

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

Agency Name

Division

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**3701-8-03**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Eligibility and consent.****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? **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The new rule is being proposed and the current rule rescinded to reflect 1) changes made in the reauthorization of Part C IDEA in 2004; 2) results of a compliance agreement between the Office of Special Education Programs and ODH Help Me Grow between 2006 and 2010; 3) program changes to reflect best practice and evidence supporting home visiting for at risk families; 4) the elimination of Temporary Assistance to Needy Families (TANF) funding and its subsequent restrictions and requirements existing in the current rule; and 5) 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 eligibility criteria for both Part C IDEA and home visiting program of Help Me Grow. The amendment reflects the extensive changes made in the past year to the Help Me Grow Home Visiting program, which has gone through extensive public comment and stakeholder input. The Part C of IDEA eligibility was changed to include evaluations using a tool prescribed by the department, a necessary change due to the Office of Special Education Programs 2004 reauthorization requirement for states to adopt a rigorous definition of delay. Finally, the amendment deletes the reference to a tool no longer used in Help Me Grow (Denver II) due to questionable validity of the tool to detect delays in development.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

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:

*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 have no impact on revenues or expenditures.

\$0.00

No impact.

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 cost of compliance.

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 rule describes eligibility requirements for the Help Me Grow program and includes information on developmental screening, evaluation and consents required for services. Family and Children First Councils are responsible for implementation and monitoring of the Help Me Grow (HMG) program locally. Funding for HMG is provided by the department of health statewide and developmental disabilities locally. Due to the variety of services provided for program participants locally, it is not possible to determine the full cost of this program statewide. Base funding is provided to each county, but many counties also leverage local resources to expand services to families.

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? **Yes**

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.

Help Me Grow includes the federal Part C early intervention program of the Individuals with Disabilities Education Act (IDEA) for infants and toddlers with delays or disabilities. Additional state and federal funding is provided to counties for HMG services to infants and toddlers at risk for or with developmental delays or disabilities. Due to the variety of services provided for program participants locally, it is not possible to determine the full cost of this program statewide. Base funding is provided to each county, but many counties also leverage local resources to expand services to families.

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 an integration of three (3) existing programs in 2001. Funding comes from federal Part C funds (including ARRA stimulus funds through SFY 11), GRF and local dollars. The amended rule narrows eligibility for the Home Visiting program and made no changes to the Part C eligibility or program requirements.

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

development.

No impact.