

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

Agency Name

Division

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**3701-8-02**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Purpose and structure.****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? **No**

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 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; and 4) a 2009 change in name of state agency from Department of Mental Retardation and Developmental Disabilities to Department of Developmental Disabilities.

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 outlines the purpose and structure of the Help Me Grow (HMG) program, specifying the components associated with Help Me Grow part C and Help Me Grow home visiting programs. Additionally, this rule indicates how Help Me Grow funds are to be spent. An amendment was necessary because the HMG program is redesigning the type of home visit that will be provided to include expectant families, not just new borns. Also, Part C IDEA and its requirements have been separated from the Home Visiting Program for children and their families. Finally, references to PRC, TANF and county job and family services are being deleted, because the HMG program is longer receiving these funds.

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 copies of cited 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 - Revisions are being made to paragraph (F) to clarify that Part C services must be provided in accordance with federal Part C regulations. Revisions

are being made to paragraph (G) to more closely match the language in the federal Part C regulations. In addition, clarification was added to paragraph (C).

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

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:

There is no impact.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The amendment to this rule will have minimal fiscal impact on the county. Any increased cost to local providers for the help me grow home visiting program will be covered by the department's funding allocation to the county. The help me grow home visiting program per child amount of \$2925 was calculated to take into account the anticipated number of visits to be provided to each family and took into account the increased accountability requirements. The \$2925 per child amount was based off of national home visiting models. Secondly, target numbers of families expected to be served will be financed with state funds allocated to the county through subsidy agreements. There are no new requirements to the HMG Part C components.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any

indirect central service costs.

Each county family and children first council determines local providers, subcontractors and personnel to provide the services.

(a) Personnel Costs

Locally determined.

(b) New Equipment or Other Capital Costs

Locally determined.

(c) Operating Costs

Locally determined.

(d) Any Indirect Central Service Costs

Locally determined.

(e) Other Costs

Locally determined.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The Help Me Grow program was created in 2001. Funding currently comes from federal Part C (including ARRA stimulus funds for state fiscal year 2011) funding, GRF and local funding. There are no new program requirements imposed by the proposed rule.

7. Please provide a statement on the proposed rule's impact on economic development.

No impact.