

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

Agency Name

Division

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**3701-8-01**

Rule Number

**AMENDMENT**

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: **HB1**General Assembly: **128**Sponsor: **Rep. Sykes**

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, Section 289.20 of Am. Sub. H.B. 1(128th G.A.)**

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

Pursuant to RC 119.032, this rule is being proposed with amendments to reflect 1) changes made in the reauthorization of Part C IDEA in 2004; 2) program changes to reflect best practice and evidence supporting home visiting for at risk families; 3) the elimination of Temporary Assistance to Needy Families (TANF) funding and its subsequent restrictions and requirements existing in the current rule; 4) a 2009 change in name of state agency from Department of Mental Retardation and Developmental Disabilities to Department of Developmental Disabilities, and 5) redesigning the home visiting program.

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. The Chapter pertains to the Help Me Grow Program. Amendments eliminate every mention of Temporary Assistance to Needy Families (TANF) funding because the Help Me Grow Program no longer receives TANF funding. Other changes 1) reflect the change in name of state agency from the Department of Mental Retardation and Developmental Disabilities to Department of Developmental Disabilities; 2) add the family plan for the Home Visiting Program, which is a new requirement; update the definition of "Informed Clinical Opinion" to reflect recent research literature on the topic; and delete a definition for "risk factor," revise the definition of "parent" and add a definition of "service coordination."

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 and cites federal law and regulations in the United States Code and the Code of Federal Regulations.

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:

Ohio Revised Code 121.76 exempts agencies from filing copies of state law and regulations in the text of a rule; inclusion of cited copies text from the U.S.C. and C.F.R. are exempted as per Ohio Revised Code 121.75

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:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously

filed version of this rule; if none, please state so:

5/21/2010 - The definition of "parent" is being revised to more closely match the definition within the federal Part C regulations, and other clarifications are being made regarding the family plan and service coordination. The definition for "newborn" is reinstated.

6/4/2010 - Adding a definition for "service coordination" to clarify the types of services for Part C eligible families and home visiting eligible families.

12. 119.032 Rule Review Date: **4/16/2010**

(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

This is a definitional rule that does not impact the agency's budget.

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:

This is a definitional rule with no cost of compliance.

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**