

Regular Session, 2013  
HOUSE BILL NO. 375

# ACT No. 417

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 36:4(R), to enact Chapter 4-B of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:461 through 470, and to repeal Part III of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1971 through 1979, relative to the early intervention program of this state for infants and toddlers with disabilities and their families; to establish the official name of such program; to provide for definitions; to provide for duties of the Department of Health and Hospitals relative to program administration; to provide requirements for a statewide system of services; to provide relative to payment for services; to allow for uses of funds for provision of certain services to eligible persons; to provide for authority to establish a statewide system of payments; to provide for authority to establish a schedule of fees for services provided to certain recipients; to create and provide for duties of the Louisiana State Interagency Coordinating Council for EarlySteps: Louisiana's Early Intervention Program for Infants and Toddlers with Disabilities and their Families; to authorize promulgation of rules by the Department of Health and Hospitals; to provide for continuation of effectiveness of certain administrative rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 4-B of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:461 through 470, is hereby enacted to read as follows:

1            CHAPTER 4-B. EARLYSTEPS: LOUISIANA'S EARLY INTERVENTION  
2            PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES  
3            AND THEIR FAMILIES

4            §461. Findings; policy

5            A. The Louisiana Legislature hereby finds that there is an urgent and  
6            substantial need in this state for all of the following:

7            (1) Enhancements in the development of infants and toddlers with  
8            disabilities in order to minimize their potential for developmental delay.

9            (2) Greater recognition of the significant brain development that occurs  
10           during a child's first three years of life.

11           (3) A reduction to the educational costs to our society, including costs borne  
12           by Louisiana's schools, through minimizing the need for special education and  
13           related services after infants and toddlers with disabilities reach school age.

14           (4) Maximization of the potential for individuals with disabilities to live  
15           independently in the community.

16           (5) Enhancement of families' capacity to meet the special needs of their  
17           infants and toddlers with disabilities.

18           (6) Enhancement of the capacity of state and local agencies and service  
19           providers to identify, evaluate, and meet the needs of all children; particularly  
20           minority, low-income, inner-city, and rural children, and infants and toddlers in  
21           foster care.

22           B. In consideration of the needs described in this Section, it is therefore the  
23           policy of Louisiana:

24           (1) To develop and implement a statewide, comprehensive, coordinated,  
25           multidisciplinary interagency system that provides early intervention services for  
26           infants and toddlers with disabilities and their families.

27           (2) To establish a state system of payments that provides for the collection,  
28           facilitation, and coordination of payment for early intervention services from federal,  
29           state, local, and private sources, including public and private insurance coverage and  
30           cost sharing with those families who qualify.

1                   (3) To enhance Louisiana's capacity to provide quality early intervention  
2                   services and to expand and improve existing early intervention services currently  
3                   being provided to infants and toddlers with disabilities and their families.

4                   (4) To encourage Louisiana to expand opportunities for children under three  
5                   years of age who would be at risk of having substantial developmental delay if they  
6                   did not receive early intervention services.

7                   §462. Definitions

8                   As used in this Chapter, the following terms shall have the meaning ascribed  
9                   to them in this Section, unless the context clearly indicates otherwise:

10                   (1) "Cost participation" means fees or other charges through which families  
11                   share in the cost for early intervention services provided pursuant to the provisions  
12                   of this Chapter.

13                   (2) "Council" means the Louisiana State Interagency Coordinating Council  
14                   for EarlySteps established pursuant to R.S. 28:470.

15                   (3) "Department" means the Department of Health and Hospitals.

16                   (4) "Early intervention services" means developmental services that:

17                   (a) Are provided under public supervision.

18                   (b) Are provided at no cost except where federal or state law provides for a  
19                   system of payments by families, including but not limited to a schedule providing  
20                   a sliding scale of fees as provided in R.S. 28:469.

21                   (c) Are designed to meet developmental needs of an infant or toddler with  
22                   a disability, as identified by the individualized family service plan team, in any one  
23                   or more of the following areas:

24                   (i) Physical development.

25                   (ii) Cognitive development.

26                   (iii) Communication development.

27                   (iv) Social or emotional development.

28                   (v) Adaptive development.

29                   (d) Meet the standards of the state of Louisiana.

30                   (e) Include but are not limited to:

- 1                    (i) Family training, counseling, and home visits.
- 2                    (ii) Special instruction.
- 3                    (iii) Speech-language pathology and audiology services and sign language
- 4                    and cued language services.
- 5                    (iv) Occupational therapy.
- 6                    (v) Physical therapy.
- 7                    (vi) Psychological services.
- 8                    (vii) Family service coordination services.
- 9                    (viii) Medical services only for diagnostic or evaluation purposes.
- 10                   (ix) Early identification, screening, and assessment services.
- 11                   (x) Health services necessary to enable the infant or toddler to benefit from
- 12                   other early intervention services.
- 13                   (xi) Social work services.
- 14                   (xii) Vision services.
- 15                   (xiii) Assistive technology devices and assistive technology services.
- 16                   (xiv) Costs associated with transportation that are necessary to enable an
- 17                   infant or toddler and the infant's or toddler's family to receive early intervention
- 18                   services.
- 19                   (f) Are provided by qualified personnel, including:
- 20                   (i) Special educators.
- 21                   (ii) Speech-language pathologists and audiologists.
- 22                   (iii) Occupational therapists.
- 23                   (iv) Physical therapists.
- 24                   (v) Psychologists.
- 25                   (vi) Social workers.
- 26                   (vii) Nurses.
- 27                   (viii) Registered dietitians.
- 28                   (ix) Family therapists.
- 29                   (x) Vision specialists, including ophthalmologists and optometrists.
- 30                   (xi) Orientation and mobility specialists.

1                    (xii) Pediatricians and other physicians.

2                    (g) To the maximum extent appropriate, are provided in natural  
3 environments, including the home and community settings in which children without  
4 disabilities participate.

5                    (h) Are provided in conformity with an individualized family service plan  
6 adopted in accordance with the provisions of this Chapter.

7                    (5) "IDEA" means the federal Individuals with Disabilities Education Act.

8                    (6)(a) "Infant or toddler with a disability " means an individual under three  
9 years of age who needs early intervention services because of either of the following:

10                    (i) The individual is experiencing developmental delays, as measured by  
11 appropriate diagnostic instruments and procedures in the areas of cognitive  
12 development, physical development, communication development, social or  
13 emotional development, or adaptive development.

14                    (ii) The individual has a diagnosed physical or mental condition which has  
15 a high probability of resulting in developmental delay.

16                    (b) This definition may also include, at the department's discretion, at-risk  
17 infants and toddlers as defined in Subparagraph (c) of this Paragraph.

18                    (c) "At-risk infant or toddler" means an individual under three years of age  
19 who would be at risk of experiencing a substantial developmental delay if early  
20 intervention services were not provided to the individual.

21                    (7) "Parent" means a person who meets the definition of such term in federal  
22 regulations relative to early intervention programs for infants and toddlers with  
23 disabilities and their families (34 CFR 303.27).

24                    §463. Goals

25                    A. Louisiana shall adopt a policy which incorporates all of the components  
26 of a statewide system as provided in this Chapter.

27                    B. The department shall include in its annual application for federal funds  
28 assurances that the statewide system provided for in this Chapter meets federal  
29 requirements for such a system and a description of services to be provided in  
30 accordance with the provisions of this Chapter.

1           §464. Requirements for statewide system

2                   A statewide comprehensive, coordinated, multidisciplinary, interagency  
3           system to provide early intervention services for infants and toddlers with disabilities  
4           and their families shall include, at a minimum, the following components:

5                   (1) A definition of the term "developmental delay" that will be used by the  
6           department in carrying out the provisions of this Chapter in order to appropriately  
7           identify infants and toddlers with disabilities who are in need of services provided  
8           for in this Chapter.

9                   (2) A state policy that is in effect and which ensures that appropriate early  
10           intervention services based on scientific research, to the extent practicable, are  
11           available to all infants and toddlers with disabilities and their families, including  
12           Indian infants and toddlers with disabilities and their families residing on a  
13           reservation geographically located in Louisiana, infants and toddlers with disabilities  
14           who are homeless and their families, and infants and toddlers with disabilities who  
15           are wards of the state.

