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Dr. Ashley Williams, PhD, LABA, BCBA-D
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Dear Ashley,

The purpose of this monitoring report is to provide a summary of the results of the Cyclical Monitoring activities conducted by the Department of Public Health's (the Department's) Early Intervention (EI) Division. As part of its general supervision process, early intervention service programs and specialty service programs are monitored on their policies and procedures and implementation of those policies and procedures to meet the requirements of the Individuals with Disabilities Education Act (IDEA or the Act).

Those requirements include:

- 1) Improving educational results and functional outcomes for all infants, toddlers, children, and youth with disabilities; and
- 2) Ensuring that public agencies meet the program requirements under Part C of IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for infants and toddlers with disabilities.

During the cyclical monitoring process the EI Division examined the program's policies and procedures regarding the following monitoring priorities and components of IDEA part C:

- Compliance (45 Day IFSP timeline, timely services, service delivery, and supervision)
- Results (services provided in the natural environment, child find, evaluations, assessments, and outcomes)
- Dispute Resolution and Family Rights
- Data Quality (timely and accurate data entry)
- Fiscal (claims, insurance verification, and responsibility)

This cyclical monitoring report summarizes the Early Intervention Division's review of IDEA Part C requirements and Massachusetts Early Intervention Operational Standards regarding these monitoring priorities and components. The EI Division conducted Cyclical Monitoring activities through interviews with representatives from Behavioral Concepts Innovation (BCI) and families that participated in Part C

services at BCI. In addition to interviews, the EI Division reviewed records (individualized family service plans, service progress notes, claims) of a sample of children with data submitted into the Early Intervention Client System, policies and procedures, and other related documents submitted to the Early Intervention Division.

Based on its review of available documents, information, and interviews conducted, the EI Division has identified 8 findings of noncompliance with IDEA and state requirements described in further detail in the monitoring report, including any required actions.

Summary of Monitoring Priorities and Outcomes

MONITORING COMPONENT	FINDINGS SUMMARY
Compliance	1.1 The EI Division finds that the program has not established policies and procedures to ensure appropriate demonstration of and adherence to ongoing service delivery requirements as required under 34 CFR §303.344(d) (1-2) and in accordance with EIOS § VIII (C3) and SSP OP VII.
Results	2.1 The EI Division finds that the program has not established reasonably designed Natural Environment policies as required under 34 CFR §303.126 and 34 CFR §303.26 and in accordance with SSP OS §VII. 2.2 The EI Division finds that the program has not established reasonably designed referral policies as required under EIOS § VI(a)(1) and SSP OS § V(a).
Dispute Resolution	3.1 The EI Division finds that the EIBI program has not established reasonably designed procedural safeguard policies as required under 34 C.F.R. §. 303.420, SSP OS § X, and EI OS § XIII.
Data	4.1 The EI Division finds that the EIS program has not established policies and procedures to ensure appropriate demonstration of and adherence to data requirements under 34 C.F.R. § 303.124 and memorandum 25-09-11.
Fiscal	5.1 The EI Division finds that the program has not established reasonably designed claim submission policies as required in accordance with Massachusetts Department of Public Health Reimbursement Policy Manual for Early Intervention and EIBI Services v. 11 Page 23. 5.2 The EI Division finds that the program has not established reasonably designed insurance member eligibility policies as required in accordance with Massachusetts Department of Public Health

	Reimbursement Policy Manual for Early Intervention and EIBI Services v. 11 Page 4. 5.3 The EI Division finds that the program has not established reasonably designed parental consent disclosure policies as required under 34 CFR 303.520 and 34 CFR 303.7.
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The EI Division appreciates BCI's continued efforts to improve the implementation of IDEA Part C and the development and implementation of a reasonably designed Early Intensive Behavioral Intervention (EIBI) program which ensures compliance and improving results for infants and toddlers with disabilities and their families. The EI Division notes that having a consistent and transparent system for identifying and correcting noncompliance, particularly noncompliance that impacts the delivery of early intervention services, in accordance with individualized family service plans (IFSPs), and dispute resolution systems that protect the rights of parents, are essential elements to ensuring improved results for infants and toddlers with disabilities and their families. If you have any questions, please contact your Clinical Oversight and Support Specialist.

