



Common Sense Initiative

Mike DeWine, Governor
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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Developmental Disabilities

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Regulation/Package Title (a general description of the rules' substantive content):

Early Intervention Program

Rule Number(s): 5123-10-01, 5123-10-02, 5123-10-03, 5123-10-04

Date of Submission for CSI Review: December 12, 2023

Public Comment Period End Date: January 9, 2024

Rule Type/Number of Rules:

New/___ rules

Amended/___4___ rules (FYR? 4 yes)

No Change/___ rules (FYR? ___)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

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Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

Early Intervention services are designed to meet the developmental needs of a child birth through age two and the needs of the child's family to assist appropriately in the child's development. Requirements for Early Intervention services are set forth in Part C of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1431 through 1445 and 34 C.F.R. part 303. Ohio's Early Intervention system is funded with federal, state, and local dollars, most significantly through county boards of developmental disabilities. Early Intervention services are primarily delivered at the local level through the 88 county boards of developmental disabilities. In state fiscal year 2023, on average, 13,614 children were receiving Early Intervention services at any given point in time; a cumulative count of 28,450 children received services over the course of the year.

The Ohio Department of Developmental Disabilities is charged with adopting rules necessary to implement the Early Intervention program. Four rules governing the program are due for five-year review. Department staff engaged program stakeholders to review the rules and related forms and recommend amendments.

Rule 5123-10-01 (Early intervention program - procedural safeguards) 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 rule is being amended to:

- Clarify that "Early Intervention records" includes records in any format.
- Distinguish between assessment of a child and assessment of the child's family.
- Eliminate paragraph (M) which authorized the Director of the Department to waive provisions of the rule during the COVID-19 state of emergency.
- Update references to forms.
- Eliminate regulatory restrictions.

Rule 5123-10-02 (Early intervention program - eligibility and services) sets forth the Early Intervention program requirements for eligibility, developmental screening, evaluation, assessment, individualized family service plan meetings and content, transition to preschool and other programs, service coordination, Early Intervention records, and exiting and transferring from the program. The rule is being amended to:

- Define "case notes."
- Eliminate definition and use of "intensity" to describe Early Intervention services.
- Distinguish between assessment of a child and assessment of the child's family.
- Ensure assessment of a child and the child's family considers family routines and activities.
- Add new paragraph (C) to address referral of children by the Ohio Department of Job and Family Services.
- Eliminate requirements for annual redetermination of a child's eligibility for Early Intervention services.
- Modify timeline in paragraph (L)(5)(c) from 30 to 14 days for an Early Intervention Service Coordinator to submit forms necessary for payment of contractual Early Intervention services providers.
- Adjust paragraph (M) to describe the minimum federally-mandated personally identifiable information that will be shared with the Ohio Department of Education and a child's school district of residence.
- Modify timelines in paragraph (O)(13) for Early Intervention Service Coordinators to provide follow-up to a professional referral source to align with specific Early Intervention activities (exit and Individualized Family Service Plan).
- Add language to specify provision of information about a child's eligibility and services needs to the child's medical providers with parent consent.
- Simplify reasons for exiting a child from the Early Intervention program.
- Eliminate existing paragraph (Q) which authorized the Director of the Department to waive provisions of the rule during the COVID-19 state of emergency.
- Modify list of qualified personnel in Appendix B.
- Clarify and reorder list of physical and mental conditions with a high probability of resulting in a developmental delay in Appendix C.
- Update references to forms.
- Eliminate regulatory restrictions.

Rule 5123-10-03 (Early intervention program - system of payments) establishes a structure to pay for activities and expenses that are reasonable and necessary for implementing Ohio's Early Intervention program for eligible children and their families. The rule is being amended to:

- Increase the number of units of Early Intervention services available to parents at no cost from 55 to 100 per year.
- Eliminate paragraph (I) which authorized the Director of the Department to waive provisions of the rule during the COVID-19 state of emergency.
- Update references to forms.

- Eliminate regulatory restrictions.

