



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
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Commissioner

**December 10, 2025**

Vanessa Vautrin  
Criterion Riverway Early Intervention Program  
Criterion Child Enrichment Inc.  
228 King Street Suite 2  
Northampton, Ma 01060  
[Vvautrin@criterionchild.com](mailto:Vvautrin@criterionchild.com)

Dear Vanessa Vautrin,

The purpose of this letter is to provide an update on the status of the findings and corrective actions identified by the Department of Public Health's (the Department) Early Intervention Division (EI Division) reported in the Cyclical Monitoring report to Criterion Riverway EI dated January 8, 2025. Based upon the EI Division's analysis of the revised policies and procedures and/or evidence submitted by Criterion Riverway EI, as well as subsequent data pulled from the Early Intervention Client System on April 30, 2025; August 13, 2025 and October 27, 2025 for all relevant requirements, the EI Division has determined that Criterion Riverway EI has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in the monitoring report.

The chart, included in this letter, summarizes the monitoring component, finding, required actions, EI Division analysis, and status of finding(s) based on the evidence received from Criterion Riverway EI.

The EI Division appreciates Criterion Riverway EI's continued efforts to improve the implementation of IDEA Part C and the development and implementation of a reasonably designed system which ensures compliance and improving results for infants and toddlers with disabilities. 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, and dispute resolutions systems that protect the rights of parents, are essential elements to ensuring improved results for infants and toddlers with disabilities. If you have any questions, please reach out to your clinical oversight and support specialist, at [faith.bombardier@mass.gov](mailto:faith.bombardier@mass.gov).

Sincerely,  
Faith Bombardier

Molly Gilbride  
Clinical Quality 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
<p><b>1.1 Transition</b>  EIOS Page 41, Section 4.  With concurrence of the parent(s), a transition planning conference is held not fewer than 90 days, or as soon as possible before, the child's third birthday. With the approval of the parent(s), a representative of the LEA will participate in the transition planning conference convened by the Early Intervention program. The program staff should work toward coordinating the transition planning conference at a mutually agreeable time for both parent(s) and a representative from the LEA and/or other community programs. The Early Intervention program is responsible to notify the LEA of the transition planning conference. The program will document if a parent declines a transition planning conference on the appropriate pages of the IFSP.</p>	<p>1.1  When completing the policy review, the EI Division found there was not a policy or procedure submitted within the transition documents that ensured that invitations are sent to the LEAs for the transition conference. The provided policy states: "If agreed upon by the family a Transition Planning Conference (TPC) is held with the parents, service coordinator, and if possible, a representative of the LEA as well as other providers to review the child's development, IFSP services, transition activities and possible options for services after the child's third birthday.", The policy does not identify the requirement to invite the LEA with enough notice and options to reasonably attend.</p>	<p>1.1  The EI division finds that the EIS program does not have policies to ensure that the LEA is invited to each child's transition conference, as required under EIOS Page 41. Although the policy indicates other requirements related to the transition conference, it does not identify a policy and process for inviting the LEA.</p>	<p>CORRECTED and CLOSED</p>

**RESULTS**

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
<p><b>2.1 Natural Environment</b></p> <p>34 CFR § 303.344 (d)</p> <p>(1) The IFSP must include a statement of the specific early intervention services, based on peer-reviewed research (to the extent practicable), that are necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified in paragraph (c) of this section, including—</p> <p>(i) The length, duration, frequency, intensity, and method of delivering the early intervention services.</p> <p>(ii) A statement that each early intervention service is provided in the natural environment for that child or service to the maximum extent appropriate, consistent with §§ 303.13(a)(8), 303.26 and 303.126, or, subject to paragraph (d)(1)(ii)(B) of this section, a justification as to why an early</p>	<p>2.1</p> <p>When completing the policy review, the EI Division did not find a policy or procedure submitted within the Natural Environment Policy documents that had a description of how an individualized clinical justification is put on the IFSP for services that do not occur in a natural setting or a description of a plan including a timeline for how EI services in a natural setting will be added to the IFSP if currently outside the natural environment.</p> <p>When completing the record review, the EI division identified one child that received services outside of their natural environment and did not have a written justification in the record to as to why an early intervention service will not be provided in the natural environment.</p>	<p>2.1</p> <p>The EI Division finds that the EIS program does not have policies and procedures to ensure that each child has an individualized justification on the IFSP for services that do not occur in a natural setting, as required under 34 CFR § 303.344.</p>	<p>CORRECTED and CLOSED</p>

