

**MEMORANDUM**

**TO:** Kaye Norton, Ohio Department of Health

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** May 9, 2014

**RE:** **CSI Review – Help Me Grow (OAC 3701-8-01, 3701-8-03, 3701-8-04, 3701-8-06, 3701-8-06.1, 3701-8-07, 3701-8-07.1, 3701-8-08.1, 3701-8-09, and 3701-8-09)**

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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 (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of ten amended rules<sup>1</sup> being proposed by the Ohio Department of Health (ODH) related to the Help Me Grow programs. The rule package was filed with the CSI Office on December 31, 2013, and the comment period for the rules closed on January 30, 2014.

The rule package provides the requirements for providers participating in the Help Me Grow programs. The rules regulate the home visiting and early intervention programs. The early intervention program is funded federally and the rules are being amended to comply with federal mandates. The home visiting program is funded through the State's general revenue fund budget. The home visiting program rules are being amended as a result of stakeholder input received after the initial implementation of the rules in 2012.

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<sup>1</sup> Because one of the existing rules (3701-8-08) is being amended by more than 50 percent, the Legislative Service Commission requires that the existing rule be rescinded and replaced by a new rule that has the same rule number.

The early intervention program provides support for families of children who are developmentally delayed or disabled by coordinating services and care. The home visiting program works with first-time parents of infants and toddlers to increase healthy pregnancies, increase the confidence and competence of the parents when raising their children, and transition the children to a development-enhancing program by the time they are three years old.

According to the BIA, representatives from various associations and state agencies were involved in the early review of the rules. ODH provided a list of the stakeholders in the BIA appendix. Stakeholders were invited to participate in quarterly meetings and monthly conference calls to provide input on the amendments. During the public comment period, ODH received comments from fifty-three separate groups or individuals.

The comments identified several areas where the requirements would impose major burdens on the providers. These areas include training, supervision, caseload, new service coordinator tiers, contacting individuals on the waitlist, and visitation schedules.

In order to become a credentialed provider, the individual must attend a Help Me Grow training course. Trainings are offered at various locations throughout the state once a month. However, if an individual is unable to attend the training in person, online training is available to providers. In response to stakeholder input, ODH has decreased the training time from two days to one day.

In response to comments about the new direct supervision requirements, ODH has decreased the amount of direct supervision hours and broadened the definition of direct supervision to allow for peer-to-peer supervision.

Several comments addressed the new maximum caseload limits for a “Service Coordinator I” and expressed concerns that this could be problematic for their organizational structures. ODH responded by increasing the number of cases a “Service Coordinator I” can manage. Additionally, ODH grandfathered current service coordinators with a ranking of “Service Coordinator II.” Service Coordinators II and III do not have maximum caseload limitations.

Central coordinators are required to contact families on the waitlist once a month to identify if the family is still interested in the Help Me Grow programs. Several comments stated that this is burdensome and would require a great deal of time to complete. In response to the comments, ODH amended how it will allocate funds for central coordination and ensure adequate funding levels for this service.

Several commenters were concerned with the new requirement that recommended weekly home visits for the first six months stating that this would not be possible with current caseloads. ODH states that the home visits are to be scheduled at a time and frequency that is determined by the

needs of the family and the visitation schedule may not necessarily be weekly. However, if families choose weekly visits, ODH states that providers may find that reducing caseload size while increasing frequency and intensity of services will be cost neutral or fiscally beneficial to the provider. The BIA provides sufficient support for the policy of weekly visits, and the program is structured to reimburse providers for each visit. Additionally, if the family does not maintain the set schedule for thirty days, the provider may exit the family.

ODH identified additional adverse impacts in the BIA. This includes the submission of quarterly fiscal and program reports. ODH states this is justified because it holds providers accountable for their use of public funds and assists ODH with monitoring for potential fiscal or programmatic issues. ODH also states the rules are necessary to implement Ohio Revised Code 3701.61 and comply with the federal mandates governing the early intervention programs. Additional justification is found in the Help Me Grow program's public purpose. The programs educate and assist at-risk families to ensure infants and toddlers are receiving the proper care.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rules is justified.

### **Recommendation**

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

### **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