

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5123-10-01

Rule Type: New

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?
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 483 - 131
- Representative Amstutz
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?

House Bill 483 of the 131st General Assembly transferred responsibility for implementing the Early Intervention program from the Ohio Department of Health to the Ohio Department of Developmental Disabilities and charged the Ohio Department of Developmental Disabilities with adopting rules necessary to implement the program.

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

The rule sets forth the 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.

- 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. 121.71 to 121.76, 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, and the United States Code, which are available to the public at libraries and on the internet.
- Various Early Intervention program forms, which are available at the Ohio Early Intervention website (<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. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$ 0

The Department has already assumed responsibility for administering the Early Intervention program. The rule is not expected to increase or decrease revenues or expenditures for 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**

III. Common Sense Initiative (CSI) Questions

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