

3701-8-01

**Definitions.**As used in this chapter

(A) "Assistive technology service" means any service that directly assists an infant or toddler with a disability in the selection, acquisition, or use of an assistive technology device, including:

- (1) The evaluation of the needs of a child with a disability, including a functional evaluation of the infant or toddler in the child's customary environment;
- (2) Purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by infants and toddlers with disabilities;
- (3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
- (4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (5) Training or technical assistance for an infant or toddler with a disability, or, if appropriate, that child's family; and
- (6) 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.

(B) "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 the functional capabilities of children with disabilities. This term does not include a medical device that is surgically implanted, including a cochlear implant, or the optimization (e.g., mapping), maintenance or the replacement of that device.

(C) "Audiology services" include:

- (1) Identification of children with auditory impairments using at-risk criteria and appropriate audiologic screening techniques;
- (2) Determination of the range, nature, and degree of hearing loss and communication functions, by use of audiological evaluation;
- (3) Referral for medical or other services necessary for the habilitation or rehabilitation of an infant or toddler with a disability who has an auditory impairment;

- (4) Provision of auditory training, aural rehabilitation, speech reading and listening devices, orientation and training, and other services;
- (5) Provision of services for prevention of hearing loss; and
- (6) Determination of the child's individual amplification, including selection, fitting, and dispensing appropriate listening and vibrotactile devices, and evaluating the effectiveness of those devices.
- (D) "Centralized coordination contractor" means the entity which provides administration and oversight of help me grow's public awareness, child find, central directory, referral, and provider assignment activities for individuals referred to help me grow, as determined through a contract, grant or other agreement with the department of health.
- (E) "Child find" means the strategies and activities which identify pregnant women, expectant first-time parents, low income and military families with infants and toddlers; and infants and toddlers with developmental delays or disabilities, who may be eligible for help me grow.
- (F) "Clearly not feasible" means family circumstances which made it impossible to comply with Chapter 3701-8 of the Administrative Code.
- (G) "Comparable screening" means a screening tool which is not required in help me grow, but which is suitable for substitution for a required screening tool because it screens the same areas required like vision, hearing, nutrition, development, or social or emotional development.
- (H) "Consent" means that permission is provided once an individual has been fully informed of all information relevant to the activity for which consent is sought.
- (I) "Convenient" means the reasonable attempts were made to schedule screenings, evaluations, assessments, meetings and visits in settings and times the family preferred.
- (J) "Department" means the Ohio department of health.
- (K) "Developmental delay" or "delay" means functioning at a level less than typical for one's chronological age as identified through the developmental evaluation process in one or more of the following areas:
- (1) Cognitive development;
  - (2) Physical development including vision, hearing, and nutrition;
  - (3) Communication development;

(4) Social or emotional development; or

(5) Adaptive development.

(L) "Developmental evaluation" means the procedures used by qualified personnel to determine a child's eligibility for an assessment.

(M) "Director" means the director of health or his or her authorized designee.

(N) "Disability" means a developmental delay, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: cognitive development, physical development, including vision, hearing, and nutrition, communication development, social or emotional development, adaptive development; or has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

(O) "Early intervention" means the statewide program authorized by part C of the "Individuals with Disabilities Education Act".

(P) "Early intervention service coordination contractor" means any entity that provides early intervention service coordination services, administration, or oversight of help me grow early intervention through a contract, grant, or other agreement with the department.

(Q) "Early intervention service provider" or "EIS provider" means an entity (whether public, private, or nonprofit) or an individual that provides early intervention services, whether or not the entity or individual receives federal funds under IDEA.

(R) "Early intervention services" are developmental services that are provided under public supervision, are selected in collaboration with the parents, are provided at no cost except for a system of payments for families, that are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development, as identified by the IFSP team, in any one or more of the following areas: physical, cognitive, communication, social or emotional or adaptive development. Early intervention services may include, but are not limited to:

(1) Assistive technology devices and services;

(2) Audiology services;

(3) Counseling services;

(4) Family training, counseling and home visits;

(5) Health services;

(6) Medical services;

(7) Nursing services;

(8) Nutrition services;

(9) Occupational therapy;

(10) Physical therapy;

(11) Psychological services;

(12) Service coordination services;

(13) Sign language and cued language services;

(14) Social work services;

(15) Special instruction;

(16) Speech-language pathology services;

(17) Transportation (and related costs); and

(18) Vision services.