16                   (3) A timely, comprehensive, multidisciplinary evaluation of the functioning  
17           of each infant and toddler with a disability in Louisiana and a family-directed  
18           identification of the needs of each family of such an infant or toddler to assist  
19           appropriately in the development of the infant or toddler.

20                   (4) For each infant and toddler with a disability in Louisiana, an  
21           individualized family service plan developed in accordance with applicable federal  
22           regulations, including family service coordination in accordance with such service  
23           plan.

24                   (5) A comprehensive child-find system, consistent with the federal  
25           requirements of IDEA-Part B, including a system for making referrals to service  
26           providers that includes timelines and provides for participation by primary referral  
27           sources and that ensures rigorous standards for appropriately identifying infants and  
28           toddlers with disabilities for services pursuant to this Chapter that will reduce the  
29           need for future services.

1           (6) A public awareness program focusing on early identification of infants  
2           and toddlers with disabilities, including the preparation and dissemination by the  
3           department to all primary referral sources, especially hospitals and physicians, of  
4           information for parents, especially for parents with premature infants, or infants with  
5           other physical risk factors associated with learning or developmental complications,  
6           on the availability of early intervention services, and procedures for assisting such  
7           sources in disseminating such information to parents of infants and toddlers with  
8           disabilities.

9           (7) A central directory that includes information on early intervention  
10          services, resources, and experts available in Louisiana and research and  
11          demonstration projects being conducted in Louisiana.

12          (8)(a) A comprehensive system of personnel development, including the  
13          training of paraprofessionals and the training of primary referral sources with respect  
14          to the basic components of early intervention services available in Louisiana, that  
15          shall include:

16                (i) Implementing innovative strategies and activities for the recruitment and  
17                retention of early education service providers.

18                (ii) Promoting the preparation of early intervention providers who are fully  
19                and appropriately qualified to provide early intervention services.

20                (iii) Training personnel to coordinate transition services for infants and  
21                toddlers with disabilities from an early intervention program provided for in this  
22                Chapter to preschool or other appropriate services.

23                (b) The comprehensive system of personnel development may include:

24                    (i) Training personnel to work in rural and inner-city areas.

25                    (ii) Training personnel in the emotional and social development of young  
26                    children.

27           (9) Policies and procedures relating to the establishment and maintenance  
28           of qualifications to ensure that personnel necessary to carry out the provisions of this  
29           Chapter are appropriately and adequately prepared and trained, including the  
30           establishment and maintenance of qualifications that are consistent with any

1 state-approved or recognized certification, licensing, registration, or other  
2 comparable requirements that apply to the area in which such personnel are  
3 providing early intervention services. Nothing in this Chapter shall be construed to  
4 prohibit the use of paraprofessionals and assistants who are appropriately trained and  
5 supervised in accordance with Louisiana law, regulations, or written policy to assist  
6 in the provision of early intervention services to infants and toddlers with disabilities  
7 pursuant to the provisions of this Chapter.

8 (10) A single line of responsibility in the department for carrying out the  
9 following functions:

10 (a) General administration and supervision of programs and activities  
11 receiving assistance pursuant to this Chapter, and the monitoring of programs and  
12 activities used by Louisiana to carry out the provisions of this Chapter, whether or  
13 not such programs or activities are receiving assistance made available by this  
14 Chapter, to ensure compliance with this Chapter.

15 (b) Identification, coordination, and collection of all available resources  
16 within Louisiana from federal, state, local, and private sources, including those of  
17 the system of payments established pursuant to the provisions of R.S. 28:469.

18 (c) Assignment of financial responsibility to the appropriate agencies.

19 (d) Development of procedures to ensure that services are provided to infants  
20 and toddlers with disabilities and their families in a timely manner pending the  
21 resolution of any disputes among public agencies or service providers.

22 (e) Resolution of intra-agency and interagency disputes.

23 (f) Entry into formal interagency agreements which conform with all  
24 applicable provisions of Louisiana law that provide the following:

25 (i) Definitions of the financial responsibility of each agency for paying for  
26 early intervention services.

27 (ii) Procedures for resolving disputes.

28 (iii) Any additional component necessary to ensure meaningful cooperation  
29 and coordination.



