

**NOTICE OF PUBLIC HEARING**

DATE: May 17, 2010

TIME: 2:00 P.M.

PLACE: Basement Training Room A  
OHIO DEPARTMENT OF HEALTH  
35 E. Chestnut Street  
COLUMBUS, OHIO 43215

In accordance with Chapter 119 of the Revised Code (R.C.) and by authority of R.C. section 3701.61, the Director of the Ohio Department of Health (ODH), or his designee, will conduct a public hearing to consider the proposal to amend Ohio Administrative Code (O.A.C.) rules 3701-8-01, 3701-8-02, 3701-8-07, 3701-8-08, and 3701-8-10; and to rescind current and file new rules 3701-8-03, 3701-8-04, and 3701-8-05. These rules pertain to the Ohio Help Me Grow Program. Changes are proposed to these rules as a result of five year review and to comply with federal regulatory changes in Part C of the Individuals with Disabilities Education Act ("IDEA"), a compliance agreement between ODH and the Office of Special Education Programs, U.S. Department of Education; and to accommodate the elimination of Temporary Assistance to Needy Families (TANF) funding.

Some changes throughout the chapter are as follows:

- Deletion of references to newborn, TANF, PRC and the county Department of Job of Family Services
- Change in the name of the Department of Mental Retardation and Developmental Disabilities to Department of Developmental Disabilities
- Replace the term "specialized services" with "early intervention services"

Some specific rule changes include:

O.A.C. 3701-8-01: Amendments were made to the definitions for "developmental delay," "direct services," "individual family service plan," "informed clinical opinion," and "transition." Definitions were added for: "family plan," "home visit," and "home visitor." Definitions for "paraprofessional," and "risk factor" were deleted as those terms are no longer used in the chapter.

O.A.C. 3701-8-02: Amendments were made to address changes in the non-Part C program, which is now referred to as "home visiting" services. Among the changes, "newborn home visits" are no longer included as a component of HMG, but "home visiting services" is an added component.

O.A.C. 3701-8-03: Changes were made to this rule to reflect the change in eligibility for non-Part C HMG eligible individuals. Reference to the screening tools is changed to "mechanisms prescribed by the department." Additional guidance was added for completing interim IFSPs for infants and toddlers with a diagnosed physical or mental condition that has a high probability of resulting in a delay. O.A.C. 3701-56-04: clarified a citation.

O.A.C. 3701-8-04: This rule was changed to contain information about the IFSP for Part C only. Service coordinator qualifications was removed and replaced with a statement that the qualifications will be in written policy.

O.A.C. 3701-8-05: This rule was changed to address home visiting services for non-Part C HMG eligible individuals and includes requirements for family plan development.

O.A.C. 3701-8-10: The significant change to this rule is to include specified hearing rights when an application for payment of services is denied.

At the hearing, people affected by the proposed action may appear and be heard in person, by an attorney or both; may present their positions, arguments, or contentions orally or in writing; may offer witnesses; and may present evidence tending to show that the proposed rules, if adopted or effectuated, will be unreasonable or unlawful. Persons intending to testify are encouraged to pre-register by writing Kaye Norton, Office of the General Counsel, Ohio Department of Health, 246 North High Street, Columbus, Ohio 43215, by telephoning (614) 466-4882, or by e-mail to [Kaye.norton@odh.ohio.gov](mailto:Kaye.norton@odh.ohio.gov).

Copies of the proposed rules are available on the Register of Ohio website (ODH has a link to that website at [www.odh.ohio.gov/rules/pending.aspx](http://www.odh.ohio.gov/rules/pending.aspx)) or from Ms. Norton. Please FAX [(614) 728-7813], mail, or e-mail any written comments to Ms. Norton by 11:00 a.m. on May 17, 2010.

April 16, 2010