Sincerely,

Julie Woodward

Clinical Oversight and Support Specialist, Early Intervention Division

cc: Molly Gilbride, Clinical Quality Manager, Early Intervention Division

Michelle Conlon, Clinical Quality Assurance Coordinator, Early Intervention Division

Andrew Pursley, Finance Manager, Early Intervention Division

COMPLIANCE

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
1.1 Service Delivery (Ongoing) Under, Federal Regulation (34 CFR 303.344(d)(1); 34 CFR 303.344(d)(2)) As used in paragraph (d)(1)(i) of this section— Service Provision: As a condition of receiving assistance under Part C of the IDEA, each State must ensure that appropriate early intervention services are available to all infants and toddlers with disabilities and their families as required by 34 C.F.R. § 303.112. Under 34 C.F.R. § 303.342(e), each State must ensure that Part C services are provided to all eligible infants and toddlers with disabilities and their families in a timely manner and that each eligible infant and toddler with a disability has available early intervention services that are designed to meet his or her unique individual needs as identified by the IFSP team as required by 34 C.F.R. §§ 303.13(c), 303.342, and 303.344(d).	1.1 The EI Division finds that the program has not established policies and procedures to ensure appropriate demonstration of and adherence to ongoing service delivery requirements as required under 34 CFR §303.344(d)(1-2) and in accordance with EIOS § VIII (C3) and SSP OP VII. During policy review, the EI Division specifically identified that the program's policy did not meet service delivery requirements; ensuring children received IFSP services, as consented to, consistently. During record reviews, the EI Division found that the program did not meet ongoing service delivery requirements (consistent). The EI division reviewed a total of 10 child records for satisfactory demonstration (100%) of ongoing service delivery requirements. A total of 1 of these records demonstrated that the program did not meet service delivery requirements.	The EI Division's analysis is based on documents and information provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis: 1.1 The EI Division finds that the program has not established policies and procedures to ensure appropriate demonstration of and adherence to ongoing service delivery requirements as required under 34 CFR §303.344(d)(1-2) and in accordance with EIOS § VIII (C3) and SSP OP VII.	Policies and procedures— within 90 days of the date of this monitoring report the program must submit to the EI Division: 1. Policies and procedures documenting the program's process for ongoing service delivery requirements. The policies and procedures must ensure that the program's process is reasonably designed as required by 34 C.F.R. § 303.344(d) (1-2) and EIOS § VIII(C3) and SSP OP VII. Evidence of implementation— as soon as possible, but no later than one year from the date of this monitoring report, the program must demonstrate to the EI Division: 2. Demonstration of 100% compliance with ongoing service delivery requirements, as evidenced by the EI Divisions review of subsequent records.

In accordance with Early Intervention Operational Standards Early Intervention Services (EIOS) § VIII (C3), ensure the timely and consistent delivery of IFSP (Part C) services. Additionally, SSP OP VII requires that services are available on a twelve-month basis. Any scheduled interruptions of any service for more than three (3) consecutive weeks are discussed and approved by the family and documented on the Individualized Family Service Plan. Varying family needs and cultural differences are respected in the provision of Specialty Services, and programs are responsive to family schedules.			
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RESULTS

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
2.1 Natural Environment Under 34 CFR §303.126 Each system must include policies and procedures to ensure, consistent with §§303.13(a)(8) (early intervention services), 303.26 (natural environments),	2.1 The EI Division finds that the program has not established reasonably designed Natural Environment policies as required under 34 CFR §303.126 and 34 CFR §303.26 and in accordance with SSP OS §VII.	The EI Divisions' analysis is based on documents and information provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis:	Policies and procedures—within 90 days of the date of this monitoring report the program must submit to the EI Division: 1. Policies and procedures documenting the program's Natural Environment requirements.