1           (11) A policy pertaining to the contracting or making of other arrangements  
2           with service providers to provide early intervention services in Louisiana, consistent  
3           with the provisions of this Chapter, including the contents of the application used and  
4           the conditions of the contract or other arrangements.

5           (12) A procedure for securing timely reimbursement of funds.

6           (13) Procedural safeguards with respect to programs.

7           (14) A system for compiling data in accordance with information and  
8           reporting requirements of the United States Secretary of Education.

9           (15) A state interagency coordinating council that meets the requirements of  
10          R.S. 28:470.

11          (16) Policies and procedures to ensure all of the following:

12          (a) To the maximum extent appropriate, early intervention services are  
13          provided in natural environments.

14          (b) The provision of early intervention services for any infant or toddler with  
15          a disability occurs in a setting other than a natural environment that is most  
16          appropriate, as determined by the parent and the individualized family service plan  
17          team, only when early intervention cannot be achieved satisfactorily for the infant  
18          or toddler in a natural environment.

19          §465. Individualized family service plan

20          A. Assessment and program development shall provide, at a minimum, for  
21          each infant and toddler with disabilities and the infant's or toddler's family to receive:

22          (1) A multidisciplinary assessment of the unique strengths and needs of the  
23          infant or toddler and the identification of services appropriate to meet such needs.

24          (2) A family-directed assessment of the resources, priorities, and concerns  
25          of the family and the identification of the supports and services necessary to enhance  
26          the family's capacity to meet the developmental needs of the infant or toddler.

27          (3) A written individualized family service plan developed by a  
28          multidisciplinary team, including the parents, as required by Subsection D of this  
29          Section, including a description of the appropriate transition services for the infant  
30          or toddler.

1           B. The individualized family service plan shall be evaluated annually, and  
2           the family shall be provided a review of the plan at six-month intervals or more often  
3           as appropriate based on the infant or toddler and family needs.

4           C. The individualized family service plan shall be developed within a  
5           reasonable time after the assessment required by Paragraph (A)(1) of this Section is  
6           completed. With the parent's consent, early intervention services may commence  
7           prior to the completion of the assessment.

8           D. The individualized family service plan shall be in writing and contain all  
9           of the following:

10           (1) A statement of the infant's or toddler's present level of physical  
11           development, cognitive development, communication development, social or  
12           emotional development, and adaptive development, based on objective criteria.

13           (2) A statement of the family's resources, priorities, and concerns relating to  
14           enhancing the development of the family's infant or toddler with a disability.

15           (3) A statement of the measurable results or outcomes expected to be  
16           achieved for the infant and toddler and the family, including preliteracy and language  
17           skills, as developmentally appropriate for the child, and the criteria, procedures, and  
18           timelines used to determine the degree to which progress toward achieving the  
19           results or outcomes is being made and whether modifications or revisions of the  
20           results or outcomes or services are necessary.

21           (4) A statement of specific early intervention services based on  
22           peer-reviewed research, to the extent practicable, necessary to meet the unique needs  
23           of the infant or toddler and the family, including the frequency, intensity, and the  
24           method of delivering services.

25           (5) A statement of the natural environments in which early intervention  
26           services shall appropriately be provided, including a justification of the extent, if  
27           any, to which the services will not be provided in a natural environment.

28           (6) The projected dates for initiation of services and the anticipated length,  
29           duration, and frequency of the services.

1           (7) The identification of the family service coordinator from the profession  
2           most immediately relevant to the infant's or toddler's or family's needs or who is  
3           otherwise qualified to carry out all applicable responsibilities pursuant to the  
4           provisions of this Chapter who will be responsible for the implementation of the plan  
5           and coordination with other agencies and persons, including transition services.

6           (8) The steps to be taken to support the transition of the toddler with a  
7           disability to preschool or other appropriate services, including the following steps:

8           (a) Notify the local educational agency for the area in which such a child  
9           resides that the child will shortly reach the age of eligibility for preschool services  
10           pursuant to IDEA-Part B federal regulations as determined in accordance with  
11           Louisiana law.

12           (b) In the case of a child who may be eligible for such preschool services,  
13           with the approval of the family of the child, convene a conference among the family  
14           service coordinator, the family, and the local educational agency at least ninety days  
15           but no more than six months before the child is eligible for the preschool services,  
16           to discuss any such services that the child may receive.

