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## DIGEST

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Hoffmann

HB No. 375

**Abstract:** Provides for the EarlySteps childhood disability intervention program and the La. State Interagency Coordinating Council for EarlySteps. Authorizes a fee schedule known as cost participation for services of the program.

Proposed law deletes present law in Title 17 of the La. Revised Statutes of 1950 (R.S. 17:1971-1979), relative to ChildNet: La.'s Early Intervention Program for Infants and Toddlers with Special Needs and their Families.

Proposed law recreates and revises certain provisions of present law relative to the ChildNet Program; changes the program name to "EarlySteps: La.'s Early Intervention Program for Infants and Toddlers with Disabilities and their Families"; and locates provisions relative to the EarlySteps Program in Title 28 of the La. Revised Statutes of 1950.

Proposed law provides legislative findings relative to infants and toddlers with disabilities and their families, and defines terms used in proposed law.

Proposed law provides for policies, goals, and requirements of a statewide comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families. Further provides for procedural safeguards which shall be included in such statewide system.

Proposed law provides for requirements of individualized family service plans for infants, toddlers, and families who receive services through the EarlySteps program.

Proposed law requires that DHH utilize funds received pursuant to fees and other charges authorized by proposed law for the following purposes:

- (1) Implementing and maintaining the statewide system providing early intervention services.
- (2) Providing direct early intervention services for infants and toddlers with disabilities and their families as provided in proposed law that are not otherwise funded through public or private sources.
- (3) Expanding and improving services for infants and toddlers and their families as provided in proposed law that are otherwise available.

- (4) Strengthening the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel.

Proposed law stipulates that funds provided to implement provisions of proposed law may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source, including any medical program administered by the U.S. Secretary of Defense, but for the enactment of proposed law; except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion, funds provided pursuant to the provisions of proposed law may be used to pay the provider of services pending reimbursement from the agency that has ultimate responsibility for the payment.

Proposed law provides that nothing in proposed law shall be construed to permit La. to reduce medical or other assistance available or to alter eligibility pursuant to Title V of the Social Security Act relating to maternal and child health, or Title XIX of the Social Security Act relating to Medicaid for infants or toddlers with disabilities, within the state of La.

Proposed law authorizes DHH to establish a statewide system of payments for services provided pursuant to proposed law which comports with federal regulations relative to early intervention programs for infants and toddlers with disabilities and their families (34 CFR Part 303). Further provides that in implementing such system of payments, DHH:

- (1) Shall promulgate rules for the reimbursement of services from all third-party payers, both private and public.
- (2) Shall seek payment from all third-party payers prior to claiming payment from the early intervention system for services rendered to eligible children.
- (3) May pay directly to a provider any required deductible, copayment, coinsurance, or other out-of-pocket expense for a child who is eligible for services from the early intervention system.
- (4) Shall promulgate rules that establish a schedule of monthly cost participation for early intervention services per qualifying family. Proposed law defines "cost participation" as fees or other charges through which families share in the cost for services provided pursuant to proposed law.

Proposed law subjects DHH to all of the following limitations and requirements relative to cost participation:

- (1) DHH shall utilize the most recent federal poverty guidelines issued in the Federal Register by the U.S. Dept. of Health and Human Services as the basis for determining the income threshold based on family size for eligibility for cost participation.

- (2) DHH shall not assess any fee or other charge through the cost participation schedule upon a family which has annual income of less than 300% of the federal poverty level.
- (3) In any month, DHH shall not assess fees or other charges through the cost participation schedule which total more than 3% of the monthly income level for a family of four, according to the federal poverty guideline schedule.
- (4) DHH shall not assess a fee or other charge through the cost participation schedule for any service identified elsewhere in proposed law as a free service.

Proposed law authorizes DHH to establish procedures by which a service provider may notify the department that a family is not complying with the cost participation requirements and procedures for suspending services.

Proposed law requires DHH to include in the cost participation schedule a statement of assurance that fees are not charged for services which a child is otherwise entitled to receive at no cost to parents, including child find activities, evaluation and assessment for eligibility and individualized family service planning, service coordination, administrative and coordinative activities related to development review, evaluation of individualized family service plans, and implementation of procedural safeguards and other components of the statewide system provided for in proposed law.

Proposed law requires DHH to provide prior notification in writing to families relative to use of public or private insurance according to requirements provided in federal regulations. Also requires DHH to ensure that procedures utilized to resolve disputes related to use of insurance to cover services will not delay or deny the parents' rights or the child's ability to access timely services.

