

Rule Summary and Fiscal Analysis (Part A)**Department of Health**

Agency Name

Division

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3701-8-01

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Definitions.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Amstutz**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3701.61**

5. Statute(s) the rule, as filed, amplifies or implements: **3701.61**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Because of the number of changes proposed to this rule due to changes in federal Early Intervention regulations and changes to the reimbursement structure for the Home Visiting program; the Director of Health proposes to rescind this rule and replace it with a new version of 3701-8-01

7. If the rule is an AMENDMENT, then summarize the changes and the content

of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule defines all of the applicable terms used in Chapter 3701-8 of the Ohio Administrative Code.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references sections of the Ohio Administrative Code (O.A.C.), the Code of Federal Regulations (C.F.R.) and the United States Code (U.S.C.). These texts are available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Filing copies of state and federal law and regulations cited in the text of a rule is exempted pursuant to Revised Code 121.75 and 121.76.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **5/3/2012**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

Help Me Grow is a voluntary program, but requires a contract, grant, or agreement to participate and seek reimbursement.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Contractors are subject to sanctions as a result of program participant complaints, when the complaint is substantiated and found to be a violation of OAC and federal regulations for Early Intervention, when they apply. Sanctions may include, but are not limited to the Director requiring:

- (1) Request correction of incomplete or inaccurate data in the statewide data system;
- (2) Participate in technical assistance or training provided by the department;
- (3) Require a plan of corrective action;
- (4) Require an early intervention service coordination contractor or an early intervention system of payment provider to reimburse or compensate family upon a finding that contractor did not provide early intervention services as required by the rules in Chapter 3701-8 of the Administrative Code, the terms of a grant, agreement, or contract entered into by contractor or provider and other applicable program-related federal or state laws;
- (5) Withhold future funds or require repayment of funds to the department; or
- (6) Suspend or terminate contractor's or provider's grant, agreement, or contract.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule requires that contractors inform parents of their rights annually in their native language, unless clearly not feasible to do so. The ODH provides these materials at no cost, but interpreters may also be needed for some families who are non-English speaking or hearing impaired. The rule also requires that records maintained on program participants be made available to them, or their parent, within ten calendar days of the request. While contractors may charge a fee for copying record documents, that fee is not charged when it would keep a parent from obtaining a copy of their child's file. These are all federal Early Intervention requirements. Finally, reporting data into the statewide data system for Help Me Grow is a condition of compliance.

