed rule actions. Any written comments received on or before the public hearing date will be treated as testimony and made available for public review. Submittal of written comments may be made to Becky Phillips, Administrative Rules Coordinator, by email (becky.phillips@dodd.ohio.gov) or by U.S. mail to 1810 Sullivant Avenue, Columbus, Ohio 43223-1239.

Rule 5123-2-06 (Development and Implementation of Behavioral Support Strategies) limits the use of, and sets forth requirements for, development and implementation of behavioral support strategies that include restrictive measures for the purpose of ensuring that:

- Restrictive measures are used only when necessary to keep people safe;
- Individuals with developmental disabilities are supported in a caring and responsive manner that promotes dignity, respect, and trust and with recognition that they are equal citizens with the same rights and personal freedoms granted to Ohioans without developmental disabilities;
- Services and supports are based on an understanding of the individual and the reasons for his or her actions; and
- Effort is directed at creating opportunities for individuals to exercise choice in matters affecting their everyday lives and supporting individuals to make choices that yield positive outcomes.

Based on a comprehensive review of the rule, the Department is proposing to rescind existing rule 5123-2-06 and adopt a new replacement rule of the same number and title. New rule 5123-2-06 reflects revisions made to:

- Reorder provisions of the rule for ease of the reader.
- Emphasize positive measures.
- Incorporate a new definition of "chemical restraint" and enable a more proactive approach when indicated.
- Require behavioral support strategies that includes restrictive measures to describe tangible outcomes and how progress will be identified.
- Require behavioral support strategies that include chemical restraint, manual restraint, or time-out to specify how and when an individual's guardian will be notified about the use of these measures.
- Require specialized expertise when needed.
- Make clear that county boards of developmental disabilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities may collaborate to form Human Rights Committees.
- Specify that a Human Rights Committee may require a behavioral support strategy to be reviewed more frequently than every 90 days.

- Require prior notification of the Human Rights Committee meeting be provided to an individual or guardian.
- Establish a process for approval of restrictive measures in emergency situations.

The rules are available for review at the [Register of Ohio](#) and at the [Department's website](#). The rules are also available for review at each county board of developmental disabilities.

- * Please note that visitors to the Rhodes State Office Tower must enter the building through the Broad Street lobby. Visitors may be required to register at the security desk by showing government-issued photo identification and/or pass through a magnetometer. Visitors' belongings, such as purses and briefcases, may be subject to inspection.