17           (c) In the case of a child who may not be eligible for such preschool services,  
18           with the approval of the family, make reasonable efforts to convene a conference  
19           among the family service coordinator, the family, and providers of other appropriate  
20           services for children who are not eligible for preschool service pursuant to  
21           IDEA-Part B federal regulations to discuss the appropriate services that the child  
22           may receive.

23           E. The contents of the individualized family service plan shall be fully  
24           explained to the parents and informed written consent from the parents shall be  
25           obtained prior to the provision of early intervention services described in such plan.  
26           If the parents do not provide consent with respect to a particular early intervention  
27           service, then only the early intervention services to which consent is obtained shall  
28           be provided.

1           §466. Uses of funds

2                   In addition to utilizing funds provided pursuant to the provisions of this  
 3           Chapter to implement and maintain the statewide system, the department shall use  
 4           such funds for the following purposes:

5                   (1) For direct early intervention services for infants and toddlers with  
 6           disabilities and their families as provided in this Chapter that are not otherwise  
 7           funded through public or private sources.

8                   (2) To expand and improve upon services for infants and toddlers and their  
 9           families as provided in this Chapter that are otherwise available.

10                  (3) To strengthen the statewide system by initiating, expanding, or  
 11           improving collaborative efforts related to at-risk infants and toddlers, including  
 12           establishing linkages with appropriate public or private community-based  
 13           organizations, services, and personnel for the purposes of:

14                   (a) Identifying and evaluating at-risk infants and toddlers.

15                   (b) Making referrals of the infants and toddlers identified and evaluated  
 16           pursuant to the provisions of Subparagraph (a) of this Paragraph.

17                   (c) Conducting periodic follow-up on each such referral to determine if the  
 18           status of the infant or toddler involved has changed with respect to the eligibility of  
 19           the infant or toddler for services pursuant to this Chapter.

20           §467. Procedural safeguards

21                   The procedural safeguards which shall be included in a statewide system  
 22           shall provide, at a minimum, the following:

23                   (1) The timely administrative resolution of complaints by parents. Any party  
 24           aggrieved by the findings and decision regarding an administrative complaint shall  
 25           have the right to bring a civil action with respect to the complaint in any state court  
 26           of competent jurisdiction or in a district court of the United States without regard to  
 27           the amount in controversy. In any action brought pursuant to the provisions of this  
 28           Paragraph, the court shall receive the records of the administrative proceedings, shall  
 29           hear additional evidence at the request of a party, and, basing its decision on the

1           preponderance of the evidence, shall grant such relief as the court determines is  
2           appropriate.

3           (2) The right to confidentiality of personally identifiable information,  
4           including the right of parents to written notice of and written consent to the exchange  
5           of such information among agencies consistent with applicable provisions of federal  
6           and state law.

7           (3) The right of the parents to determine whether they, their infant or toddler,  
8           or other family members will accept or decline any early intervention service  
9           provided for in this Chapter in accordance with state law without jeopardizing other  
10          early intervention services provided for in this Chapter.

11          (4) The opportunity for parents to examine records relating to assessment,  
12          screening, eligibility determinations, and the development and implementation of the  
13          individualized family service plan.

14          (5) Procedures to protect the rights of the infant or toddler whenever the  
15          parents of the infant or toddler are not known or cannot be found or the infant or  
16          toddler is a ward of the state, including the assignment of an individual, who shall  
17          not be an employee of the department or any other state agency; and who shall not  
18          be any person, or any employee of a person, providing early intervention services to  
19          the infant or toddler or any family member of the infant or toddler to act as a  
20          surrogate for the parents.

21          (6) Written prior notice to the parents of the infant or toddler with a  
22          disability whenever the state agency or service provider proposes to initiate or  
23          change or refuses to initiate or change the identification, evaluation, or placement of  
24          the infant or toddler with a disability, or the provision of appropriate early  
25          intervention services to the infant or toddler.

26          (7) Procedures designed to ensure that the notice required by Paragraph (6)  
27          of this Section fully informs the parents, in the parents' native language, unless it is  
28          not feasible to do so, of all procedures available pursuant to this Section.

29          (8) The right of parents to use mediation in accordance with Section 615 of  
30          IDEA.

