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John R. Kasich / Governor

Theodore E. Wymyslo, M.D. / Director of Health

### AGENCY MEMORANDUM OF RESPONSE

To: Whitney Sullinger, Regulatory Policy Advocate, Common Sense Initiative, Office of the Governor

From: Lance Himes, Acting General Counsel, Ohio Department of Health

Date: April 26, 2012

The Ohio Department of Health (ODH) received the CSI Review of ODH's rule package for 3701-8 on April 23, 2012. Your timely review and recommendation are appreciated.

The review recommended one change to the previously submitted Business Impact Analysis. ODH will submit the attached Business Impact Analysis form with the revision, as well as this response with the proposed rules in Ohio Administrative Chapter 3701-8, when filing with the Joint Committee on Agency Rule Review.

In addition, when the rules are filed, new rules 3701-8-05, 3701-8-05.1 and 3701-8-05.2 will be renumbered to 3701-8-10, 3701-8-10.1 and 3701-8-10.2 respectively. As noted in previous communication there are some outstanding questions regarding Medicaid reimbursement rates for Home Visiting. If changes are necessary after the rules are filed with JCARR, by renumbering these rules, we would have the ability to "TBR" the Home Visiting rules (rule 3701-8-05 and the four appendices, which are proposed for rescission; and rules 3701-8-06, 3701-8-06.1 and 3701-8-06.2, which are proposed for adoption as new) and allow the other rules, including early intervention rules, to continue through the rule adoption process without delay. Therefore, our package of rules for filing with JCARR will be numbered as set forth below.

All the current rules (3701-8-01 to 3701-8-10 and appendices) will be filed for rescission. The following new rules will be filed for adoption:

- 3701-8-01 Definitions
- 3701-8-02 Standards and procedures for determining eligibility of help me grow contractors
  - 3701-8-02.1 Monitoring contractors
- 3701-8-03 Personnel and supervision requirements
- 3701-8-04 Central coordination  
(no rule 3701-8-05)
- 3701-8-06 Help me grow home visiting program eligibility
  - 3701-8-06.1 Home visiting contractor requirements
    - Appendix 06.1: Schedule and List of Required Tools in Home Visiting
  - 3701-8-06.2 Reimbursement for services in help me grow home visiting

- 3701-8-07 Help me grow early intervention program eligibility and determination of need for early intervention services
  - Appendix 07-A: List of diagnosed physical or mental conditions which have a high probability of resulting in developmental delay
  - Appendix 07-B: Schedule and list of required tools in early intervention
- 3701-8-07.1 Early intervention individualized family service plan and service delivery
- 3701-8-08 Statewide system of payment for early intervention services
- 3701-8-08.1 Early intervention system of payment eligibility and procedures
- 3701-8-09 Data and maintenance of records
- 3701-8-10 Parent's rights in help me grow
  - 3701-8-10.1 Procedural safeguards to ensure parent's rights in help me grow
  - 3701-8-10.2 Procedural safeguards to ensure parent's rights in HMG early intervention