Proposed law provides that the aggregate contributions made by the parent for services provided pursuant to proposed law shall not exceed the aggregate cost of the services, inclusive of any amount received from other sources of payment for a service.

Proposed law provides that at least annually, or at any time the department determines is warranted, the lead agency shall conduct a reassessment of the parents' financial status. Provides that a parent may request such reassessment at any time when significant changes in financial circumstances may affect the calculation of the cost participation amount.

Proposed law prohibits DHH from making any administrative decision regarding suspension or termination of services for a family prior to the family having been in arrears, with respect to fees or other charges assessed pursuant to cost participation, for a duration of three months.

Proposed law requires DHH, on at least a monthly basis, to send to any family in arrears, with respect to fees or other charges assessed pursuant to cost participation, notice of the family's right for reconsideration of their financial status and the family's right to apply for exemption from cost participation due to financial hardship. Further, requires DHH to send such notice to the

representative and senator in whose district the family resides.

Proposed law prohibits DHH from limiting early intervention services for a child in any month if the cost of such services in that month exceeds the maximum monthly contribution from the child's family as provided in proposed law

Proposed law creates and provides for the membership of the La. State Interagency Coordinating Council for EarlySteps: La.'s Early Intervention Program for Infants and Toddlers with Disabilities and Their Families, referred to hereafter as "the council".

Proposed law provides that subject to the approval of the governor, the council may use funds provided pursuant to the provisions of proposed law for the following purposes:

- (1) To conduct hearings and forums.
- (2) To reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties.
- (3) To pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business.
- (4) To obtain the services of professional, technical, and clerical personnel as may be necessary to carry out its functions as provided in proposed law.

Proposed law requires that the council hire an executive director who shall be an unclassified employee of the office of the governor.

Proposed law provides that the council shall have the following duties:

- (1) To advise and assist DHH in the performance of the responsibilities established pursuant to the provisions of proposed law.
- (2) To advise and assist DHH in the preparation of applications and amendments thereto.
- (3) To advise and assist the department regarding the transition of toddlers with disabilities to preschool and other appropriate services.
- (4) To prepare and submit an annual report to the governor and to the U.S. Secretary of Education on the status of early intervention programs for infants and toddlers with disabilities and their families operating in La.
- (5) To prepare and submit an annual report to the legislature on the status of the early intervention program for infants and toddlers with disabilities and their families.

Proposed law provides that the council may advise appropriate agencies in the state with respect

to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the state.

Proposed law stipulates that no member of the council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.

Proposed law provides that all administrative rules relative to the ChildNet program promulgated by the Dept. of Education shall remain effective and shall be deemed to have been promulgated by DHH until such time as those rules may be revised and repromulgated to provide for the EarlySteps program in accordance with the provisions of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 36:4(R); Adds R.S. 28:461-470; Repeals R.S. 17:1971-1979)

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Added requirement that the La. State Interagency Coordinating Council for EarlySteps prepare and submit an annual report to the legislature concerning the program.
2. Added provisions subjecting DHH to all of the following limitations and requirements relative to the cost participation schedule provided for in proposed law:
  - (a) DHH shall utilize the most recent federal poverty guidelines issued in the Federal Register by the U.S. Dept. of Health and Human Services as the basis for determining the income threshold based on family size for eligibility for cost participation.
  - (b) DHH shall not assess any fee or other charge through the cost participation schedule upon a family which has annual income of less than 300% of the federal poverty level.
  - (c) In any month, DHH shall not assess fees or other charges through the cost participation schedule which total more than 3% of the monthly income level for a family of four, according to the federal poverty guideline schedule.
  - (d) DHH shall not assess a fee or other charge through the cost participation schedule for any service identified elsewhere in proposed law as a free service.
3. Added provision prohibiting DHH from limiting early intervention services for a child

in any month if the cost of such services in that month exceeds the maximum monthly contribution from the child's family as provided in proposed law.

4. Added provision prohibiting DHH from making any administrative decision regarding suspension or termination of services for a family prior to the family having been in arrears, with respect to fees or other charges assessed pursuant to cost participation, for a duration of three months.
5. Added provision requiring DHH, on at least a monthly basis, to send to any family in arrears, with respect to fees or other charges assessed pursuant to cost participation, notice of the family's right for reconsideration of their financial status and the family's right to apply for exemption from cost participation due to financial hardship. Added further requirement that DHH also send such notice to the representative and senator in whose district the family resides.
6. Changed permissive provision authorizing DHH to utilize funds received pursuant to fees and other charges authorized by proposed law for support of the EarlySteps program to a provision requiring that DHH utilize the funds in such manner.
7. Made technical changes.