

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

Agency Name

Division

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3701-8-07

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Help me grow early intervention program eligibility and determination of need for early intervention services.**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 rule is being proposed due to updates and clarifications related to federal Early Intervention regulations, the inter-agency partnership between DODD and ODH to lead Early Intervention; and to simplify the requirements of existing rule.

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 3701-8-07 is amended to simplify the eligibility categories for Early Intervention from five to three. Because the rule was amended with input from the Ohio Department of Developmental Disabilities and stakeholders, the rule should reduce confusion about screening, determining eligibility and assessing infants and toddlers, as required in the federal Individuals with Disabilities Education Act, Part C program (Help Me Grow Early Intervention) 34 C.F. R. Parts 300 and 303.

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 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. The rule also mentions Department of Health (HEA) forms will be available on the www.helpmegrow.ohio.gov 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:

Exempt pursuant to R.C. 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:

6/24/2014 - Due to excellent public comment received immediately prior to the June 16, 2014 public hearing, ODH is further amending seven of its ten filed HMG rules. Rule 3701-8-07 is being revised to 1) switch word order in paragraphs (A)(1)

and (A)(2); (B)(1) and (B)(2) to match 34 CFR 303.21; 2) to delete all references to HEA 8032 because the form was eliminated to reduce burden; 3) in paragraph (E)(5)(b)(ii) to correct a citation; and 4) to delete paragraph (H)(7) because, as pointed out by a stakeholder through comment, there is no requirement for this in federal regulations.

5/30/2014 - Due to a scheduling error, the room has been changed for the public hearing for the rules in this package. ODH is revise filing this rule to attach a corrected public notice.

12. 119.032 Rule Review Date: **9/1/2017**

(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 increase expenditures.

\$900,000.

The net impact is an increase in expenditures, due to the technical assistance and training for Evaluation & Assessment, IFSP process and outcomes, and EI Services moving to the Ohio Department of Developmental Disabilities. This money pays for their four program consultants, an EI administrator, and support staff; as well as contracts for training development, technology, and travel. These expenditures will be supported with existing resources. Please also note that the funds provided through a grant to the 88 county Family & Children First Councils is provided in the RSFA for Rule 3701-8-07.1.

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

GRF DOH00A 440459, as set forth in H. B. 472

Federal Early Intervention funds DOH01W 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:

Applicants (e.g., The administrative agents of Family & Children First Councils in all 88 counties) who elect to apply for the available funds will be those affected. The cost of compliance is staff time for oversight and monitoring to meet the rule requirements in the Chapter of rules as they apply to these contractors. Costs are not expected to be any higher than in previous applications and include personnel hours to oversee meeting the 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 from ODH. Moreover, in order to conduct evaluations or assessments on infants or toddlers to determine eligibility and/or need for early intervention services; an individual be licensed to perform the scope of services in accordance with Ohio law. That license may be in any of the following: counseling; early childhood education, when licensed for ages three through eight, grades kindergarten through third, or in special education; early childhood mental health; early intervention; hearing impairment intervention; medicine; nursing; occupational therapy; physical therapy; psychology; psychiatry; social work; speech-language pathology; and visual impairment intervention.

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 when contracts do not fulfill the terms of the service contract with ODH.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule requires reporting data into the statewide data system for Help Me Grow as a condition of compliance.