

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-10-01

Rule Type: Amendment

Rule Title/Tagline: Early intervention program - procedural safeguards.

Agency Name: Department of Developmental Disabilities

Division:

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 7/1/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5123.04, 5123.0421
5. What statute(s) does the rule implement or amplify? 5123.04, 5123.0421
6. What are the reasons for proposing the rule?

The Department is amending the rule to add paragraph (M) which authorizes the Director of the Department, during the COVID-19 state of emergency, to waive requirements set forth in the rule to complete specified Early Intervention forms if the required information, notice, or consent described in a form is otherwise provided or secured and documented in writing.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule sets forth procedural safeguards in the Early Intervention program, including the provisions of parental consent and notice; retention, confidentiality, access to, and amendment of records; and dispute resolution. The Department is amending the rule to add paragraph (M) which authorizes the Director of the Department, during the COVID-19 state of emergency, to waive requirements set forth in the rule to complete specified Early Intervention forms if the required information, notice, or consent described in a form is otherwise provided or secured and documented in writing.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporated references are to the Individuals with Disabilities Education Act, the Code of Federal Regulations, the United States Code, the Administrative Code, and Early Intervention forms. Pursuant to Section 121.75 of the Revised Code, the requirements in Sections 121.71 to 121.74 do not apply. The Individuals with Disabilities Education Act, the Code of Federal Regulations, and the United States Code are available at libraries and on the internet. The Administrative Code is available at libraries and on the internet at <http://codes.ohio.gov>. The Early Intervention forms are available at <https://ohioearlyintervention.org>.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$ 0

Amending the rule will neither increase nor decrease revenues or expenditures of the Department.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

The rule impacts providers of Early Intervention services who must:

- Obtain a parent's consent prior to providing services to a child, birth through age two, or the child's family;
- Provide the parent with prior written notice for a variety of reasons;
- Maintain and ensure confidentiality of a child's Early Intervention records; and
- Cooperate, participate, and provide information in complaint resolution, mediation, and due process procedures.

The costs associated with these activities (i.e., staff time) will vary based on the number and nature of children/families served by the provider and are unknown by the Department.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

The rule requires a provider of Early Intervention services to obtain a parent's consent prior to providing services to a child, birth through age two, or the child's family.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule requires a provider of Early Intervention services to:

- Provide the parent with prior written notice for a variety of reasons;
- Maintain and ensure confidentiality of a child's Early Intervention records; and
- Cooperate, participate, and provide information in complaint resolution, mediation, and due process procedures.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable