The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

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Lauren Meatty

People Incorporated

4 South Main Street

Fall River, MA 02721

January 21, 2025

Dear Lauren,

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 Indicators (45 Day IFSP timeline, timely services, transition)
* Results Indicators (services provided in the natural environment, child find, evaluations, and outcomes)
* Dispute Resolution and family rights
* Data Quality (timely and accurate data entry)
* Fiscal

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 People, Inc. and families that participated in Part C services at People, Inc. In addition to interviews, the EI Division reviewed records (individualized family service plans, service progress notes, prior written notice, 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 5 findings of noncompliance with IDEA and state requirements described in further detail in the monitoring report, including any required actions.

The EI Division has not identified any noncompliance in Results or Data; therefore, no findings are listed in these areas in the narrative below.

Summary of Monitoring Priorities and Outcomes:

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| MONITORING COMPONENT | FINDINGS SUMMARY |
| Compliance | * 1. The EI Division finds that the EIS program does not have a procedure that is reasonably designed to provide consistent ongoing services as determined through the IFSP process and consented to by the parent as required under EIOS Page 32 and (34 CFR 303.344(d)(1); 34 CFR 303.344(d)(1)(2)).   2. The EI Division finds that the EIS program does not have documented policies that detail all transition requirements and timelines, as required under 34 CFR §303.209, EIOS pages 37-42. |
| Results |  |
| Dispute Resolution | * 1. The EI Division finds that the EIS program does not have a procedure that is reasonably designed to provide prior written notice for transition conferences as required under 34 CFR §303.421 and EIOS Page 63. |
| Data |  |
| Fiscal | * 1. The EI Division finds that the EIS program does not have a policy that details all the components of billing insurance claims, as required under 34 CFR §303.510(a) and DPH EI Reimbursement Manual Pages 8-12.   2. The EI Division finds that the EIS program does not have a policy to ensure that all staff licensures are up to date, as required under (EIOS Section XII B. 2. Pg. 58-59). |

The EI Division appreciates People Inc.’s continued efforts to improve the implementation of IDEA Part C and the development and implementation of a reasonably designed EIS 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 Longpre

Molly Gilbride, Clinical Quality Manager, Early Intervention Division

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**COMPLIANCE**

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| **Legal Requirement/State Standard** | **Noncompliant Policy, Procedure or Practice and EI Division analysis** | **Conclusion/Finding** | **Next Steps and Required Actions** |
| **1.1 Service Delivery**  EIOS Page 32  C. SERVICE COORDINATION  Conducting activities which ensure the timely and consistent delivery of IFSP (Part C) services;  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  In the record review, DPH found that 50% of the selected enrollments had service delivery frequencies that did not match the frequencies stated on the IFSP. | 1.1  The EI Division finds that the EIS program does not have a procedure that is reasonably designed to provide consistent ongoing service delivery frequency as determined through the IFSP process and consented to by the parent on the IFSP, as required under 34 C.F.R. §§ 303.13(c), 303.342, and 303.344(d) and EIOS Page 32. | 1.1  Policies and Procedures-  Within 90 days of the date of this monitoring report, the program must submit to the EI Division:   * + An updated policy on timely services to ensure services are delivered as consented to on the IFSP   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:   * + Verification of correction using a random review of at least 10 recent records. All records pulled must adhere to IFSP frequency (first review completed on 4/30/25). |
| **1.2 Transition**  For toddlers potentially eligible for Part B services and in accordance with the IDEA, a transition conference to be held not fewer than 90 days and, at the discretion of all parties, not more than 9 months before the child’s third birthday.  Sec. 303.209 (c) (1) and EIOS Page 37  Not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act.  Sec. 303.209 (b) (1) (i) and EIOS Page 40  EIOS Page 40  The parent shall be informed of their option to opt out of the LEA and SEA notification if they choose not to refer their child for Part B services. Parents have 30 days from the date they are informed of this option to indicate their desire to opt out or allow the disclosure of minimally personally identifiable information. | 1.2  In the policy review, DPH found that the transition policies lacked the required timeframes for LEA notification and transition conference and lacked information related to a parent’s right to opt out of sending minimally identifiable information to the LEA. | 1.2  The EI Division finds that the EIS program does not have documented policies and procedures to ensure timely LEA notification and timely transition conference as well as procedures to ensure families have the opportunity to opt out. | 1.2  Policies and Procedures-  Within 90 days of the date of this monitoring report, the program must submit to the EI Division:   * + Updated transition policies to include required federal timeframes for LEA notification and transition conference as well as the opt out process. |