and 303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided— (a) To the maximum extent appropriate, in natural environments; and (b) In settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment. As required under 34 CFR §303.26 Natural environments mean settings that are natural or typical for a same-aged infant or toddler without a disability, may include the home or community settings, and must be consistent with the provisions of §303.126. Additionally, SSP OP VII requires that Services are provided in the natural settings for the child, as determined through the IFSP process. Natural settings may include the child’s home, early education and care programs, and other community settings, that have typically developing peers included. Center-based programs	During policy review, the EI Division specifically identified that the programs policy included language not in accordance with the provision of IDEA Part C Natural Environment requirements.	2.1 The EI Division finds that the program has not established reasonably designed Natural Environment policies as required under 34 CFR §303.126 and 34 CFR §303.26 and in accordance with SSP OS §VII.	The policies and procedures must ensure that the program’s process is reasonably designed as required under 34 CFR §303.126 and 34 CFR §303.26 and in accordance with SSP OS §VII.
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designed for children with ASD are not considered natural settings.			
2.2 Child Find- Referral Under EI Operational Standard § VI(a)(1), the program is required to provide a face-to-face or telephone response to the parent made within 14 calendar days following the initial referral. Attempts to contact the parent of a child referred are documented in the record. An infant or toddler may be re-referred at any time prior to his/her third birthday. Additionally, SSP OS § V(a) requires the following: The SSP will contact the family to provide information about the agency and service model and answer any questions the family may have, and SSPs will notify the EI Service Coordinator of the result of that contact.	The program has not established policies and procedures reasonably designed to ensure adherence to initial referral timeline requirements, as required under EIOS § VI(a)(1) and SSP OS § V(a). During policy review, the EI Division specifically identified that the program's policy did not include timeline requirements (i.e., providing response within 14 calendar days following the initial referral).	The EI Divisions' analysis is based on documents and information provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis: The EI Divisions' analysis is based on documents and information provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis, the EI Division finds that: The program has not established policies and procedures reasonably designed to ensure adherence to initial referral timeline requirements, as required under EIOS § VI(a)(1) and SSP OS § V(a).	Policies and procedures—within 90 days of the date of this monitoring report the program must submit to the EI Division: Policies and procedures documenting the program's process for initial referral. The policies and procedures must ensure that the program's process is reasonably designed as required by EIOS § VI(a) and SSP OS § V(a).

DISPUTE RESOLUTION

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
3.1 Procedural Safeguards	3.1 The EI Division finds that the EIBI program has not established	The EI Divisions' analysis is based on documents and information	Policies and procedures—

Under SSP OP §X SSPs must affirm that they will comply with Procedural Safeguards and Due Process Procedures; this includes requirements under 34 C.F.R. §303.420, and EI OS § XIII.	reasonably designed procedural safeguard policies as required under 34 C.F.R. §303.420, SSP OS § X, and EI OS § XIII. During policy review, the EI Division specifically identified that the programs policy did not affirm compliance with the EIOS and included language not in accordance with the provision of IDEA Part C services.	provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis: 3.1 The EI Division finds that the EIBI program has not established reasonably designed procedural safeguard policies as required under 34 C.F.R. §. 303.420, SSP OS § X, and EI OS § XIII.	within 90 days of the date of this monitoring report the program must submit to the EI Division: 1. Policies and procedures documenting the program's process for procedural safeguards. The policies and procedures must ensure that the program's process is reasonably designed as required by 34 C.F.R. §303.420, SSP OS §X, and EI OS §XIII.
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DATA

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
4.1 Data Under 34 CFR § 303.124, data collection- (a) Each statewide system must include a system for compiling and reporting timely and accurate data that meets the requirements in § 303.124(b) of this section	4.1 The EI Division finds that the EIBI program has not established policies and procedures to ensure appropriate demonstration of and adherence to data requirements under 34 C.F.R. § 303.124 and memorandum 25-09-11.	The EI Divisions' analysis is based on documents and information provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis:	Policies and procedures—within 90 days of the date of this monitoring report the program must submit to the EI Division: 1. Policies and procedures documenting the program's process for timely data. The policies and procedures must ensure that the program's process is reasonably designed as

