

3701-8-01

Definitions.

As used in this chapter:

(A) "Assistive technology service" means a service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device.

(1) Assistive technology services include:

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with ~~disabilities~~ a disability, or, if appropriate, that child's family; and
- (f) Training or technical assistance for professionals (including individuals providing early intervention services) or other individuals who provide services to or are otherwise substantially involved in the major life functions of individuals with disabilities.

(2) Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain or improve functional capabilities of children with disabilities. This term does not include a medical device that is surgically implanted or the replacement of such device.

~~(B) "County department of job and family services" or "CDJFS" means the county agency responsible for administering the PRC program.~~

~~(C)~~(B) "Department" means the Ohio department of health.

~~(D)~~(C) "Developmental delay" or "delay" means a delay as ~~measured by an appropriate evaluation tool and as determined through informed clinical opinion~~ identified

through the developmental evaluation process in one or more of the following developmental domains:

- (1) Cognitive development;
- (2) Communication development;
- (3) Social or emotional development;
- (4) Adaptive development; or
- (5) Physical development including vision, hearing and nutrition.

~~(E)~~(D) "Developmental disability" or "disability" means a disability that is characterized by all of the following:

- (1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments;
- (2) It is manifested before twenty-two years of age;
- (3) It is likely to continue indefinitely; and
- (4) It results in at least one delay or a condition known to result in a delay.

~~(F)~~(E) "Developmental evaluation" means an evaluation using an age-appropriate research based tool that measures the level of functioning in the following developmental domains:

- (1) Cognitive development;
- (2) Communication development;
- (3) Social or emotional development;
- (4) Adaptive development; and
- (5) Physical development, including ~~screening of~~ vision, hearing and nutrition.

~~(G)~~(F) "Direct Services" means all of the following:

- (1) Family support and community-based services that promote the well being of children and families and increase the strength, stability, confidence and learning environment of families through social services, health and education services, in home visits and parent support groups. Also included are programs designed to improve parenting skills, including skills in child development, family budgeting, coping with stress, health, and nutrition;
- (2) Structured activities to strengthen parent-child interaction;
- (3) Resource information and referral services;
- (4) Developmental screening and evaluation of children;
- (5) Developmental services for children to foster growth and development;
- (6) Health related services such as public health nursing services and health education;
- (7) Service coordination;
- (8) Individualized family service plan development for infants and toddlers with a delay or disability and delivery of services;
- (9) Family plan development for eligible pregnant women, infants and toddlers for home visiting services;
- ~~(9)~~(10) Specialized Early intervention services;
- ~~(10)~~(11) Transition; and
- ~~(11)~~(12) Any other similar service approved by the director.

~~(H)~~(G) "Director" means the director of health or his or her authorized designee.

~~(H)~~(H) "Expectant family" means a pregnant woman and her family or a family that is in the process of adopting ~~a newborn;~~an infant or toddler.

- (I) "Family and children first council" or "FCFC" means the council established pursuant to section 121.37 of the Revised Code at state and county levels with a stated purpose of helping families seeking government services by streamlining and coordinating existing services and supports for children.
- (J) "Family plan" means a written plan that identifies the activities that will be provided or carried out in the delivery of services for eligible pregnant women, infants and toddlers.
- (K) "Help me grow" or "HMG" means Ohio's birth to age three system designed to provide and maintain a coordinated, community-based infrastructure that promotes trans-disciplinary, family-centered services for eligible expectant families, newborns, infants, toddlers and their families.
- (L) "Help me grow system review" means the monitoring system used by the department to determine if a county is in compliance with Chapter 3701-8 of the Administrative Code and Part C.
- (M) "Home visit" occurs when a home visitor travels to a child or family's place of residence or a community location agreed upon by the family and home visitor and engages in providing home visiting program elements.
- (N) "Home visitor" is the individual who delivers HMG services during home visits within the home visiting program.
- ~~(M)~~(O) "Individualized family service plan" or "IFSP" means a written plan ~~that identifies outcomes for expectant families, individual families and their infants or toddlers and describes resources, services and the coordination that will support those outcomes~~ for providing early intervention services to part C eligible children and their families.
- ~~(N)~~(P) "Individuals with Disabilities Education Act" or "IDEA" means the federal law addressing the education of children with disabilities codified at 20 U.S.C. section 1400 and federal regulations codified at 34 C.F.R. Parts 300 and 303 in effect as of July 1, 2010.
- ~~(O)~~(Q) "Infant" means a child from birth ~~to~~ through age eighteen months.
- ~~(P)~~(R) "Informed clinical opinion" means ~~a determination arrived at by one or more individuals who are licensed or certified early intervention professionals through the synthesization of information from the evaluation and assessment process, diagnostic data, and other observations in order to make a recommendation as to eligibility for services under Part C of IDEA. The professional uses both qualitative~~