Rule 5123-10-04 (Early intervention program - credentials for early intervention service coordinators and early intervention service coordination supervisors) 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. 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.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

Authorize: 5123.04, 5123.0421

Amplify: 5123.04, 5123.0421

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.

Yes. The rules are required for Ohio to participate in the Early Intervention program in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1431 through 1445 and 34 C.F.R. part 303.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The rules are required for Ohio to participate in the Early Intervention program in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1431 through 1445 and 34 C.F.R. part 303.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The Department measures the success of rules governing the Early Intervention program in terms of the number of children receiving Early Intervention services, the degree to which services meet the developmental needs of the children and the needs of their families to assist appropriately in the children's development, and Ohio's compliance with Part C of the Individuals with Disabilities Education Act.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Department staff began the process of stakeholder engagement in 2022. At a meeting of the Early Intervention Advisory Council and Stakeholder Group on November 15, 2022, potential changes to the Individualized Family Service Plan were discussed. The Early Intervention Advisory Council and Stakeholder Group is comprised of appointed members of the Early Intervention Advisory Council members as well as diverse stakeholders representing parents, providers, and state agencies. The list of members is available at <https://ohioearlyintervention.org/stakeholder-advisory-group>.

Department staff meet regularly with the Ohio Association of Services for Children and Families, Early Intervention Committee (through the Ohio Association of County Boards of Developmental Disabilities) and had suggested surveying Early Intervention providers for feedback regarding the Early Intervention rules and forms. In January 2023, the Committee provided written feedback which summarized comments received. The comments largely addressed the number of required forms and the request to reduce redundancy within the forms where possible.

In January 2023, the Department sought applications from stakeholders across the state interested in participating in three workgroups established to review Early Intervention rules and forms (<https://dodd.ohio.gov/about-us/communication/Early-Intervention/newsletter-early-intervention-update-2302>).

The workgroup established to review rule 5123-10-02, including appendices and referenced forms, met seven times beginning in March and ending in December 2023 (March 9, March 21, April 6, April 19, May 2, November 1, and December 6). A subset of seven members of this group also participated in four additional meetings (June 21, July 20, September 19, and October 18) specifically to provide feedback regarding form EI-04 (Individualized Family Service Plan). Workgroup members included:

- Andrea Adkins Speech-Language Pathologist, Delaware County "Let's Talk"
- Carrie Bier Superintendent, Erie County Board of Developmental Disabilities
- Shannon Caleshu Parent, Developmental Specialist, Franklin County Board of Developmental Disabilities
- Danielle Deeter Early Intervention Service Coordinator, Clermont County Board of Developmental Disabilities
- Kaelyn Foreman Early Intervention Service Coordinator, Miami County Board of Developmental Disabilities
- Rhonda Gingerich Speech-Language Pathologist, Fulton County Board of Developmental Disabilities
- Pam Hamer Contract Manager, Early Intervention Service Coordinator Supervisor, Greene County Public Health
- Kristen Kaldor Early Intervention Service Coordinator, Developmental Specialist, Delaware County Board of Developmental Disabilities
- Heather Knoble Early Intervention Supervisor, Lorain County Board of Developmental Disabilities
- Melissa Leighton Contract Manager, Early Intervention Supervisor, Mahoning County Board of Developmental Disabilities
- Julie Litt Early Intervention Supervisor, Richland County Board of Developmental Disabilities
- Denise Majewski Early Intervention Service Coordinator, Service Coordinator Supervisor, Lucas County Family and Child Abuse Prevention Center