**DISPUTE RESOLUTION**

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| **Legal Requirement/State Standard** | **Noncompliant Policy, Procedure or Practice and EI Division analysis** | **Conclusion/Finding** | **Next Steps and Required Actions** |
| **2.1 Prior Written Notice and Procedural Safeguards**  34 CFR §303.421 Prior written notice and procedural safeguards notice. a) *General.* 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. | 2.1  In the record review, DPH found that 30% of the selected enrollments did not have a prior written notice for the transition conference. | 2.1  The EI Division finds that the EIS program does not have a procedure in place to ensure prior written notice is provided to each child before a transition conference. | 2.1  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:   * + 100% compliance verifying prior written notice is provided to families prior to their transition conference, as evidenced by a random review of at least 10 recent records (first review completed on 4/30/25). |

**FISCAL**

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| **Legal Requirement/State Standard** | **Noncompliant Policy, Procedure or Practice and EI Division analysis** | **Conclusion/Finding** | **Next Steps and Required Actions** |
| 3.1 **Encounter and Charge Claims**  Except as provided in paragraph (b) 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 §§ 303.520 and 303.521).  Reimbursement Manual Page 11  DPH Role – Payer of Last Resort  DPH, as the payer of last resort, will deny claims determined to be ineligible for reimbursement per the  Guidelines in this document. EI agencies/programs must follow insurers’ established procedures and billing rules (including efforts to resolve denied claims) in order to secure reimbursement for EI and Autism services PRIOR to submission of charge claims to DPH.  Reimbursement Manual Page 30  Services should NOT be bundled, regardless of how they were submitted to another payer.  Reimbursement Manual Page 12  There are three verifications that must occur in the following order to ensure claims are submitted to the appropriate payer:  Confirmation of Insurance Eligibility  • DPH requires that EI agencies/programs 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 payer.  • Confirmation of EI Benefit Coverage Basis/ Type  o EI agencies/programs must determine the EI benefit coverage type for each member, including whether EI is a covered benefit and the type of insurance plan. The following table explains the insurance coverage types in the EI Client System.  • Confirmation of Insurance Plan Options (Health Savings Account (HSA))  o Massachusetts law mandating insurance to pay co-pays, co-insurance and deductibles does not apply to Heath Savings Account (HSA) plans | 3.1  In the policy review, DPH found that the submitted policies did not contain information relevant to all aspects of submitting accurate and timely charge and encounter claims to DPH, including 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.  This includes a policy and plan to ensure the validity and integrity of billing to public insurance, private insurance and DPH and an insurance verification process including confirmation of insurance eligibility, EI Benefit Coverage, and Insurance Plan options.  In addition, in the record review, DPH found one instance of batch billing. | 3.1  The EI Division finds that the EIS program does not have policies and procedures to submit accurate charge and encounter claims and a system that is reasonably designed to ensure that services on the claim are not bundled regardless of how they were submitted to another payor as required by (34 CFR 303.510(a)) and the Reimbursement Policy Manual for EI Services, Pg. 16, Claims Processing Validations and Page 30. | 3.1  Policies and procedures—  Within 90 days of the date of this monitoring report the program must submit to the EI Division:   * + Updated Charge Claim and Encounter Claim policies and procedures describing documentation of billing and insurance verification processes.   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:   * + 100% compliance submitting claims with a correct corresponding code that is listed under the reimbursement manual, as evidenced by a random review of at least 10 recent records (first review completed on 4/30/25). |
| **3.2 Fiscal Responsibility (Staff Credentialing)**  303.31 Qualified personnel.  Qualified personnel means personnel who have met State approved or recognized certification, licensing, registration, or other comparable requirements that apply to the areas in which the individuals are conducting evaluations or assessments or providing early intervention services.  Early Intervention programs will make positive efforts to hire and advance qualified staff in various roles (professional, supportive, and administrative) to provide services that reflect the diversity of enrolled children, their families, and the community served. Personnel records for each staff member are maintained, which include but are not limited to:  a. employee’s résumé or job application,  b. documentation that the employee has met the credentialing requirements,  (EIOS Section XII B. 2. Pg. 58) | 3.2  In the policy review, DPH found that the submitted policy lacked detail supporting how the program ensures staff credentials and licensures are up to date. | 3.2  The EI Division finds that the EIS program does not have a documented policy around the ongoing process of ensuring staff licenses are up to date. | 3.2    Policies and procedures—  Within 90 days of the date of this monitoring report, the program must submit to the EI Division:   * + An updated policy and procedure that details the process of monitoring staff credentials and licensures. |