

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

Personnel and supervision requirements.**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 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 3701-8-03 is new and lists the minimum education and training requirements for personnel working within Help Me Grow. This rule explains the minimum education required to be hired, expectations for training, requirements for obtaining initial credential and renewal every two years. Finally, it incorporates requirements which were previously in HMG program policy.

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.), which is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule. The rule also mentions Department of Health (HEA) forms which are available on the Ohio Help Me Grow website (ohiohelpmegrow.org) 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:

Ohio Revised Code 121.76 exempts agencies from filing copies of Ohio law and regulations cited in the text of a rule.

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: This rule was TBR-ed to keep it with the rest of the package. The rule is now being re-filed with no changes, however, minor changes were made to the "incorporated by reference" section of the rule summary, and to the Part B form.

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 revenues.

\$350.000.

The department will spend approximately \$300,000 on training in the upcoming biennium. These expenditures will be supported with existing resources and are necessary in order to provide the trainings required for supervisor, home visitor, and service coordinator credential.

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

GRF DOH00A 440459

Federal Home Visiting funds DOH52P 440618

Federal Early Intervention funds DOH01W 440618

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:

The cost of compliance will vary depending on the number of already-credentialed staff employed by each contractor. Those individuals already credentialed must obtain 20 contact hours of training over two years. Individuals who are not yet credentialed will cost contractors time away from productive work to be trained. There are two required trainings in person for service coordinators and home

visitors which may require costs or hotel accommodations and mileage reimbursement, when the training requires travel out of county.

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**

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**

Each individual utilized as a supervisor of home visitors or service coordinators, a home visitor, or a service coordinator shall meet the education and training requirements set forth in this rule and maintain such credential without lapse. If a home visitor or service coordinator serves families in HMG before the supervisor, home visitor, or service coordinator obtains the HMG credential or after a credential lapses, 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**

This rule requires that home visitors and service coordinators are credentialed before they are qualified to serve families in Help Me Grow. These requirements were previously in HMG program policy and were moved to rule so that program

policy will no longer exist and all requirements will be in OAC. The federal regulations for Early Intervention require that personnel be qualified and that the lead agency (ODH) have processes in place for assuring that personnel are qualified. In order to become credentialed, trainings may cost the contractor some money, although the ODH has subsidized or paid for the majority of required trainings and will continue to, even when this rule goes into effect. Most trainings cost nothing because they are available on demand and on-line. Additionally, contractors must ensure that their hired or sub-contracted employees providing HMG services input their information into the Ohio Professional Registry as a condition of obtaining their credential.

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.

This rule requires that service coordinators and home visitors meet the educational and training requirements for a department-issued, HMG credential. The estimated cost of fulfilling the training requirements for this credential include time away from work, travel and overnight accommodations, when necessary. Credentialed personnel have met these requirements, but if a new individual is hired, they have to become credentialed before being allowed to serve families. In cases of required in-person trainings (1 - 3, depending on role requirements; all others are available on-line, free and whenever the learner is available), materials are paid for by ODH, but estimated costs for one five day training, which is required for home visitors, is \$1300 (salary/fringe) + \$500 (hotel) + \$100 (car mileage) = \$1900.

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.

The estimated cost is time away from work, travel and overnight accommodations for every individual who needs the required two day training institute training. These trainings are offered throughout the state, but in instances where individuals must travel more than 60 miles, the estimated two day training institute cost for salary & fringe, overnight accommodations, and roundtrip mileage are: \$510 (salary/fringe) + \$100 (hotel) + \$60 (car mileage) = \$780.

(a) Personnel Costs

\$510 (salary/fringe) for 16 hours of work (2 days of training)

(b) New Equipment or Other Capital Costs

Not applicable

(c) Operating Costs

Not applicable

(d) Any Indirect Central Service Costs

Not applicable

(e) Other Costs

\$100 (hotel) and \$60 (car mileage), when applicable

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.

Through a subsidy agreement with ODH, the department will be providing \$2500 per credentialed home visitor, which will offset the training costs for training and costs incurred because of the need to travel for the Training Institute or affiliation-related training.

Faxing, scanning, or copying costs associated with sending proof of trainings to the Ohio Professional Registry, as required to meet the requirements of the home visitor credential.

Through a grant for Service Coordination contractors with ODH, grantees budget for travel and training expenses as expected for their staff of service coordinators. Training costs are legitimate grant expenses and thus reimbursed as expenditures are reported to the department from grantees.

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

Given that the subsidy agreement has tried to anticipate any new or additional costs, the impact on economic development is not applicable. The grant provides for training costs allowable in each grantees budget and expenditures.