

Family Cost Share Practices

Local Lead Agency Responsibilities:

- Identify the individual(s) who will be responsible for explaining the family cost share practices to families and assisting the family to complete the *Family Cost Share Agreement* form.
- Ensure that the individual(s) who are responsible for implementing the family cost share practices are trained to:
 - Explain financial information, including use of Medicaid and private insurance for Part C early intervention services, availability of other resources to support Part C service provision, and family fees; and
 - Collect and record the required financial information from families in a sensitive, confidential and accurate manner.
- Bill for and collect all family fees due to the local Infant & Toddler Connection system based on the *Family Cost Share Agreement* form or contract that responsibility to a single entity within their local system or in conjunction with one or more other local systems. That single entity may be a Part C provider.
- Maintain and report annually to the State Lead Agency data on the total amount of family fees collected. Data must be on file at the local lead agency and made available to the State Lead Agency, upon request, to document costs billed, payments received, and the status and follow-up for those families who do not pay.
- Assist the family in accessing the Part C administrative complaint process, mediation and/or a due process hearing if disagreements regarding fees cannot be resolved.

Responsibilities of the Individual(s) Designated to Implement Family Cost Share Practices for the Local Infant & Toddler Connection System:

- Explain in detail the family cost share practices to each family following eligibility determination and prior to the initial IFSP meeting, if this has not already been done. Review this information prior to each annual IFSP meeting.
- Prior to development of the initial and each annual IFSP, complete the following steps to determine the family cost share:
 - If the child has Medicaid (including FAMIS, FAMIS plus, etc.), the family has no additional cost share.
 - If the family has private insurance, review coverage opportunities with the family for identified IFSP services. Assist families in determining the potential impact of using their insurance for Part C supports and services, including the potential for a decrease of the lifetime benefit cap, escalation of premium, or loss of coverage. Request parent consent to access that insurance for reimbursable Part C supports and services.
 - a. If the family consents to use of their private insurance, then the family pays a monthly fee, not to exceed what their monthly direct expense would be and not to exceed the monthly cap established by the family cost share fee scale. This monthly fee covers the family's cost share for all services provided, including assistive technology devices, regardless of the number of services provided.
 - The monthly fee is collected instead of the insurance co-payment.
 - The family is responsible for payment of any deductibles.

- If the insurance company denies reimbursement for all Part C services, then the family still pays just a monthly fee not to exceed the cap determined by the family cost share fee scale.
- b. If the family does not provide consent to use their private insurance, the family pays the full Part C rate for IFSP services unless the family documents on the *Family Cost Share Agreement* form that they believe use of their insurance will result in a financial loss such as a decrease in available lifetime coverage, escalation of premium, or discontinuation of the policy. If the family declines use of their insurance because they believe it will result in a reduction in the lifetime benefit cap, escalation in premium or loss of coverage, then the family cost share fee scale is used to determine the maximum monthly family fee.
- If the family has neither Medicaid nor private insurance, determine the family's monthly fee cap using the family cost share fee scale. The monthly fee covers the family's cost share for all services provided including assistive technology devices, regardless of the number of services provided, and must not exceed the full cost of actually providing the services listed on the IFSP.
- To determine and document the family's monthly fee cap:
 - a. Request a copy of the family's most recent Federal or State tax return in order to determine the family's adjusted gross income. In the circumstance that no Federal or State tax return can be obtained, then request to view at least 2 successive pay stubs. In those rare instances when pay stubs must be used for income documentation, ask the family to state their gross self-employment income as well as providing pay stubs for other employment. When looking at the pay stubs, use gross wages and calculate the annual gross income.
 - b. Provide the opportunity for the family to share documentation of extraordinary expenses. These expenses are deducted from the family's adjusted gross income prior to using the family cost share fee scale to determine the family's monthly cap for all Part C services.
 - Extraordinary expenses may only include those annual expenses related to the care of the child with a disability or the care of another person with a disability living in the home.
 - Allowable expenses are specialized equipment, medication, special food and formula, medical expenses, insurance deductibles associated with Part C services or other services for the Part C eligible child or another family member with a disability living in the home, extended child care necessary because of the child's disability, or credit card debt associated with these expenses.
 - c. Visual regard of the income documentation in a and b, above, is adequate verification of income, and it is not necessary to retain a copy of the document viewed. Signatures of the parent and the individual reviewing the income documentation are required in section ___ of the *Family Cost Share Agreement* form and confirm that the required income documentation was viewed.