1           (9) During the pendency of any proceeding or action involving a complaint  
2           by the parents of an infant or toddler with a disability, unless the department and the  
3           parents otherwise agree, the infant or toddler shall continue to receive the appropriate  
4           early intervention services currently being provided, or if applying for initial  
5           services, shall receive the services not in dispute.

6           §468. Payor of last resort; nonsubstitution; reduction of other benefits

7           A. Funds provided pursuant to this Chapter may not be used to satisfy a  
8           financial commitment for services that would have been paid for from another public  
9           or private source, including any medical program administered by the Secretary of  
10           Defense, but for the enactment of this Chapter; except that whenever considered  
11           necessary to prevent a delay in the receipt of appropriate early intervention services  
12           by the infant or toddler or family according to the department's established timeline  
13           for timely delivery of services, funds provided pursuant to this Chapter may be used  
14           to pay the provider of services pending reimbursement from the agency that has  
15           ultimate responsibility for the payment.

16           B. Nothing in this Chapter shall be construed to permit the department to  
17           reduce medical or other assistance available or to alter eligibility pursuant to Title  
18           V of the Social Security Act, relating to maternal and child health, or Title XIX of  
19           the Social Security Act, relating to Medicaid for infants or toddlers with disabilities,  
20           within the state of Louisiana.

21           §469. System of payments; authority of the Department of Health and Hospitals;  
22           cost participation schedule

23           A. The department is hereby authorized to establish a statewide system of  
24           payments in accordance with the provisions of 34 CFR Part 303.

25           B.(1) In implementing the system of payments, the department shall  
26           promulgate rules for the reimbursement of services from all third-party payers, both  
27           private and public.

28           (2) The department or its designee shall seek payment from all third-party  
29           payers prior to claiming payment from the IDEA-Part C early intervention system  
30           of this state for services rendered to eligible children.

1           (3) The department or its designee may pay directly to a provider any  
 2           required deductible, copayment, coinsurance, or other out-of-pocket expense for a  
 3           child who is eligible for services from the IDEA-Part C early intervention system of  
 4           this state.

5           C.(1)(a) The department shall promulgate rules in accordance with the  
 6           Administrative Procedure Act that establish a schedule of monthly cost participation  
 7           for early intervention services per qualifying family. Cost participation shall be  
 8           based on a sliding scale and shall consider elements, including but not limited to  
 9           adjusted gross income, family size, financial hardship, extraordinary expenses  
 10           associated with the child, and Medicaid eligibility. The department shall be subject  
 11           to all of the following limitations and requirements relative to the cost participation  
 12           schedule:

13           (i) The department shall utilize the most recent federal poverty guidelines  
 14           issued in the Federal Register by the United States Department of Health and Human  
 15           Services as the basis for determining the income threshold based on family size for  
 16           eligibility for cost participation.

17           (ii) The department shall not assess any fee or other charge through the cost  
 18           participation schedule upon a family which has annual income of less than three  
 19           hundred percent of the federal poverty level.

20           (iii) In any month, the department shall not assess fees or other charges  
 21           through the cost participation schedule which total more than three percent of the  
 22           monthly income level for a family of four, according to the federal poverty guideline  
 23           schedule.

24           (iv) The department shall not assess a fee or other charge through the cost  
 25           participation schedule for any service provided for in Item (c)(ii) of this Paragraph.

26           (b) Parents who have public or private insurance and elect not to assign such  
 27           right of recovery or indemnification to the department or choose not to release  
 28           financial information shall be assessed the cost for each early intervention service  
 29           listed on the individualized family service plan according to the most current service  
 30           rate schedule and cost participation schedule promulgated by the department.

1           (c) The cost participation schedule promulgated by the department shall  
2 provide all of the following:

3           (i) Procedures by which a service provider may notify the department that  
4 a family is not complying with the cost participation requirements and procedures  
5 for suspending services.

6           (ii) A statement of assurance that fees are not charged for services which a  
7 child is otherwise entitled to receive at no cost to parents, including child-find  
8 activities, evaluation and assessment for eligibility and individualized family service  
9 planning, service coordination, administrative and coordinative activities related to  
10 development review, evaluation of individualized family service plans, and  
11 implementation of procedural safeguards and other components of the statewide  
12 system provided for in R.S. 28:464.

