
OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

- Removes the requirement that the Opportunities for Ohioans with Disabilities Agency (OODA) receive Controlling Board approval to release funds for its program to provide personal care assistance for individuals with severe physical disabilities.
- Changes "person with a disability" to "eligible individual with a disability" throughout the Worker Retraining Law.
- Expands the definition of "physical or mental impairment."
- Specifies the types of activities and items for which maintenance payments may be used.
- Requires OODA to implement an order of selection if vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in Ohio who apply for services.

Fund authority for personal care assistance program

(R.C. 3304.41)

The act eliminates the requirement that the Opportunities for Ohioans with Disabilities Agency (OODA) receive Controlling Board approval to release funds for OODA's program to provide personal care assistance for individuals with severe physical disabilities to live and work independently.

Definitions and terms

(R.C. 3304.11, with conforming changes in numerous other R.C. sections)

The act makes the following changes to definitions and terms used in the Worker Retraining Law:

- Replaces the term "person with a disability" with "eligible individual with a disability";
- Expands the definition of "physical or mental impairment" to mean any physiological, mental, or psychological disorder, rather than a physical or mental condition that materially limits, contributes to limiting, or will



probably result in limiting a person's activities or functioning if not corrected, as under former law;

- Specifies the types of activities and items for which maintenance payments may be used (see "**Maintenance payments**," below);
- Replaces the definition of "vocational rehabilitation services" formerly used with the definition adopted in the rules implementing the federal Rehabilitation Act of 1973, which focuses more on job training and work-based learning experiences than diagnostic services;¹³⁷
- Replaces the term "visually impaired person" with "individual who is blind" throughout the Worker Retraining Law;
- Makes conforming changes throughout the Worker Retraining Law.

Maintenance payments

(R.C. 3304.11 and 3304.19, with conforming changes in R.C. 2329.66)

The act revises the definition of "maintenance" to specify the types of activities and items for which maintenance payments may be used. It defines "maintenance" as monetary support provided to an individual for expenses such as food, shelter, and clothing that exceed the individual's normal expenses. The excess expense must be necessitated by the individual's participation in an assessment to determine the individual's eligibility and need for vocational rehabilitation services or the individual's receipt of vocational rehabilitation services under an individualized plan for employment to be considered maintenance. Under former law "maintenance" meant money payments made to persons with disabilities who needed financial assistance for their subsistence during their vocational rehabilitation.

The act also specifies that any maintenance provided under the Worker Retraining Law is not transferrable or assignable at law or in equity, instead of living maintenance, as under former law.

¹³⁷ 29 U.S.C. 701 *et seq.*



Order of selection

(R.C. 3304.17)

The act requires OODA to implement an order of selection in accordance with the Rehabilitation Act of 1973 if vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in Ohio who apply for services.

Under continuing law, OODA must provide vocational rehabilitation services to all eligible individuals with disabilities, including any eligible individual with a disability who is eligible under the terms of an agreement or arrangement with another state or with the federal government.