- Catie Metzler Parent, Developmental Specialist, Scioto County Board of Developmental Disabilities
- Dennis Myers Director of Children's Services, Williams County Board of Developmental Disabilities
- Andrea Nichols Early Intervention Service Coordinator, Transition Coordinator, Washington County Family and Children First Council
- Robyn Patrick Parent, Early Intervention Service Coordinator, Union County Board of Developmental Disabilities
- Beth Popich Consultant, Ohio Association of County Boards of Developmental Disabilities
- Brittany Prince Developmental Specialist, Evidence-Based Practice Coach, Ohio Center for Autism and Low Incidence
- Erin Simmons Parent, Early Intervention Advisory Council Co-Chair
- Kelly Sylvester Hearing Services Provider, Akron Children's Hospital
- Amanda Thomas Developmental Specialist, Montgomery County Board of Developmental Disabilities
- Holly Weatherson Contract Manager, Early Intervention Director and Service Coordinator Supervisor, Belmont/Harrison/Noble County Boards of Developmental Disabilities
- Erica Wallace Consultant, Ohio Association of County Boards of Developmental Disabilities

The workgroup established to review rules 5123-10-01 and 5123-10-03, including referenced forms, met four times beginning in April and ending in November 2023 (April 25, May 18, May 30, and November 4). Workgroup members included:

- Lori Balvin Business Manager, Belmont/Harrison/Noble County Boards of Developmental Disabilities
- Esther Borders Early Intervention Director, Montgomery County Board of Developmental Disabilities

- Julie Brem Contract Manager, Hamilton County Board of Developmental Disabilities
- Melissa Fouts Early Intervention Service Coordination Supervisor, Montgomery County Board of Developmental Disabilities
- Arley Hammons Early Intervention Service Coordination Supervisor, Clermont County Board of Developmental Disabilities
- Susan Jones Consultant, Ohio Association of County Boards of Developmental Disabilities
- Lisa Lajeunesse Developmental Specialist, Quality Assurance Manager, Delaware County Board of Developmental Disabilities
- Kathy Muehlbauer Ohio Department of Job and Family Services
- Megan Olesen Contract Manager, Summit County Board of Developmental Disabilities
- Katie Parker Contract Manager, Cuyahoga County Bright Beginnings
- Kalesha Peacock Early Intervention Service Coordinator, Miami County Board of Developmental Disabilities
- Beth Rutter Early Intervention Manager, Licking County Board of Developmental Disabilities
- Erin Simmons Parent, Early Intervention Advisory Council Co-Chair
- Gary Smith Business Manager, Licking County Board of Developmental Disabilities
- Kristin Staton Early Intervention Service Coordinator, Backup Supervisor, Lucas County Family and Child Abuse Prevention Center
- Cheryl Tokasz Parent, Early Intervention Service Coordinator, Knox County Board of Developmental Disabilities
- Stephanie Trachsel Contract Manager, Early Intervention Service Coordinator and Supervisor, Developmental Specialist, Union County Board of Developmental Disabilities

- Liz VanPelt Early Intervention Service Coordinator, Washington County Family and Children First Council
- Steve Williams Superintendent, Belmont/Harrison/Noble County Boards of Developmental Disabilities
- Erin Wladyka Early Intervention Manager, Cuyahoga County Board of Developmental Disabilities
- Cecilia Wolfe Early Intervention Service Coordination Supervisor, Montgomery County Brighter Futures

The workgroup established to review rule 5123-10-04 met on July 18 and August 1, 2023. Workgroup members included:

- Meghan Breedlove Project Coordinator, Cuyahoga County Bright Beginnings
- Cindy Davis Contract Manager, Early Intervention Service Coordinator Supervisor, Washington County Family and Children First Council
- Melissa Fouts Early Intervention Service Coordination Supervisor, Montgomery County Board of Developmental Disabilities
- Beth McAllister Early Intervention Service Coordinator, Social Worker, Franklin County YMCA
- Stefany McGlone Early Intervention Evaluator, Scioto County Educational Services Center
- Kathy Meuhlbauer Ohio Department of Job and Family Services
- Kim Moncree Early Intervention Service Coordinator, Social Worker, Montgomery County Premier Health
- Tina Overturf Contract Manager, Early Intervention Director, Delaware County Board of Developmental Disabilities
- Jamie Roe Contract Manager, Early Intervention Service Coordinator Supervisor, Clinton County Board of Developmental Disabilities
- Arian Smedley Parent, Early Intervention Supervisor, Athens County Board of Developmental Disabilities

