

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

Agency Name

Division

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3701-8-01

Rule Number

NEW

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? **No**

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:

The rule is being proposed due to the rule review requirement in R.C. Section 119.032; changes in federal Early Intervention regulations; and changes to 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:

Rule 3701-8-01 provides definitions for terms used in O.A.C. Chapter 3701-8. Due to the number of revisions, ODH proposes to rescind current rule 3701-8-01 and to replace it with this new version. Terms relevant to early intervention have been amended or added throughout this rule consistent with federal Early Intervention regulations (new as of September 28, 2011). Other terms were added, deleted, or modified for clarification purposes or at the request of stakeholders.

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. Additionally, Department of Health (HEA) forms mentioned in the rule will be available on the ohiohelpmegrow.org website and provided upon approval of contract or grant.

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:

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.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

7/12/2012: New definitions have been added, including definitions for "assessment" (paragraphs A and B), "families" (paragraph Y), "infant" (paragraph

MM), "screening" (paragraph JJJ), "statewide data system" (paragraph RRR), "toddler" (paragraph VVV), and "transition planning conference" (paragraph XXX).

Definitions for the following words or terms have been deleted from the original filing: "disability," "medical home," "post-referral procedures," "pre-referral procedures," "state education agency," and "substantiated victim of abuse or neglect."

Other replacements were made, including: 1) "evidence-based parenting curriculum" replaced "evidence-based curriculum"; 2) "expectant first-time mother" (paragraph X) replaced "expectant first-time parent"; 3) "first-time mother" (paragraph DD) and "first-time father" (paragraph CC) "replace first-time parent"; and 4) "infant or toddler with a disability" (paragraph NN) replaced "disability."

Revisions were also made to existing definitions, including "child find" (paragraph G), "comparable screening" (paragraph I), "developmental delay" (paragraph M), "developmental evaluation" (paragraph N), "early intervention services" (paragraph S), "exceptional family circumstances" (paragraph W), "functional outcomes" (paragraph EE), "individualized family service plan" (paragraph KK), "individuals with disabilities education act" (paragraph LL), "informed clinical opinion" (paragraph OO), "medical services" (paragraph RR), "multi-disciplinary" (paragraph SS), "social work services" (paragraph OOO), "special instruction services" (paragraph PPP), and "ward of the state" (paragraph AAAA).

12. 119.032 Rule Review Date:

(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**

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? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**