13           (2)(a) The department shall provide prior notification in writing to families  
14 for use of public or private insurance according to the requirements of 34 CFR  
15 303.414. Such notification shall include a statement of the general categories of  
16 costs that the parent would incur and a statement of the process for resolution of a  
17 dispute regarding decisions related to use of public or private insurance, failure to  
18 pay for services or the state's determination of a family's ability to pay.

19           (b) The department shall ensure that the procedures utilized to resolve such  
20 disputes will not delay or deny the parents' rights or the child's ability to access  
21 timely services.

22           (3) The aggregate contributions made by the parent shall not exceed the  
23 aggregate cost of the early intervention services received by the child and family,  
24 inclusive of any amount received from other sources of payment for a service.

25           (4)(a) At least annually, or at any time the department determines is  
26 warranted, the department shall conduct a reassessment of the parents' financial  
27 status. A parent may request such reassessment at any time when significant changes  
28 in financial circumstances may affect the calculation of the cost participation  
29 amount.



1           **(b) The department shall not make any administrative decision regarding**  
 2           **suspension or termination of services for a family prior to the family having been in**  
 3           **arrears, with respect to fees or other charges assessed pursuant to cost participation,**  
 4           **for a duration of three months.**

5           **(c) On at least a monthly basis, the department shall send to any family in**  
 6           **arrears, with respect to fees or other charges assessed pursuant to cost participation,**  
 7           **notice of the family's right for reconsideration of their financial status and the**  
 8           **family's right to apply for exemption from cost participation due to financial**  
 9           **hardship. A copy of the notice shall be sent to the representative and senator in**  
 10           **whose district the family resides.**

11           **(5) The department shall not limit early intervention services for a child in**  
 12           **any month if the cost of such services in that month exceeds the maximum monthly**  
 13           **contribution from the child's family as provided in Item (1)(a)(iii) of this Subsection.**

14           **§470. Louisiana State Interagency Coordinating Council for EarlySteps: Louisiana's**  
 15           **Early Intervention Program for Infants and Toddlers with Disabilities and**  
 16           **Their Families**

17           **A. The Louisiana State Interagency Coordinating Council for EarlySteps:**  
 18           **Louisiana's Early Intervention Program for Infants and Toddlers with Disabilities**  
 19           **and Their Families is hereby created. All council members shall be appointed by the**  
 20           **governor who shall also appoint the chairperson. No member of the council who is**  
 21           **a representative of the department may serve as the chairperson of the council. At**  
 22           **least twenty percent of the members shall be parents of infants or toddlers with**  
 23           **disabilities or children with disabilities age twelve or younger, with knowledge of**  
 24           **or experience with programs for infants and toddlers with disabilities; and at least**  
 25           **twenty percent of the members shall be public or private providers of early**  
 26           **intervention services.**

27           **B. The council shall be comprised of the following members:**

28           **(1) At least one member shall be a parent of either of the following:**

29           **(a) An infant or toddler with disabilities.**

30           **(b) A child with disabilities age six or younger.**

1                   (2) At least one member shall be an elected member of the Louisiana  
 2                   Legislature.

3                   (3) At least one member shall be involved in the preparation and training of  
 4                   early intervention providers to become qualified to provide services.

5                   (4) Members in the number of one each from each state agency involved in  
 6                   the provision of or payment for early intervention services to infants and toddlers  
 7                   with disabilities and their families, including Medicaid, and such members shall have  
 8                   sufficient authority to engage in policy planning and implementation on behalf of  
 9                   their respective agencies.

10                  (5) At least one member shall be from the office of the Louisiana  
 11                  Department of Education which is responsible for preschool services to children with  
 12                  disabilities and who shall have sufficient authority to engage in policy planning and  
 13                  implementation on behalf of such agency.

14                  (6) At least one member shall be from the Louisiana Department of  
 15                  Insurance.

16                  (7) At least one member shall be from a Head Start agency or program.

17                  (8) At least one member shall be from the Louisiana Department of Children  
 18                  and Family Services.

19                  (9) At least one member designated by the Louisiana Department of  
 20                  Education who is responsible for coordination of the education of homeless children  
 21                  and youth.