<p>intervention service will not be provided in the natural environment. of this section, a justification as to why an early intervention service will not be provided in the natural environment.</p>			
<p><b>2.2 Child Find and Referral</b></p> <p>EIOS Page 22: Parents are provided with a copy of the Massachusetts Department of Public Health Notice of Family Rights and Procedural Safeguards. The program will make an effort to ensure that the parent understands the notice and that the parent has been given the opportunity to discuss the contents of the notice and to have questions answered. There is written evidence, which may include parent signature, that these requirements have been met. The procedural safeguards afforded to children and families under Part C and these standards apply from the time a child and family are referred for Early Intervention services.</p>	<p>2.2</p> <p>When completing the policy review, the EI Division found there was not a policy or procedure submitted with evidence that the program is providing families with a copy of the Massachusetts Department of Public Health Notice of Family Rights and Procedural Safeguards during the referral process.</p>	<p>2.2</p> <p>The EI Division finds that the EIS program does not have policies to ensure that parents are provided with a copy of the Massachusetts Department of Public Health Notice of Family Rights and Procedural Safeguards during the referral process, as required under EIOS page 22.</p>	<p>CORRECTED and CLOSED</p>
<p><b>2.3 Prior Written Notice</b></p>	<p>2.3</p> <p>When completing the record review, the EI division identified</p>	<p>2.3</p> <p>The EI Division finds that the EIS program does not have effective</p>	<p>CORRECTED and CLOSED</p>

<p>34 CFR § 303.421: Prior written notice and procedural safeguards notice</p> <p>The notice must be—</p> <p>Written in language understandable to the general public; and provided in language the parent understands, as defined in §303.25, of the parent or other mode of communication used by the parent, to empower parents as decision makers, unless it is clearly not feasible to do so.</p>	<p>one child did not receive Prior Written Notice to the parent in language they understand for their transition conference.</p>	<p>procedures to ensure that parents receive documentation in language they understand, as required under 34 CFR § 303.421.</p>	
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#### DISPUTE RESOLUTION

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
<p><b>3.1 Procedural Safeguards</b></p> <p>34 CFR <b>§303.421 Prior written notice and procedural safeguards notice.</b> a) <b>General.</b> Prior written notice must be provided to parents a reasonable time before the lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant's or toddler's family.</p>	<p>3.1</p> <p>When completing the record review, the EI division identified one child did not receive prior written notice for their transition conference.</p>	<p>3.1</p> <p>The EI Division finds that the EIS program does not have procedures to ensure that parents receive prior written notice for transition conferences as required under 34 CFR §303.421.</p>	<p>CORRECTED and CLOSED</p>

**FISCAL**

Legal Requirement/State Standard	Noncompliant Policy, Procedure or Practice and EI Division analysis	Conclusion/Finding	Next Steps and Required Actions
<p><b>4.1 Fiscal Billing Accuracy</b></p> <p>Except as provided in <u>paragraph (b)</u> of this section, funds under this part may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source, including any medical program administered by the Department of Defense, but for the enactment of part C of the Act. Therefore, funds under this part may be used only for early intervention services that an infant or toddler with a disability needs but is not currently entitled to receive or have payment made from any other Federal, State, local, or private source (subject to 34 CFR §§ <u>303.520</u> and <u>303.521</u>).</p> <p><b>(Reimbursement Manual Page 9)</b> Prior to submitting claims to DPH for payment, the EI agency/program must submit the services as a claim to all of the child’s insurance companies. All prior Coordination of Benefits (COB) must be included in the claim submission to DPH within</p>	<p>4.1</p> <p>When completing the policy review, the EI Division found there were not policies submitted within either the Encounter Claims Policy or the Charge Claims Policy that included the following: Billing practices within the program and agency that follow insurers procedures and billing rules prior to submission to DPH as a payor of last resort, Includes policy and plan to ensure the validity and integrity of billing to public insurance, private insurance and DPH, Insurance verification process includes confirmation of insurance eligibility, EI Benefit Coverage and Insurance Plan options.</p> <p>When completing the record review, the EI division identified that the encounter claim procedure codes listed in the claims in EICS did not match a code that is in the reimbursement manual.</p>	<p>4.1</p> <p>The EI Division finds that the EIS program does not have policies and procedures to submit charge and encounter claims that match the service log data on the progress note in the DPH EI Client system, as required by (34 CFR 303.510(a)) and the Reimbursement Policy Manual for EI Services, Pg. 16, Claims Processing Validations.</p>	<p>CORRECTED and CLOSED</p>

the 2300 and 2400 loops of the 837.

The EI agency/program must ensure that all insurance guidelines have been followed.

**(Service Types reimbursement Manual Page 15)**

The DPH Service Type must be provided in the claim file submitted to DPH for both charge claims and encounter claims. The DPH Service Code associated to the DPH Service rendered must be populated in the Procedure Description located in the 837 in Loop:2400: Segment: SV1; Element: SV101-07. If the claim is an exception and does not require prior payer information (Loop:2400) then the Service Description should be provided in the Note Field (See Appendix 6 and the Early Intervention (EI) System 837 Health Care Claim Companion Guide for further details on the use of the Claim Note field.

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