- d. If the family chooses not to provide income information then the family has declined to participate in the family cost share process, and they are required to pay the cost of IFSP services (not including service coordination, eligibility determination, assessment, IFSP meetings or their procedural safeguards) at the Part C rate.
- e. Families with income below 300% of poverty will not be charged a fee.
- f. Families with income at or above 300% will be charged a monthly fee not to exceed the monthly cap determined by the Family Cost Share fee scale, which takes into account family size and income.
- Complete, sign and obtain the parent's signature on the completed *Family Cost Share Agreement* form.
 - **Note:** If more than one child from the same family is enrolled in the Infant & Toddler Connection system at the same time, then the monthly cap established by the family cost share fee scale represents the maximum monthly fee for the family for the services of all children they have enrolled (e.g., if the family's monthly cap is \$231 based on the fee scale, then that family pays no more than \$231 per month, total, regardless of the number of children in their family who are enrolled).
- Assist the family in understanding and accessing additional public and/or private resources, if available and if the family agrees.
- Ensure that the individual responsible for billing family fees is informed when the child and family are discharged from the local Infant & Toddler Connection system.
 - If a child leaves the local system part way through a month, then the full monthly fee (up to the actual cost of services delivered) is still billed to and collected from the family for that month.
 - If a child and family move from one local Infant & Toddler Connection system to another, their monthly cap remains the same since that cap is based on the Family Cost Share fee scale used statewide. **When a child moves to a new local system part way through a month, then ...**
- Ensure that re-evaluation of the family's cost share occurs at least annually and whenever the family's financial circumstances change. Make sure the family knows to inform their service coordinator of any significant changes in their financial status throughout enrollment in services unless the family has chosen to pay the full cost of supports and services.

Add text box with examples, including AT devices as one-time expense

Inability or Refusal to Pay:

- If at any point the family encounters financial hardship that affects their ability to pay the monthly fee up to the cap established by the family cost share fee scale, then the family may request that the fee be adjusted. Financial hardship is defined as: loss of home, loss of job (for any wage earner in the family), new extensive medical costs incurred/documented in the current year determined to be applicable, **or a high insurance deductible that will result in full payment for some Part C early intervention services that is beyond the family's ability to pay and for which the family will not be reimbursed from a flexible spending account or other source of reimbursement.**

- If there is financial hardship, the family contacts the local system manager to request a fee adjustment. The local system manager and one other representative of the local system review the request, including supporting documentation, and take one of the following actions:
 - Adjust the monthly fee cap to an appropriate fee cap based on an adjusted gross income (that takes into account lost income, extensive medical costs, etc.);
 - Reduce the monthly fee to the lowest fee cap on the scale;
 - Eliminate the monthly fee;
 - Make no change in the monthly fee cap; or
 - When a high insurance deductible is the issue, take the following actions:
 - First, determine whether temporarily waiving the monthly fee, requiring payment of only the deductible until the deductible is reached will address the financial hardship;
 - If that adjustment is not sufficient to address the family's inability to pay, then include the deductible in the monthly fee, requiring the family to pay only up to the monthly fee cap determined by the Family Cost Share fee scale.

If there is a change, then the Family Cost Share Agreement form is revised and signed by the family. The new fee cap becomes effective on the date of signature on the Family Cost Share Agreement form.

- Services to the child and family may be terminated if the parent refuses to pay the monthly fee up to the monthly cap based on the Family Cost Share fee scale, even after any adjustments made based on financial hardship. If the parent refuses to pay or the account becomes more than 60 days in arrears, then:
 - The local system manager is notified immediately
 - The family is offered the opportunity for reassessment of the family's cost share through an appeal to the local Infant & Toddler Connection system manager. All services continue during the appeal process. The local system determines who at the local level will handle appeals, though it is strongly recommended that a team of at least 2 people participate in the appeal process. The appeal team will speak with the family and will review documentation on the *Family Cost Share Agreement* form and documentation from any family request to the local system for adjustment to the fee due to financial hardship. In addition, in reassessing the family's cost share, the appeal team will consider any family debt (e.g., college debt) or other costs (e.g., lost income because the parent needs to stay home to care for a child or other family member with a disability living in the home) not accounted for previously that may be impacting the family's ability to pay the assigned cost share fee. The appeal team notifies the family and the local system manager of its decision in writing within 5 business days of receiving the request for appeal. A new Family Cost Share Agreement form is completed if the appeal process results in a new family cost share fee.
 - If the family refuses to pay the fee determined through the reassessment of family cost share, then the local system manager notifies the service coordinator who notifies all other service providers and provides Written Prior Notice to the family indicating that all services, other than those that must be provided at no cost (e.g., service coordination, assessment, IFSP review) will not start or will end due to parent refusal to pay. The family must receive a copy and explanation of the *Notice of Child and Family*

Safeguards in the Infant & Toddler Connection of Virginia Part C Early Intervention System. In explaining the Notice of Child and Family Safeguards, the service coordinator reviews and explains the complaint procedures.

- Parents have the right to access the administrative complaint, mediation and/or due process procedures if they disagree with assigned fees or other decisions related to fees, billing, and reimbursement.