- Rachel Staley Contract Manager, Early Intervention Director and Service Coordinator, Allen County Board of Developmental Disabilities

On August 7 and November 7, 2023, Department staff provided updates regarding the rules and solicited feedback from members of the Early Intervention Advisory Council and Stakeholder Group, especially related to:

- Sharing personally identifiable information with the school district,
- Potential inclusion of language for screening for referral for autism spectrum diagnostics,
- Early Intervention follow-up with referring agencies and medical providers,
- Content and format of Appendix C,
- The eligibility determination form, and
- Proposed changes to requirements for Early Intervention Service Coordinator credentialing.

Through the Department's rules clearance process, the rules and the Business Impact Analysis form are disseminated to representatives of the following organizations for review and comment:

Advocacy and Protective Services, Inc.
The Arc of Ohio
Autism Society of Central Ohio
Councils of Governments
Disability Rights Ohio
Down Syndrome Association of Central Ohio
Family Advisory Council
The League
Ohio Association of County Boards of Developmental Disabilities
Ohio Council for Home Care and Hospice
Ohio Department of Medicaid
Ohio Developmental Disabilities Council
Ohio Health Care Association/Ohio Centers for Intellectual Disabilities
Ohio Provider Resource Association
Ohio Self Determination Association
Ohio SIBS (Special Initiatives by Brothers and Sisters)
Ohio Statewide Independent Living Council
Ohio Superintendents of County Boards of Developmental Disabilities
Ohio Waiver Network
People First of Ohio
Values and Faith Alliance

Additionally, the rules and the Business Impact Analysis form will be:

- Disseminated to the Early Intervention field through the Early Intervention Program Updates statewide distribution list.

- Posted at the Department's website during the clearance period for feedback from the general public: <https://dodd.ohio.gov/forms-and-rules/rules-under-development/Proposed+Rules+for+Review>

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

5123-10-01

Stakeholders initially recommended fewer and shorter forms, especially those associated with prior written notice and consent. However, because the protections afforded under the Individuals with Disabilities Education Act require specific elements for the prior written notice and parent consent, stakeholders generally agreed that having consistent language describing the Early Intervention activities and purpose in the forms was preferable to Early Intervention Service Coordinators and other service providers being required in case notes to document exactly what was described and covered with each parent.

With stakeholder input, two prior written notice and consent forms for child evaluation and assessment and family assessment were combined into a single form (EI-02, Prior Written Notice and Consent for Developmental Evaluation and Assessments).

5123-10-02

Stakeholders provided extensive feedback regarding the rule and associated forms over 11 meetings. All draft edits to the rule were discussed. Changes to the definitions were agreed upon. Stakeholders expressed that the proposal to remove annual eligibility redeterminations for some children would reduce workload for staff. They appreciated the reorganization of Appendix C and provided feedback on some of the specific diagnoses, and the importance of not adding diagnoses or diagnostic categories which might not be representative of diagnoses with a high probability of resulting in a developmental delay and which could inflate already high referral rates.

Stakeholders expressed concerns with the existing EI-04 form (Individualized Family Service Plan) requirements for documenting evaluation and assessment results; they found the sections redundant. They were supportive of the Department's revisions to the process and the proposed form for capturing child eligibility (EI-03, Prior Written Notice of Eligibility Determination), which eliminates redundancy and combines information currently contained in form EI-04 (Individualized Family Service Plan) and information currently contained in form EI-09 (Prior Written Notice of Determination of Ineligibility).

There was extensive discussion about the proposed edits to paragraph (M) regarding transition to preschool and other programs. There was some concern that if parents understood that personally identifiable information was shared automatically with the local school district, they might decide not to participate in Early Intervention. But, more often, Early Intervention providers and family members expressed belief that parents would understand Early Intervention Service Coordinators' explanation that the only information

shared is the child's name, date of birth, and parent contact for the direct purpose of the school district's ability to plan for the needs of all three-year-olds in the district. Stakeholders supported the Department's intent to clarify this information in the parents' rights brochure as well as in guidance and training prior to rule implementation.

