

CSI - Ohio

The Common Sense Initiative

MEMORANDUM

TO: Kaye Norton, Ohio Department of Health

FROM: Whitney Sullinger, Regulatory Policy Advocate

DATE: July 12, 2012

RE: CSI Review – ODH 3701-8 Help Me Grow Program

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis. This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

On March 6, 2012, the Ohio Department of Health (ODH) submitted a rule package (Ohio Administrative Code Chapter 3701-8) that outlined all definitions, procedures, and expectations of providers of services within the Help Me Grow (HMG) Home Visiting and Help Me Grow Early Intervention programs. The CSI Office sent recommendations to ODH on April 23, 2012, approving the rule package. The following has occurred since that time:

May 1, 2012- ODH sent a letter to stakeholders delaying the implementation of Medicaid reimbursement for services in the Help Me Grow Home Visiting program. In the interim, services will be funded as described in the proposed rules, but through the Department's General Revenue Fund appropriations.

May 3, 2012- ODH sent its response to CSI acknowledging our recommendation, updating our office on the Medicaid component and stating its intention to proceed with the Joint Committee on Agency Rule Review (JCARR) rule filing. The rules were filed with JCARR this same day.

June 4, 2012- ODH held a public hearing on the rule package. Several stakeholders raised new concerns about the rules. As a result, the Department decided to delay the rules and held a

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statewide meeting for providers, reopened the rule package for public comment, and conducted an additional public/stakeholder meeting.

The revised rule package and BIA submitted to the CSI Office on June 26, 2012 reflects changes made in response to the above events. Most of the comments related to technical or legal issues, and ODH has responded to the suggestions and incorporated many into the rules. One commenter did raise miscellaneous concerns about the business impacts from the rules. ODH evaluated the comments and determined that significant changes were not required. In discussions with Department staff and the commenter, the CSI Office has determined that the regulatory intent of the rules continues to justify the adverse impact to businesses.

Recommendations

For the reasons explained above the CSI Office does not have any recommendations regarding this rule change.

Conclusion

Based on the above comments, the CSI Office concludes that the Department may continue with the JCARR process for the revised rule package.

cc: Mark Hamlin, Lt. Governor's Office
Wendy Grove, Ohio Department of Health