

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5123-10-04

**Rule Type:** Amendment

**Rule Title/Tagline:** Early intervention program - credentials for early intervention service coordinators and early intervention service coordination supervisors.

**Agency Name:** Department of Developmental Disabilities

**Division:**

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#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 4/1/2024
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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The rule is being amended based on the five-year review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule establishes minimum qualifications through credentialing standards for Early Intervention Service Coordinators and Early Intervention Service Coordination Supervisors. All persons working in these positions are required to hold the appropriate credential issued in accordance with the rule. Based on a comprehensive review, the rule is being amended to:

- Streamline requirements for Early Intervention Service Coordinator and Early Intervention Service Coordination Supervisor credentials by reducing education and work experience requirements to obtain a one-year credential, while clarifying the training requirements during the first year of employment.
- Add new paragraph (I) to authorize the Director of the Department to waive provisions of the rule.
- Update citations to administrative rule 5123-2-02.
- Eliminate regulatory restrictions.

**9. Does the rule incorporate material by reference? Yes**

**10. 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 Revised Code, and the Administrative Code. 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 Revised Code and the Administrative Code are available at libraries and on the internet at <https://codes.ohio.gov>. The Department's administrative rules are also available at <https://dodd.ohio.gov/forms-and-rules/rules-in-effect/administrative-rules-list>.

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

The rule is being refiled to extend JCARR jurisdiction. No changes were made to the rule.

04/26/2024 PARAGRAPH (C)(2)(a)(v) REVISED FROM:

*Has worked for at least one thousand hours during the most recent five-year period as an early intervention service coordinator, an early intervention service coordination supervisor, and/or directly providing early intervention services through individualized family service plans.*

TO:

*Has worked for at least one thousand hours during the most recent five-year period as an early intervention service coordinator and/or directly providing early intervention services through individualized family service plans.*

## **II. Fiscal Analysis**

- 12. 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

Not applicable.

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

Persons wanting to work as Early Intervention Service Coordinators and Early Intervention Service Coordination Supervisors must submit an application with supporting documentation to demonstrate that they meet the requirements and complete training to obtain and renew the credentials. The time associated with submitting an application will vary by applicant depending on factors such as the number of documents that must be submitted. Holders of the credentials are required to complete professional development (on average, 10 hours per year) to renew the credentials. The Department provides web-based modules in the specified topics at no cost to participants. Beyond the specific topics, holders of credentials may incur a cost for completing professional development.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 16. 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**

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

**18. 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**

Paragraph (A) requires Early Intervention Service Coordinators and Early Intervention Service Coordination Supervisors to hold the appropriate credential issued by the Department.

- 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? Yes**

Paragraph (H) sets forth that the Director of the Department may deny, suspend, or revoke credentials for good cause.

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

Persons seeking credentials must submit an application with supporting documentation to the Department.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 1**

5123-10-04 (F)(3): A person whose early intervention service coordinator credential or early intervention service coordination supervisor credential has lapsed may not provide or supervise the provision of early intervention service coordination during the period the credential is lapsed.

- B. How many existing regulatory restrictions do you propose removing from this rule? 19**

5123-10-04 (A): All persons working in the early intervention program as early intervention service coordinators or early intervention service coordination supervisors shall hold the appropriate credential in accordance with this rule.

5123-10-04 (B): For the purposes of this rule, the following definitions shall apply:

5123-10-04 (B)(12): Professional development shall be verified as successfully completed by the department (or, at the department's discretion, by an entity under contract with the department for the purpose of verifying completion of professional development) and shall:

5123-10-04 (B)(12): Professional development shall be verified as successfully completed by the department (or, at the department's discretion, by an entity under contract with the department for the purpose of verifying completion of professional development) and shall:

5123-10-04 (B)(13)(a): Reflective supervision shall:

5123-10-04 (B)(13)(c): An early intervention service coordination supervisor shall maintain records sufficient to document the dates and times that reflective supervision occurs for each supervisee.

5123-10-04 (E)(1): Early intervention service coordinator credentials issued prior to the effective date of this rule shall remain in effect until they are scheduled to expire.

5123-10-04 (E)(2): The department shall deem a person holding an early intervention service coordinator credential issued prior to the effective date of this rule that is in effect on the effective date of this rule eligible for a five-year early intervention service coordinator credential provided he or she meets the requirements set forth in paragraph (C)(1)(a)(iii) of this rule and has successfully completed twenty hours of professional development during the previous two years.

5123-10-04 (F)(1): Early intervention service coordination supervisor credentials issued prior to the effective date of this rule shall remain in effect until they are scheduled to expire.

5123-10-04 (F)(2): The department shall deem a person holding an early intervention service coordination supervisor credential issued prior to the

effective date of this rule that is in effect on the effective date of this rule eligible for a five-year early intervention service coordination supervisor credential provided he or she meets the requirements set forth in paragraph (D)(1)(a)(iii) of this rule and has successfully completed twenty hours of professional development during the previous two years.

5123-10-04 (G)(2): Early intervention service coordinator credentials and early intervention service coordination supervisor credentials issued on or after the effective date of this rule that have been expired for ninety or more calendar days shall not be renewed; the applicant shall be required to meet the requirements for the initial five-year credential in accordance with this rule.

5123-10-04 (G)(2): Early intervention service coordinator credentials and early intervention service coordination supervisor credentials issued on or after the effective date of this rule that have been expired for ninety or more calendar days shall not be renewed; the applicant shall be required to meet the requirements for the initial five-year credential in accordance with this rule.

5123-10-04 (H)(1): The entity under contract with the department for the purpose of hearing such appeals shall evaluate the appeal and respond to the applicant within fourteen calendar days.

5123-10-04 (H)(2): The director shall evaluate the request and respond to the applicant within thirty calendar days.

5123-10-04 (H)(2): The director's decision is final and may not be appealed.

5123-10-04 (I)(1): The director shall deny, suspend, or revoke an early intervention service coordinator credential or an early intervention service coordination supervisor credential if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant or holder has engaged in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or holder's position.

5123-10-04 (I)(2): The director shall deny or revoke an early intervention service coordinator credential or an early intervention service coordination supervisor credential if he or she finds, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, that the applicant or holder:

5123-10-04 (I)(3): A conviction of or a plea of guilty to a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code shall not constitute grounds for the denial or revocation of an early intervention service coordinator credential or an early intervention service coordination supervisor credential if the requirements in paragraph (F) of rule 5123:2-2-02 of the Administrative Code are met.

5123-10-04 (I)(4): Applicants for or holders of an early intervention service coordinator credential or an early intervention service coordination supervisor credential shall disclose a conviction for a disqualifying offense listed or described in paragraphs (E)(1)(a) to (E)(1)(d) of rule 5123:2-2-02 of the Administrative Code, including a conviction that has been sealed.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**  
Only one regulatory restriction is being added while 19 regulatory restrictions are being removed.