~~and quantitative information to shape an informed clinical opinion. In order to reach an informed clinical opinion about a child's development, the professional may use any or all of the following:~~the observations and perceptions of parents, professionals and other caregivers which are structured, integrated, and then used to reach decisions about a child's functional and behavioral strengths in order to determine eligibility and program plan of services within early intervention.

- ~~(1) Clinical interviews with parents;~~
- ~~(2) Evaluation of the child at play;~~
- ~~(3) Observation of parent-child interaction;~~
- ~~(4) Information from teachers or childcare providers; and~~
- ~~(5) Neurodevelopmental or other physical examinations.~~

~~(Q)~~(S) "Newborn" means an infant who is less than six weeks of age or less than six weeks from hospital discharge after birth.

~~(R)~~(T) "Ohio help me grow advisory council" means the designated advisory group for formal interagency planning, policy development and implementation of the HMG system as required by 34 C.F.R. 303.600 in effect as of July 1, 2010.

~~(S)~~(U) "Parent" means a natural or adoptive parent of a child, the parent with legal custody of the child if the parents are separated or divorced, ~~the~~a guardian or custodian but not the state if the child is a ward of the state, a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare), or a surrogate parent who has been ~~appointed~~assigned in accordance with ~~policies of the department of health~~ 34 C.F.R. 303.406, in effect as of July 1, 2010.

~~(T)~~ "Paraprofessional" means a person who is trained to provide a HMG service and assists or is supervised by a professional.

~~(U)~~(V) "Part C" means that part of IDEA addressing infants and toddlers with disabilities, codified at 20 U.S.C. sections 1431 to 1445 and federal regulations codified at 34 C.F.R. Part 303 in effect as of July 1, 2010.

~~(V)~~ "Prevention, retention and contingency" or "PRC" means the county program established by Chapter 5108. of the Revised Code, and funded in part with federal funds provided under Title IV A of the "Social Security Act," 49 Stat. 620 (1935), as amended. HMG services provided under the PRC program are not considered "assistance" as defined in 45 C.F.R. 260.31(a).

(W) "Procedural safeguards" means the procedures set forth in rule 3701-8-08 of the Administrative Code.

(X) "Professional" means a person who has a degree, ~~in a HMG-related discipline~~ or state certification, or license in the discipline or profession which he or she is providing services.

(Y) "Service coordination" means:

(1) For families eligible for Part C as set forth in paragraph (C) of rule 3701-8-03 of the Administrative Code, assistance and services provided by a service coordinator to an infant or toddler and the infant or toddler's family that are in addition to the functions and activities set forth in 34 C.F.R. 303.23 (as in effect on July 1, 2010); and

(2) For families eligible for home visiting services as set forth in paragraph (B) of rule 3701-8-03 of the Administrative Code, assistance and services provided by a home visitor to an expectant parent, newborn, infant or toddler and the newborn's, infant's or toddler's family in accordance with rule 3701-8-05 of the Administrative Code.

~~(Y) "Risk factor" means an activity, illness, situation or event that places a child in serious danger of future developmental delays.~~

(Z) "Service coordinator" means a person assigned to assist in determining eligibility and coordinating services for expectant families, infants, toddlers and their families through the HMG Part C process.

~~(AA) "Temporary assistance for needy families" or "TANF" means the program as defined in rule 5101:1-1-01 of the Administrative Code. TANF is funded in part with funds provided under the temporary assistance for need families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.~~

~~(BB)~~(AA) "Toddler" means a child who is at least nineteen months old but less than thirty-six months old.

~~(CC)~~(BB) "Transition" means the change within or exit from HMG services of an expectant family, infant, toddler and their family including:

(1) Transfer or discharge from a hospital or other healthcare facility;

(2) Exit from HMG due to ineligibility at age three years; or

(3) Exit from HMG service due to other reasons.

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