

**MEMORANDUM**

TO: Kaye Norton, Ohio Department of Health

FROM: Whitney Sullinger, Regulatory Policy Advocate

DATE: April 29, 2013

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

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

The Ohio Department of Health (ODH) is amending rules 3701-8-01 and 3701-8-10 of the Ohio Administrative Code (OAC).

In April 2012, ODH submitted a rule package consisting of the entire OAC Chapter 3701-8 to the CSI Office that outlined all definitions, procedures, and expectations of providers of services within the Help Me Grow (HMG) Home Visiting and Early Intervention programs. The HMG program provides services and support to parents and children at risk for poor childhood outcomes. The review process was completed following additional revisions in July 2012.

Currently, ODH is proposing further amendments to two HMG rules. The Department is revising rule 3701-8-01 to expand and explain the category of Early Intervention Services available to participants in HMG. The changes will also expand and explain the category of qualified personnel available to provide such services, according to ODH. The proposed revisions will bring the definitions into alignment with those provided in the Code of Federal Regulations. According to its BIA, ODH was recently informed by the United States Department of Education,

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Office of Special Education Programs, that this rule must be amended as proposed prior to applying for federal funds.

Additionally, rule 3701-8-10 is being amended to include and explain that the due process hearing shall be conducted in accordance with the Code of Federal Regulations. ODH wants to make clear that the State of Ohio is adopting the federal due process requirements and this change seeks to include paragraphs that were meant to be referenced in the rule but were inadvertently excluded in the July 2012 rules.

After reviewing the BIA, the CSI Office has determined not to suggest any changes with respect to the rule or the BIA for the following reasons:

- No comments were received from the public during the public comment period.
- The BIA submitted by ODH was accurate and complete and did not raise any ongoing issues.
- Generally, the rule package satisfactorily meets the standards espoused by the CSI Office.
- Any substantive issues related to this area of rules were addressed when the broader rule package was reviewed in July 2012.

Recommendations

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

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

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