

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

Agency Name

Division

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**3701-8-02**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Standards and procedures for determining eligibility of help me grow contractors.****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:

This 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 accommodate reimbursement for 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:

Due to the extensive changes, the Director of Health proposes to rescind current and propose new Ohio Administrative Code Rule 3701-8-02. This rule outlines the standards and procedures for determining eligibility of contracted service providers in Help Me Grow. The rule states requirements for completing an application process for funds and allows the department to put out available monies using grant, subsidy agreement, provider agreement, or contract. The rule describes the process for approval or denial of provider agreements for Home Visiting contractors, Centralized Coordination contractors, Early Intervention Service Coordination contractors, and Early Intervention System of Payment providers. The rule outlines how provider applicants request reconsideration of an adverse decision.

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:

*Not Applicable.*

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 increase expenditures.

\$221,504.

This rule will increase expenditures. With the new contractors proposed in these rules (Centralized Coordination and Home Visiting), staff time will be needed to assess the applications, deny or approve them, complete contracts and send letters. This rule also puts a process in place for applicants who are denied a contract or provider agreement to provide more information and staff time will be dedicated to turn these decisions around in the 45 calendar days required by this rule. Agency impact calculated with salary and fringe costs for One staff at 50% time for EISOP contractors, One staff at 50% time for HV contractors, One staff at 50% time for Part C; and One staff at 27% time for Centralized Coordination contractors for the year remaining year in this biennium. These expenditures will be supported with existing resources.

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

GRF DOHOOA 440459

Federal Home Visiting funds DOH52P 440618

Federal Early Intervention funds DOHO1W 440618

Medicaid Administrative Claiming funds DOH99E 440646

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:

Contractors who enter into contract, grant, or agreement will be those affected. The cost of compliance is staff time for oversight for meeting the rule requirements in the Chapter of rules as they apply to the individual contractors. Estimated costs are unknown at this time, but they are expected to be almost exclusively personnel hours for an individual who will oversee meeting the contract, grant, or agreement requirements.

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? **No**

The department may take any of the actions listed in paragraph (B) of rule 3701-8-02,1 of the Administrative Code.

C.) Does this rule require specific expenditures or the report of information as a

condition of compliance? **Yes**

Reporting data into the statewide data system for Help Me Grow is a condition of compliance.