



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2012-14K

Designation of the Ohio Disability Law and Policy Center, Inc.
as the Ohio Protection and Advocacy System for People with Disabilities

WHEREAS, the federal "Developmental Disabilities Assistance and Bill of Rights Act," as amended, at 42 U.S.C. Section 15041 et seq. (the "Developmental Disabilities Assistance Act"), provides that the United States Secretary of Health and Human Services shall make payments to support a protection and advocacy system ("P&A") in each State to protect the legal and human rights of individuals with developmental disabilities.

WHEREAS, Amended Substitute House Bill No. 153 of the 129th General Assembly ("House Bill 153"), specifically Section 319.20, division (A), provides that the Ohio Legal Rights Service (through its administrator and related Commission), a State agency created pursuant to former Section 5123.60 of the Revised Code, shall establish a nonprofit entity to provide advocacy services and a client assistance program for people with disabilities in accordance with all federal law regarding a protection and advocacy system, including 42 U.S.C. Sections 15041 to 15045, and regarding a client assistance program, including 29 U.S.C. Section 732.

WHEREAS, subdivision (B) of Section 319.20 of House Bill 153 also provided that not later than September 30, 2012, the Governor shall designate the nonprofit entity established in accordance with Section 319.20(A) to serve as the state's protection and advocacy system, which also is described in Revised Code Section 5123.60, as amended in House Bill 153.

WHEREAS, the Ohio Disability Rights Law and Policy Center, Inc. ("the Center"), doing business as "Disability Rights Ohio," is the nonprofit corporation instituted under the laws of this State to be the successor entity to the Ohio Legal Rights Service, and the Center has been determined to be tax-exempt by the Internal Revenue System pursuant to Section 501(c)(3) of the United States Code.

WHEREAS, the Center is eligible under the federal Developmental Disabilities Assistance Act to receive the designation as the protection and advocacy system for the State of Ohio on the effective date of this Order. Specifically, the Center:

- has staff which is trained to provide the required services to people with developmental and other disabilities;
- has the authority to pursue legal, administrative and other appropriate remedies to ensure the protection of the rights of individuals with disabilities in the State who are seeking or receiving treatment, services;
- will continue to serve existing clients and cases of the current P&A system without disruption; and
- is independent of service providers in the relevant systems.

WHEREAS, pursuant to amended Revised Code Section 5123.60 and Section 319.20 of House Bill 153, I have determined that the protection and advocacy system established pursuant to the federal Developmental Disabilities Assistance Act, should be transferred from the Ohio Legal Rights Service, to the Center, and that good cause exists for that redesignation as announced on September 10, 2012. Specifically, I have determined that the redesignation:

- recognizes the action of the General Assembly requiring that the P&A and the client assistance program pursuant to 3112 of the federal Rehabilitation Act, 29 U.S.C. Section 732 (“CAP”) be designated to a private entity, and abolishing the Ohio Legal Rights Service, its Ombudsman Section, and the Ohio Legal Rights Service Commission on October 1, 2012;
- is consistent with the plan set out by the General Assembly that requires retention of program personnel and capacity and provides that advocacy services to Ohioans with disabilities will not be disrupted by the transition;
- promotes fiscal responsibility and, consistent with state policy, allows for further streamlining of state government;
- eliminates any perceived conflict of interest associated with the current placement of the P&A and CAP in state government;
- allows the P&A and CAP greater independence in personnel and other administrative matters, and facilitates compliance with federal requirements in those areas;
- promotes compliance with federal law related to governing authority composition; and
- allows the P&A and CAP to be more flexible with current resources and to explore financial resources for which those programs currently do not qualify.

WHEREAS, the Center will provide an assurance to the Secretary of the United States Department of Health and Human Services that direct payment to the Center is not prohibited by or inconsistent with State law, regulation, or policy.

WHEREAS, the Center will prepare and submit, or assist my Administration in preparing and submitting, any report on the Center’s activities or plans that may be required by the Secretary of Health and Human Services or otherwise under federal law.

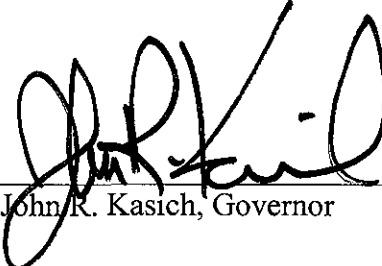
WHEREAS, the Center agrees that the federal funds it receives pursuant to the Developmental Disabilities Assistance Act and other related provisions of federal law shall be maintained, expended and accounted for in accordance with all applicable federal and State law requirements.

NOW, THEREFORE, I, John R. Kasich, Governor of the State of Ohio, pursuant to Article III of the Constitution of the State of Ohio, Sections 107.18(B) and 5123.60 of the Ohio Revised Code, and Section 319.20 of House Bill 153, and in implementation of the federal Developmental Disabilities Assistance Act and regulations under that law, designate the Ohio Disability Rights Law and Policy Center, Inc., dba “Disability Rights Ohio,” as the Ohio agency responsible for administering the system of protection and advocacy required by the Developmental Disabilities Assistance Act, effective October 1, 2012, and direct that all assurances and other actions that may be required under federal law to accomplish this redesignation be taken.

On the effective date of this Order, all Executive Orders which are inconsistent with this Order are revoked.

I signed this Executive Order on September 13, 2012, in Columbus, Ohio, and it will expire on September 30, 2015.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State