and §§ 303.700 through 303.702 and 303.720 through 303.724. (b) The data system required in § 303.124(a) of this section must include a description of the process that the State uses, or will use, to compile data on infants or toddlers with disabilities receiving early intervention services under this part Additionally, under Memorandum 25-09-11, Early Intervention Service Programs and Specialty Service Programs are required to have timely, accurate, and complete data entry in the Early Intervention Client System (EICS).	During policy review, the EI Division specifically identified that the programs policy did not identify the EI Division's timely data requirement; entering data into the EICS within 14 days of the event occurring. During record reviews, the EI Division found that the program did not consistently meet the timely data entry requirements; entering data into the EICS within 14 days of the event occurring. The EI division reviewed a total of 10 child records for satisfactory demonstration (100%) of timely data requirements. A total of 4 of these records demonstrated that the program did not complete the timely data requirement.	4.1 The EI Division finds that the EIS program has not established policies and procedures to ensure appropriate demonstration of and adherence to data requirements under 34 C.F.R. § 303.124 and memorandum 25-09-11.	required by 34 C.F.R. § 303.124 and memorandum 25-09-11. Evidence of implementation— as soon as possible, but no later than one year from the date of this monitoring report, the program must demonstrate to the EI Division: 2. Demonstration of 100% compliance with timely data entry requirements, as evidenced by the EI Divisions review of subsequent records.
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FISCAL

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
5.1 Claims	5.1 During policy review, the EI Division specifically identified that	The EI Divisions' analysis is based on documents and information	Policies and procedures—

Contracted programs are required to submit claims that accurately reflect the services that are provided to children and families enrolled in Early Intervention in Massachusetts (Early Intervention Division Reimbursement Policy Manual version 11, Page 23) In submitting claim to DPH, the contracted program is attesting to the following: All claims, invoices related documents, and equivalent electronic transmissions submitted to the DPH shall be under the pains and penalties of perjury as true, correct and accurate as attested by the Executive Director or Chief Financial Officer of the Agency.	the programs policy did not include specific procedures for verifying claims accurately reflect the services provided.	provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis: 5.1 The EI Division finds that the program has not established reasonably designed claim submission policies as required in accordance with Massachusetts Department of Public Health Reimbursement Policy Manual for Early Intervention and EIBI services for agency/program version 11 Page 10.	within 90 days of the date of this monitoring report the program must submit to the EI Division: 1. Policies and procedures documenting the program's process for verifying the accuracy of claims prior to submitting into the Early Intervention Client System. The policies and procedures must ensure that the program's process is reasonably designed in accordance with the Early Intervention Division Reimbursement Policy Manual version 11, Page 23).
5.2 Insurance Verification Contracted programs are required to verify insurance member eligibility for MassHealth, MassHealth MCO's and ACO's, and commercial insurance, on a regular basis, to ensure that claims are submitted to the appropriate payor. (Early Intervention Division	5.2 During policy review, the EI Division specifically identified that the programs policy did not include specific procedures for verifying insurance member eligibility for payors.	The EI Divisions' analysis is based on documents and information provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis:	Policies and procedures—within 90 days of the date of this monitoring report the program must submit to the EI Division: 1. Policies and procedures documenting the program's process for verifying the insurance

Reimbursement Policy Manual version 11, Page 4)		5.2 The EI Division finds that the program has not established reasonably designed claim submission policies as required in accordance with Massachusetts Department of Public Health Reimbursement Policy Manual for Early Intervention and EIBI services for agency/program version 11 Page 4.	member eligibility for MassHealth, MassHealth MCO's and ACO's, and commercial insurance on a regular basis. The policies and procedures must ensure that the program's process is reasonably designed in accordance with the Early Intervention Division Reimbursement Policy Manual (version 11, Page 4).
5.3 Parental Refusal to Access Insurance Prior to obtaining parental consent, contracted programs are required to inform parents, in writing and in the native language of the parents, of their rights regarding consent to bill insurance, that services to their family will not be negatively impacted should consent not be given, and that consent can be revoked at any time, although revocation is not retroactive. (34 CFR 303.7 & 34 CFR 303.520)	5.3 During policy review, the EI Division specifically identified that the programs policy did not include specific procedures for providing documentation in the native language of the parents detailing their rights relating to consent before obtaining said consent.	The EI Divisions' analysis is based on documents and information provided by the program, records located within the EICS, as well as interviews with program staff and families/caregivers. Based on this analysis: 5.3 The EI Division finds that the program has not established reasonably designed claim submission policies as required in accordance with 34 CFR 303.7 and 34 CFR 520.	Policies and procedures—within 90 days of the date of this monitoring report the program must submit to the EI Division: 1. Policies and procedures documenting the program's process for providing written notice to the parents, in their native language). The policies and procedures must ensure that the program's process is reasonably designed as required

			by 34 CFR 303.7 and 34 CFR 303.520.
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