

**CQI Workgroup on Part C Fees
And
Ability to Pay**

Meeting Summary

**Department for the Blind and Vision Impaired
Library Conference Room
January 29, 2001**

Those Attending: Shirley Ricks, Wanda Pruett, Forrest Mercer, John Jackson, Anne Simmons, Emily Dreyfus, Anne Lucas, Glen Slonnegar, Liz Fletcher, and Mary Ann Discenza

Those Absent: Joe Sharrer, Pat Abrams, Joan Pine, Patti Seklemian, and Sheila Null

House Bill 2738 – Shirley Ricks

- Del. Plum has sponsored a bill that would require DMHMRSAS to institute a statewide, equitable fee system that will ensure access to EI services.
- Legislation proposes emergency regulations
- In response to the bill Commissioner Kellogg proposed time lines to respond to the intent of the bill, e.g. to establish consistent procedures for determining parental liability for fees for early intervention services
- Pertinent points from the proposed time lines:
 - 1) Draft policies out for public comment, target date 2/15/01 (60-day comment period)
 - 2) Pilot sites identified and training to pilot sites, target date 6/15/01
 - 3) Pilot sites initiate implementation of uniform family fee procedures and collect fiscal impact data, target date 7/1//01
 - 4) Pilot sites submit fiscal impact data and feedback on the procedures, target date 9/30/01
 - 5) The Department conducts training to all localities on the uniform family fee procedures for early intervention services, target date 12/15/01
 - 6) Uniform family fee procedures are implemented statewide, target date 1/1/02
 - 7) At any point in time, if federal regulations are finalized, the proposed policies will need to be modified based on changes made by the Feds.

Analysis of Proposed Changes to Part C of IDEA – Anne Lucas

- New Policies related to Financial Matters:
 - 1) Requires that system of payments be codified in state law or another mechanism that has the weight of state law.
 - 2) States can add parent fees to Part C grant.

- 3) States cannot count insurance collections for “non-supplanting” requirement.

- New System of Payment Policies:

- 1) New section about how states administer their system of payment.
- 2) Families can meet their fee obligation in any way they choose, including using their insurance to pay the fee but the state cannot require parents to access their insurance.
- 3) States have discretion about the type of fee they implement, e.g. one established for the early intervention system or fees that are broader in scope such as Medicaid fees.
- 4) New requirement for cost participation fees (e.g. co-pay or deductible amounts) required under existing State or Federal law to access state or federal insurance programs in which the child or family is enrolled.
- 5) New regulation requiring states include in its policies its criteria for judging “inability to pay” including taking into account applicable family expenses, using the best available data. The family’s expenses would discount family income for the child that is due to the disability.
- 6) States must set fees without regard to what a family’s insurance might pay.
- 7) If a state establishes a fee scale specifically for early intervention services, the state cannot take into account whether or not a family has insurance.
- 8) States with sliding fee scales must give parents the option of paying the applicable fees or using their private insurance. **Note:** This particular proposed regulation could have a significant impact on what the CQI Workgroup has proposed in the draft fee policies due out for public comment.
- 9) States cannot force parents to enroll in public insurance (Medicaid, TRICARE, CHIP) as a condition of receiving service. However, if the parents are already enrolled in a public insurance program, states can access public insurance without parent consent as long as there is no cost to families, but must have consent if there is a cost.

- New Procedural Safeguards Policies:

- 1) Written notice must be given to families of the applicable policies including which services are at no cost, types of fees, and “inability to pay” guidelines.
- 2) Prior notice can be incorporated into written prior notice or could be separate.
- 3) Must be given before services begin and cannot delay services.
- 4) Families have the same due process rights to contest fee or inability to pay (e.g. mediation or hearing).

Draft *Consistent Procedures for Part C Fees* – John Jackson

- Pertinent issues from the discussion:
 - 1) Language added to deal with situations when family income is so low the family is not required to file federal tax returns.
 - 2) Discussion about how to incorporate prior notice into IFSP development and how to deal with special circumstances family may present at intake.
 - 3) Discussion about proposed regulations that require states consider un-reimbursed costs of the child with the disability in determining “inability to pay”.
 - 4) Sliding fee scale needs to be revised.
 - 5) There was discussion about using current year’s taxable income to determine where families fell on the sliding fee scale and it was suggested that written materials about the family fee scale should contain clear information about the use of taxable income in determining family fees.
 - 6) Looked at various scenarios involving changes in family’s circumstances, e.g. loss of one parent’s income, extraordinary medical expenses, etc.
 - 7) Change language in proposed policies about using gross income for appeal only.
 - 8) Discussion about determining the financial impact of implementing proposed policies and the recognition about the importance of collecting fiscal information and data.

Implementation Issues – Full Workgroup

- Discussion about implementation, time lines, whether to pilot or implement statewide. Consensus of the workgroup was to implement mandatory initial sites (no number decided yet) with phase-in for all localities with phase-in for all localities.
- Recognition that the proposed policies will affect all providers and discussion about the importance of dissemination of the proposed policies to the early intervention system and all public and private providers.
- Implementation Plan:
 - 1) Phase-in with target sites (mandatory participation of all public and private providers in the local system).
 - 2) Pilots to be implemented on or about July 1, 2001.
 - 3) Criteria for the pilot sites will be developed by the full workgroup at the next meeting and identification of fiscal and other data requirements.
 - 4) Proposed fee policies disseminated to public comment on or about February 15, 2001. If that date appears to become infeasible, a conference call will be convened several days beforehand to discuss an adjustment to the timeline.
 - 5) A sub-committee of the workgroup will develop Q&A and the Q&A will be posted on the Virginia Babies Can’t Wait! Web site, target date February 22, 2001.

· **Proposed Agenda for Meeting – February 20, 2001**

1. Develop time line for information dissemination
2. Develop plan for receiving public comment
3. Discuss issues related to:
 - a) Criteria for selecting pilot sites
 - b) Developing training materials
 - c.) Identifying training team members
 - d.) Developing survey materials for data collection from pilots

The CQI Workgroup on Part C Fees will meet on Tuesday February 20, 2001 from 12:00 until 4:00 PM. The meeting will take place in the Library and Resource Center Conference Room at the Department for the Blind and Vision Impaired located in Richmond.