Stakeholders have long requested clarification about what is required for children who are referred to the program 90 or fewer days but not more than 45 days before the child's third birthday. The Department added clarifying language in paragraph (M)(1)(d).

After hearing from the Ohio medical community that referring pediatricians and other medical professionals do not receive follow-up information from the Early Intervention providers, the Department, with stakeholder feedback, provided clarifying language for providing follow-up to the referral source as well as making available to the pediatrician, the Individualized Family Service Plan or a summary of the assessment of the child and family and the Early Intervention services given parental consent.

While form EI-08 (Consent to Refer Child to Local Educational Agency and the Ohio Department of Education) was not eliminated, it will no longer be tracked and used by local Early Intervention agencies. The form will be used exclusively by Ohio Help Me Grow Central Intake.

Form EI-07 was shortened with the requirement to obtain parental consent for release of personally identifiable information eliminated. The remainder of the form addresses consents for the transition planning conference and was revised with consideration given to extensive stakeholder feedback.

Paragraph (Q) requirements for the provision written notice prior to exiting a child from the Early Intervention system and the corresponding form EI-10 (Prior Written Notice of Exiting) were edited based on significant stakeholder feedback related to reduction in redundancy and the reasons why contact with families is frequently lost.

Stakeholders expressed appreciation with the inclusion in the Individualized Family Service Plan of the federally required prior written notice of initiation or change in services that occurs during the Individual Family Service Plan meeting. Form EI-11 (Prior Written Notice of Change of Services) will now only be required for sudden, unplanned service changes.

5123-10-04

Stakeholders strongly recommended that the educational and work experience for obtaining initial Early Intervention Service Coordinator and Early Intervention Service Coordination Supervisor credentials be revised. The incorporated changes make it easier for local agencies to hire for these critical positions. The Department added clarifying language to ensure fundamental training is completed prior to renewal of one-year credentials for both Early Intervention Service Coordinators and their supervisors.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

The Department's work on these rules was informed by the substantial increase in referrals to and children served by the Early Intervention program since the currently effective rules were put in place in July 2019. In state fiscal year 2019, Ohio served 23,438 children. This increased more than 20% to 28,450 children served in state fiscal year 2023. In light of this increase, the Department focused on ways to clarify and streamline processes.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?
Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

The federal Office of Special Education Programs (OSEP) requires a state's lead agency for the Early Intervention program to adopt rules or policies governing the services, the system of payments for services, and procedural safeguards. OSEP requires specific elements be included in the rules or policies.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Department is the designated lead agency for Ohio's Early Intervention program. As the lead agency, the Department has sole responsibility for promulgating rules governing the program.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

In collaboration with stakeholders, the Department will develop training and guidance materials prior to implementation of the rules. Training will be available statewide and in multiple formats (in-person training, web-based training, training to explain the rules, and training focused on applying the rules). Department staff will provide technical assistance and ongoing support to Early Intervention Service Coordinators, providers of services, and county boards of developmental disabilities. Information about the rules will be widely disseminated via the Department's publications and listservs.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:
a. Identify the scope of the impacted business community, and

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

The rules impact providers of Early Intervention services. The rules do not require any person to be a provider of Early Intervention services. Persons wanting to become providers of Early Intervention services do so by entering into a contractual relationship with the Department and affirmatively choosing to provide services to a specific child or family. Currently, the Department subgrants funds for the provision of Early Intervention service coordination and evaluations and assessments, operating through the county Family and Children First Council. Additionally, 68 Early Intervention service providers are under contract with the Department to provide Early Intervention services.

5123-10-01

The rule impacts providers of Early Intervention services, including Early Intervention Service Coordinators, who will need to:

- 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 amount of time spent on these activities varies based on the number and nature of children/families served and is unknown by the Department.

