

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

Agency Name

Division

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3701-8-08.1

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Early intervention system of payment eligibility and procedures.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

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 changes in federal Early Intervention regulations, identified in a 2013 letter from the US Department of Education, Office of Special Education Programs to the Early Intervention program in Ohio.

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 3701-8-08.1 tells parents what procedures to follow to apply for and access the system of payment; documentation needed; and options for payment including cost share. Amendments are proposed to change the name of the system which is the payor of last resort within Early Intervention and to include private and public insurance use protections. These requirements come from the federal Individuals with Disabilities Education Act, Part C program (Help Me Grow Early Intervention in Ohio) 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. Also mentioned are Department of Health (HEA) forms that 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:

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: **5/15/2014**

(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.

\$50,000.

The net impact is an increase in expenditures, due to the processing of provider and family/child applications, denial and acceptance communications, establishing financial and program eligibility and monitoring of both providers and annual applications for services. Agency impact calculated with salary and fringe costs for one EI program consultant at 50% of their time and one support staff at 30% of time for the remaining fiscal year estimated after rule implementation. The department staff resources total \$50,000 and will be supported with existing resources.

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

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., Occupational therapists, Physical therapists) who elect to apply and become a service provider will be those affected. There is no cost of compliance to the program participants, contractors or providers of service except billing or preparing the invoices for reimbursement to the department.

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. Moreover, in order to be a service provider, an individual be licensed to perform the scope of services in accordance with Ohio law.

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 for contractors who do not meet the terms of the contract with ODH.

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