

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

Agency Name

Division

Jodi Govern

Contact

**246 North High St. P.O. Box 118 Columbus OH
43216-118**

Agency Mailing Address (Plus Zip)

614-466-4882

Phone

614-728-7813

Fax

3701-8-10

Rule Number

NEW

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? **No**

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 filed pursuant to Sec. 3701.61 of the Revised Code, and 34 CFR Part 303, Subpart F, which requires that the lead agency (Ohio Department of Health) for Part C under the individuals with Disabilities Education Act (IDEA) define a payment system for early intervention services for infants and toddlers with developmental delays and disabilities and as a condition of Ohio's federal award.

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 meets the federal Part C requirements of the Individuals with Disabilities Education Act for an Early Intervention (EI) System of Payment for infants and toddlers with developmental delays and disabilities. The rule establishes a process to determine a family's inability of pay for EI services.

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 Administrative Code (OAC) which is the accepted law of the State of Ohio. Also referenced is the Federal Register. Both the OAC and Federal Register are generally available to affected parties in libraries, state and federal agencies and printing houses, and on the internet.

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:

Pursuant to R.C. 121.71 to 121.74, the state and federal laws are exempt.

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:

We added a definition of "ability to pay" and changed the service level credit from \$500 to \$2,000. Also, some other edits were made for clarification. These changes were based on comments from the Office of Special Education Programs, U.S. Department of Education.

12. 119.032 Rule Review Date:

(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 increase expenditures.

\$1,400,000.00

The agency will have costs associated with this new rule for payment of Early Intervention services for families that are determined unable to pay. The source of funding is federal Part C Early Intervention funds from the U.S. Department of Education.

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

392-2000-8F25-2601-L045-575-52P5

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 costs to county personnel to implement this rule are minimal. The costs would be associated with completing the application process and mailing it to the Department.

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.