5123-10-02

The rule impacts providers of Early Intervention services, including Early Intervention Service Coordinators, who will need to:

- 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
- Participate in development of Individualized Family Service Plans.

The amount of time spent on these activities varies based on the number and nature of children/families served and is unknown by the Department.

5123-10-03

The rule impacts providers of Early Intervention services who will need to maintain the professional certification or license required for the specific services they provide (e.g., Audiology, Occupational Therapy, or Physical Therapy) and enter into a contractual relationship with the Department for provision of Early Intervention services. Department

staff estimate that the process of entering into a contractual relationship with the Department (e.g., submitting information and documents and securing an Ohio Administrative Knowledge System vendor number) takes approximately 3.5 hours and that completing a web-based overview about providing Early Intervention services takes approximately 3 hours. Persons who want to provide Early Intervention services must pay fees to maintain their professional certification or license and invest time required to submit information and documents and complete training. The Department provides all required trainings free-of-charge; many trainings are approved by Ohio licensing boards.

5123-10-04

In order to work as an Early Intervention Service Coordinator or a supervisor of Early Intervention Service Coordinators, a person must obtain and maintain a credential in accordance with the rule. There is no fee for the credential, however obtaining and maintaining a credential requires successful completion of training and professional development activities. Although required training and professional development is available free-of-charge, completing the requirements takes time. New Early Intervention Service Coordinators and Early Intervention Service Coordination Supervisors obtaining an initial credential are required to complete orientation training totaling 15 hours. After award of the initial credential, they must complete 50 hours of professional development training over five years.

A full-time Early Intervention Service Coordinator must receive at least two hours per month of reflective supervision from a credentialed Early Intervention Service Coordination Supervisor. There are also costs associated with the time needed to document these activities. Costs will vary based on the salaries of persons obtaining the credentials as well as the number of trainings completed prior to hire and are unknown to the Department. Persons wanting to assume these roles do so freely and must invest the time required to submit information and documents and complete required training and professional development.

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

5123-10-02

The annual redetermination of eligibility has been eliminated, reducing the time needed for Early Intervention Service Coordinators to obtain qualifying diagnostic information from medical professionals, the time needed to coordinate evaluation, and the time needed by evaluators to conduct qualifying evaluations.

Early Intervention Service Coordinators will no longer obtain consent from parents to share federally-mandated basic personally identifiable information with a child's school district.

Form EI-11 (Prior Written Notice of Proposed Changes to Services) will now only be required for sudden, unplanned service changes and no longer used in advance of every Individualized Family Service Plan meeting.

5123-10-03

With the increase from 55 to 100 units of Early Intervention services that parents may access at no cost, Early Intervention Service Coordinators will less frequently need to identify and complete paperwork for families' extraordinary medical expenses in order to determine ability to pay for Early Intervention services.

5123-10-04

The education and work experience requirements are being reduced to make it easier to obtain the one-year Early Intervention Service Coordinator and Early Intervention Service Coordination Supervisor credentials.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Federal regulations require a state's lead agency for the Early Intervention program to adopt rules or policies governing the services, the system of payments for services, and procedural safeguards.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No; federal regulations do not allow for alternative means of compliance; the rules, however, do not require any persons or providers of services to participate in the program.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

It is the policy of the Department to waive penalties for first-time or isolated paperwork or procedural regulatory noncompliance whenever appropriate. The Department believes waiving these penalties is appropriate when:

1. Failure to comply does not result in the misuse of state or federal funds;
2. The regulation being violated, or the penalty being implemented, is not a regulation or penalty required by state or federal law; and
3. The violation does not pose any actual or potential harm to public health or safety.

20. What resources are available to assist small businesses with compliance of the regulation?

The Department is developing and will disseminate and publish at its website, training and guidance materials. Department staff are available to provide information and technical assistance. Questions should be directed to:

Shelly Palumbo, Technical Assistance Coordinator
shelly.palumbo@childrenandyouth.ohio.gov
(614) 732-9634