

Common Sense Business Regulation

The Ohio Department of Developmental Disabilities (DODD) will adhere to Executive Order 2008 – 04S (*Implementing Common Sense Business Regulation*). Paragraph 5 (f) of the Order provides as follows:

“Agencies should, when appropriate, waive penalties for first-time or isolated paperwork procedural regulatory noncompliance. Each cabinet agency, board and commission shall prepare and publish on its website a policy describing the circumstances in which such waivers will be granted.”

It is the policy of DODD to waive penalties for first-time or isolated paperwork or procedural regulatory noncompliance whenever appropriate. DODD believes the waiver of these penalties is appropriate under the following circumstances:

1. when failure to comply does not result in the misuse of state or federal funds;
2. when the regulation being violated, or the penalty being implemented, is not a regulation or penalty required by state or federal law; and
3. when the violation does not pose any actual or potential harm to public health or safety.

It is important to note that this policy only applies to minor violations, such as a paperwork processing violation. There may be certain circumstances, however, which would otherwise be considered minor (e.g., a provider’s inability to document services) when it is not appropriate for DODD to be limited to simply sending a warning letter for the first offense.

Questions about this policy should be directed to DODD’s Chief Legal Counsel at (614) 752-4744.