



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Alicyn Carrel, Ohio Department of Health

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: July 23, 2021

RE: **CSI Review – Help Me Grow Program #2 (OAC 3701-8-01, 3701-8-02, 3701-8-04, 3701-8-04, 3701-8-07, and 3701-8-10)**

On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of six amended rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on May 3, 2021, and the public comment period was held open through June 2, 2021. The rules in this package were previously submitted to the CSI Office on February 22, 2021 and were withdrawn on April 16, 2021 to consider stakeholder comments. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 3, 2021.

OAC 3701-8-01 lists the definitions used throughout the chapter and is amended to introduce new terms, such as "exit," "transfer," and "promising-practice home visiting model," and remove or update others. OAC 3701-8-02 establishes eligibility criteria for the home visiting program and is amended to state that the central intake and referral agency is responsible for determining eligibility and that eligibility is determined through the standards and requirements of the home visiting model and funding sources. OAC 3701-8-04 and 3701-8-05 establish requirements for personnel and service provision and are amended to update education and credentialing requirements to reflect current practices in evidence-based or promising-practice models. OAC

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3701-8-07 concerns the maintenance of data and records. The rule includes amendments that remove requirements for data system administrators and rosters for employees with access to confidential information. OAC 3701-8-10 sets forth requirements for contractors that maintain the central intake and referral system, including personnel, eligibility screening, and referring procedures within the system. The rule is amended to update screening tool requirements, add timeframes for referral, and clarify rule language.

During early stakeholder outreach, ODH provided the rules to stakeholders through the public clearance process. During that time, ODH made changes based on suggestions to clarify requirements and update definitions. ODH also amended the rules after stakeholder feedback received during the initial CSI public comment period. No comments were received during the second CSI public comment period.

The business community impacted by the rules includes all providers of home visiting services through the Help Me Grow program. The adverse impact created by the rules includes requirements to enter into an agreement with ODH to provide services. ODH states in the BIA that the rules are necessary to ensure that providers are complying with evidence-based and promising-practice models of service provision.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review