

**Rule Summary and Fiscal Analysis (Part A)****Department of Health**

Agency Name

Division

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**3701-8-10**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Part C payment system.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3701.61**

5. Statute(s) the rule, as filed, amplifies or implements: **3701.61**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed with amendments to reflect 1) changes made in the reauthorization of Part C IDEA in 2004; 2) results of a compliance agreement between the Office of Special Education Programs and ODH Help Me Grow between 2006 and 2010; 3) program changes to reflect best practice and evidence supporting home visiting for at risk families; 4) the elimination of Temporary Assistance to Needy Families (TANF) funding and its subsequent restrictions and requirements existing in the current rule; and 5) a 2009 change in name of state agency from Department of Mental Retardation and Developmental Disabilities to Department of Developmental Disabilities.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule outlines the definitions, process, and rights of parents in IDEA Part C who use the Early Intervention System of Payment for payments to service providers for therapies for their children. This amendment adds language previously missing regarding how parents can appeal a denial for payments within the Early Intervention System of Payment.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references the Ohio Administrative Code, which is generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Ohio Revised Code 121.75 exempts agencies from filing copies of Ohio law and regulations cited in the text of a rule.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **4/16/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

No applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The cost of compliance is difficult to determine but are minimal. ODH provides the packets for applications, processing and all notifications. However, counties have to ensure that families receive information about how to file an application and what their rights are.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component

dealing with environmental protection as defined in R. C. 121.39? **No**

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

It is difficult to provide an estimate because the cost may be different in each county. County personnel in the Help Me Grow (HMG) program will be completing an application for payment of Early Intervention services on behalf of the family if the family is determined unable to pay. Statewide we estimate approximately 2,000 families will apply for payment by ODH. We estimate that it will take approximately 20 minutes for the HMG staff to complete the application. Assuming the average salary plus benefits for service coordinators is \$35 per hour, the costs statewide will be approximately \$23,333, which is an average of \$265 per county for completing the application and another \$1000 for copying and postage.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The new rule requires the Department of Health to establish an Early Intervention System of payment for services for families determined unable to pay and to establish Early Intervention providers that agree to follow federal regulations. County personnel will submit applications on behalf of the family and families will submit financial applications to the Department for determination of inability to pay. There will be minimal costs to the counties.

**(a) Personnel Costs**

\$23,333 statewide; \$265/county.

**(b) New Equipment or Other Capital Costs**

None

**(c) Operating Costs**

Minimal

**(d) Any Indirect Central Service Costs**

Minimal

**(e) Other Costs**

Approximately \$1000 statewide, approximately 11.36 per county for copying and mailing applications.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The Help Me Grow program was an integration of three (3) existing programs in 2001. Current funding comes from federal Part C and TANF funding, GRF, and local funding.

7. Please provide a statement on the proposed rule's impact on economic development.

No impact.