22                  (10) One member from the Department of Children and Family Services who  
 23                  is responsible for foster care.

24                  (11) One member from the Department of Health and Hospitals, office of  
 25                  behavioral health.

26                  (12) Any other members duly appointed by the governor.

27                  C. The council shall meet at least quarterly and in such places as it deems  
 28                  necessary. The meetings shall be publicly announced and to the extent appropriate,  
 29                  open, and accessible to the general public.

1           D.(1) Subject to the approval of the governor, the council may prepare and  
2           approve a budget using funds provided pursuant to the provisions of this Chapter to  
3           conduct hearings and forums; to reimburse members of the council for reasonable  
4           and necessary expenses, including child care for parent representatives, for attending  
5           council meetings, and performing council duties; and to pay compensation to a  
6           member of the council if the member is not employed or must forfeit wages from  
7           other employment when performing official council business.

8           (2) The council shall use funds provided pursuant to this Chapter to hire an  
9           executive director who shall be responsible to and report directly to the council and  
10          the governor or his designee to carry out its functions pursuant to this Chapter. The  
11          executive director shall be hired as an unclassified employee of the office of the  
12          governor. The cost of maintaining the functions of the executive director and council  
13          shall be specified by an interagency agreement between the department and the  
14          office of the governor. The council may also use funds provided pursuant to this  
15          Chapter to obtain the services of other such professional, technical, and clerical  
16          personnel as may be necessary to carry out its functions as provided in this Chapter.

17           E. The council shall have the following duties:

18           (1) To advise and assist the department in the performance of responsibilities  
19           established pursuant to this Chapter, particularly the identification of sources of  
20           fiscal and other support for services for early intervention programs, assignment of  
21           financial responsibility to the appropriate agency, and the promotion of interagency  
22           agreements.

23           (2) To advise and assist the department in the preparation of applications and  
24           amendments thereto.

25           (3) To advise and assist the department relative to the transition of toddlers  
26           with disabilities to preschool and other appropriate services.

27           (4) To prepare and submit an annual report to the governor and to the United  
28           States Secretary of Education on the status of early intervention programs for infants  
29           and toddlers with disabilities and their families operated within the state.

1                 (5) The council may advise appropriate agencies in the state with respect to  
2                 the integration of services for infants and toddlers with disabilities and at-risk infants  
3                 and toddlers and their families, regardless of whether at-risk infants and toddlers are  
4                 eligible for early intervention services in the state.

5                 (6) To prepare and submit an annual report to the Legislature of Louisiana  
6                 on the status of the early intervention program of this state for infants and toddlers  
7                 with disabilities and their families.

8                 F. No member of the council shall cast a vote on any matter which would  
9                 provide direct financial benefit to that member or otherwise give the appearance of  
10                 a conflict of interest.

11                 Section 2. R.S. 36:4(R) is hereby amended and reenacted to read as follows:

12                 §4. Structure of executive branch of state government

13   \*         \*         \*

14                 R. The Louisiana State Interagency Coordinating Council for ~~Child Net:~~  
15                 EarlySteps: Louisiana's Early Intervention Program for Infants and Toddlers with  
16                 ~~Special Needs~~ Disabilities and Their Families (~~R.S. 17:1979~~ R.S. 28:470) is placed  
17                 within the office of the governor and shall exercise and perform its powers, duties,  
18                 functions, and responsibilities in the manner provided for agencies transferred under  
19                 the provisions of R.S. 36:802, except that it shall have any other powers, duties,  
20                 functions, and responsibilities specifically provided in ~~R.S. 17:1979~~ R.S. 28:470.

21   \*         \*         \*

22                 Section 3. Part III of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950,  
23                 comprised of R.S. 17:1971 through 1979, is hereby repealed in its entirety.

24                 Section 4. All administrative rules relative to ChildNet: Louisiana's Early  
25                 Intervention Program for Infants and Toddlers with Special Needs and Their Families duly  
26                 promulgated by the Department of Education shall remain effective and shall be deemed to  
27                 have been promulgated by the Department of Health and Hospitals until such time as those  
28                 rules may be revised and repromulgated to provide for the EarlySteps program in accordance  
29                 with the provisions of this Act.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           Section 5. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_