(S) "Early intervention system of payment provider" means an entity who is approved to provide early intervention services and is reimbursed for the services provided through a provider agreement with the Ohio department of health.

(T) "Evidence-based home visiting model" means a service delivery model designated by the U.S. department of health and human services which meets at least one of the following criteria:

(1) At least one high-quality or moderate-quality impact study of the model finds favorable, statistically significant impacts in two or more of the eight outcome domains; or

(2) At least two high-quality or moderate-quality impact studies of the model using non-overlapping analytic study samples find one or more favorable, statistically significant impacts in the same domain.

(U) "Evidence-based curriculum" means an education tool used with parents to teach topics about parenting which has demonstrated research effects for the purpose and goals of its use.

(V) "Exceptional family circumstances" are unique situations specified by the family that

- prevent the evaluation, assessment, or IFSP meeting from being completed within required time line.
- (W) "Expectant first-time parent" means a pregnant woman preparing to give birth to her first child. This does not include individuals preparing to adopt or individuals who have given birth but not raised a child due to death, adoption, or termination of parental rights.
- (X) "Family plan" as it applies to the home visiting program means a written plan that identifies the activities that will be provided or carried out in the delivery of services for eligible individuals.
- (Y) "Family training, counseling and home visits" means services provided, as appropriate, by social workers, psychologists, and other qualified personnel to assist the family of an infant or toddler with a disability in understanding the special needs of the child and enhancing the child's development.
- (Z) "Federal poverty level" or "FPL" is the level of household income by family size as reported in the federal register by the United States department of health and human services, published on or before April 1st of each calendar year.
- (AA) "First-time parent" means a single father who is raising his first child, a single mother who has given birth to her first child, or a couple who have given birth to their first child.
- (BB) "Functional outcomes" means practical activities that fit into a family's daily life and represent skills that enhance the child's ability to cope with daily environmental demands.
- (CC) "Health services" means services necessary to enable an otherwise eligible child to benefit from the other early intervention services the child needs.
- (DD) "Help me grow" or "HMG" is the name of Ohio's statewide prenatal to age three home visiting and early intervention programs overseen and administered by the Ohio department of health.
- (EE) "Home visit" is a location or method for service delivery which may be in the child's or family's place of residence or a community location acceptable to the family.
- (FF) "Home visitor" is the individual who delivers services during home visits within the HMG home visiting program.
- (GG) "Home visiting contractor" means any entity which provides services within the help me grow home visiting program through a contract, grant or other agreement with the department.
- (HH) "Individualized family service plan" or "IFSP" as it applies to early intervention

means a written plan for providing early intervention services to an infant or toddler with a disability and the infant or toddler's family in the help me grow early intervention program.

(II) "Individuals with Disabilities Education Act" or "IDEA" is the federal law addressing the education of children with disabilities codified at 20 U.S.C. section 1400 et seq. and federal regulations codified at 34 C.F.R. parts 300 and 303 as amended and in effect on July 1, 2012.

(JJ) "Infant or toddler" means a child from birth to thirty-six months old.

(KK) "Informed clinical opinion" means the professional knowledge and expert opinion used to reach decisions about a child's functional and behavioral strengths in order to determine eligibility for an assessment and need for services within early intervention.

(LL) "Interim IFSP" means an IFSP which is completed and signed by the parent before an assessment has been conducted in order to start immediately-needed services for the child.

(MM) "Local education agency" or "LEA" means a public board of education or other public authority within Ohio for either administrative control or direction of, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of the state.

(NN) "Medical home" means the primary care provider who shares the responsibility for the health and wellness of the child in partnership with that child's family.

(OO) "Medical services" means services provided by a licensed physician for diagnostic or evaluation purposes to determine a child's developmental status and need for early intervention services.

(PP) "Multi-disciplinary" means the involvement of two or more separate disciplines or professions unless one individual holds licensure in at least two disciplines.

