

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

Agency Name

Division

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**3701-8-03**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**Personnel and supervision requirements.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **332**General Assembly: **131**Sponsor: **Jones**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: **2701.61**

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

In accordance with the requirements set forth in both Am. Sub. H. B. No. 483 and Sub. S.B. No. 332, and to satisfy five-year review requirements, the Ohio Department of Health (ODH) is proposing to rescind and revise O.A.C. Rules 3701-8-01 to 3701-8-10.2.

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 provides standards for the hiring and supervision of home visiting and early intervention staff. The rule sets forth the minimum educational and training requirements for home visitors and early intervention providers and the supervisors of those programs. As a result of both Am. Sub. H.B. 483 and Sub. S.B. 332, ODH is no

longer the lead agency for Part C early intervention services; thus, ODH no longer has authority to implement parts of this rule. Moreover, Sub. S.B. No. 332 requires ODH to adopt evidenced-based home visiting model standards. As such, ODH proposes to rescind the current rule.

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 referenced the Ohio Administrative Code. The O.A.C. is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

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:

See below

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:

Pursuant to R.C. 121.76, the cited material is exempt from inclusion in this filing.

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. Five Year Review (FYR) Date: **11/7/2017**

(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**

This rule required that home visiting and early intervention staff operating in the State of Ohio be credentialed by the department, and to obtain continuing education to maintain credential. (This rule is proposed for rescission).

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**

This rule authorized the director to initiate action when providers had not obtained or properly maintained the required credential. Actions included a corrective action plan, required technical assistance facilitated by the department, to withhold future funds or require repayment of funds, or suspend or terminate contractor's or provider's grant, contract, or agreement. However, this rule is proposed for rescission.

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

Question:

Was a search conducted to determine if liability insurance, bond, or other financial responsibility instrument was readily available in the amounts required as a condition of licensure?

Yes \_\_\_\_\_ No \_\_\_\_\_ Not applicable \_\_\_\_\_X\_\_\_\_\_