(QQ) "Native language" means when used with respect to an individual who is limited English proficient, the language normally used by an individual, or in the case of a child, the language normally used by the parents of the child. For evaluations and assessments, it is the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation and assessment. When used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by that individual, such as sign language, braille, or other communication.

(RR) "Natural environments" means settings that are natural or typical for a same-aged infant or toddler without a disability.

(SS) "Nursing services" means services provided by qualified personnel which include: the assessment of health status for the purpose of providing nursing care, including the identification of patterns of human response to actual or potential health problems; provision of nursing care to prevent health problems, restore or improve functioning, and promote optimal health and development; and the administration of medications, treatments, and regimens prescribed by a licensed physician.

(TT) "Nutrition services" means services provided by qualified personnel who conduct individual assessments in nutritional history and dietary intake, anthropometric, biochemical, and clinical variables, feeding skills and problems, or food habits and preferences; develop and monitor appropriate plans to address the nutritional needs; and make referrals to appropriate community resources to carry out nutrition goals.

(UU) "Occupational therapy" means services provided by qualified personnel designed to address the functional needs of an infant or toddler with a disability related to adaptive development, adaptive behavior, and play, sensory, motor, and postural development. These services are designed to improve the child's functional ability to perform tasks in home, school, and community settings and include identification, assessment and intervention; adaption of the environment and selection, design, and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills; and prevention or minimization of the impact of initial or future impairment, delay in development, or loss of functional ability.

(VV) "Parent" means:

(1) When used in reference to a child participating in early intervention, a birth or adoptive parent of a child; a guardian generally authorized to act as the child's parent, or authorized to make early intervention, education, health or developmental decisions for the child (but not the State if the child is a ward of the state); an individual acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives; a person who is legally responsible for the child's welfare; or a surrogate parent who has been assigned by the department.

(2) When used in reference to a child participating in home visiting, an individual who is the birth mother or father of a child.

(WW) "Parenting education" means sharing age-appropriate child development information, modeling appropriate activities and behaviors, and answering questions about child development with a parent of a child in the home visiting program..

(XX) "Personally identifiable information" means information which can identify an individual, including, but not limited to: child's name, name of the child's parent or other family member, address of the child or child's family, a personal identifier,

such as the child's social security number or identification number, a list of personal characteristics that would make the child's identity easily traceable, or other information that would make the child's identity easily traceable.

(YY) "Physical therapy" means services provided by qualified personnel to address the promotion of sensorimotor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status, and effective environmental adaption. These services include screening, evaluation, and assessment of children to identify movement dysfunction; obtaining, interpreting, and integrating information appropriate to program planning to prevent, alleviate, or compensate for movement dysfunction and related functional problems; and providing individual and group services or treatment to accomplish any of the above.

(ZZ) "Post-referral procedures" include the activities of screening, evaluations, assessments; and the development, review, and implementation of IFSPs within early intervention.

(AAA) "Pre-referral procedures" include the activities of public awareness and child find.

(BBB) "Primary referral sources" means those individuals making referrals into help me grow and include hospital personnel, physicians, parents, child care programs, early learning programs, local education agencies and schools, public health facilities, other public health or social service agencies, other clinics and health care providers, public agencies and staff in the child welfare system, including child protective services and foster care, homeless family shelters, and domestic violence shelters and agencies.

(CCC) "Prior written notice" means notification provided to the parent of an infant or toddler with a disability by an early intervention service provider in advance of an action and in writing which informs the parent of an action that is being proposed or refused, the reasons for taking the action, and the rights available to the parent.

(DDD) "Procedural safeguards" means the procedures providers must adhere to in order to ensure program participants their rights.

(EEE) "Program referral" is the activity of making an individual known from a centralized coordination contractor to an early intervention service coordination contractor or a home visiting contractor for the start of program participation within help me grow.

(FFF) "Psychological services" means services provided by qualified personnel for administering psychological and developmental tests and other assessment procedures; interpreting assessment results; obtaining, integrating, and interpreting information about child behavior and child and family conditions related to learning, mental health, and development; and planning and managing a program of psychological services, including psychological counseling for children and

parents, family counseling, consultation on child development, parent training, and education programs.

(GGG) "Qualified personnel" means personnel who have met Ohio's approved or recognized certification, licensing, registration, or credential that apply to the areas in which the individuals are conducting or providing evaluations, assessments or services.

(HHH) "Record" includes a document, device or item, regardless of physical form or characteristic, including electronic format, created or received for an individual in help me grow, from system referral through program exit.

(III) "Service coordination services" means the services provided by qualified personnel to assist and enable an infant or toddler with a disability and the child's family to receive the services and rights which the rules in this chapter require, including procedural safeguards.

(JJJ) "Service coordinator" is the individual who assists and enables an infant or toddler with a disability and the child's family to receive the services and rights, including procedural safeguards, required by help me grow early intervention.

(KKK) "Service provider" is any individual or entity providing services to a program participant in help me grow.

(LLL) "Sign language and cued language services" means the services provided by qualified personnel which include teaching sign language, cued language, and auditory or oral language, providing oral transliteration services such as amplification, and providing sign and cued language interpretation.

(MMM) "Social work services" means services provided by qualified personnel to evaluate a child's living conditions and patterns of parent-child interactions, preparing a social or emotional developmental assessment of the infant or toddler within the family context, provide individual and family-group counseling with parents and appropriate skill-building activities with the infant or toddler and parents, work with problems in the living situation of an infant or toddler with a disability and the family, and identify, mobilize, and coordinate community resources to enable the maximum benefit from early intervention services.

(NNN) "Special instruction services" means services provided by qualified personnel to promote an infant or toddler's acquisition of skills in a variety of developmental areas; curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the IFSP for the infant or toddler with a disability; providing families with information, skills, and support related to enhancing the skill development of the child; and working with the infant or toddler with a disability to enhance the child's development.

(OOO) "Speech-language pathology services" means services provided by qualified

personnel to identify communication or language disorders or delays in development of communication skills, including the diagnosis and appraisal of specific disorders and delays in those skills; refer for medical or other professional services necessary for habilitation or rehabilitation of children with communication or language disorders and delays in development of communication skills; and provide services for the habilitation, rehabilitation, or prevention of communication or language disorders and delays in development of communication skills.

(PPP) "State education agency" or "SEA" means the state board of education and related agency primarily responsible for the state supervision of public elementary schools and secondary schools and includes the agency that receives funds under sections 611 and 619 of IDEA.

(QQQ) "Substantiated victim of child abuse or neglect" means a child who has been determined abused or neglected by the state agency for child welfare, the Ohio department of job and family services.

(RRR) "Surrogate parent" means an individual who has been determined necessary and appropriate to represent the rights of an infant or toddler with a disability, who has been assigned by the department, and functions in place of a parent with respect to the child's participation in early intervention.

(SSS) "System administrator" is the individual responsible for interaction with the department's electronic data system and oversight of data use.

(TTT) "System referral" is the instance when a potentially eligible individual is made known to a centralized coordination contractor with the following information: child's age, child's county of residence, parent's first and last name, and telephone number, e-mail address, or mailing address.

(UUU) "Transition" means the change within or exit from HMG services including:

- (1) Transfer or discharge from a hospital or other facility;
- (2) Exit from HMG due to ineligibility at age three years; or
- (3) Exit from HMG due to other reasons.

(VVV) "Transportation and related costs" means the cost of travel and other costs that are necessary to enable an infant or toddler with a disability and the child's family to receive early intervention services.

(WWW) "Vision services" means services provided by qualified personnel to evaluate and assess visual functioning, including the diagnosis and appraisal of specific visual disorders, delays, and abilities that affect early childhood development; referral for medical or other professional services necessary for habilitation or rehabilitation of visual functioning disorders, or both; and provide communication

skills training, orientation and mobility training for all environments, visual training, and additional training necessary to activate visual motor abilities.

(XXX) "Ward of the state" means a child who is, as determined by the state of residence, a foster child, unless the foster parent meets the definition of a parent; or is in the custody of a the state child welfare agency or a local public child services agency.

(YYY) "Written notification of IFSP meeting" means a letter or form sent by a child's service coordinator to the family, individuals participating in any assessments, and service providers which informs participants of the date, time and location of an upcoming annual IFSP meeting.

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