

902 KAR 30:110. Point of Entry and service coordination.

RELATES TO: KRS 200.662, 200.664, 200.668, 200.670, 20 U.S.C. 1435, 34 C.F.R. 303.164, 303.165, 303.167, 303.344, and 303.403

STATUTORY AUTHORITY: KRS 194A.050, 200.660(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.660 requires the Cabinet for Health and Family Services to administer all funds appropriated to implement provisions, to enter into contracts with service providers, and to promulgate administrative regulations necessary to implement KRS 200.650 to 200.676. This administrative regulation establishes the point of entry and service coordination provisions pertaining to First Steps, Kentucky's Early Intervention Program.

Section 1. Point of Entry.

- (1)(a) The point of entry (POE) staff shall serve as the local lead agency and shall coordinate child find efforts with:
 1. Local education agencies in order to insure compliance with child find mandates by each entity; and
 2. Other state and federal programs serving this population.
- (b) The primary referral sources described in paragraph (a) of this subsection may include:
 1. Maternal and child health programs;
 2. Early and periodic screenings, diagnosis, and treatment (EPSDT) programs;
 3. Head Start;
 4. Homeless shelters;
 5. Supplemental Security Income (SSI) programs;
 6. The local Department for Community Based Services (DCBS) office for cases with a sustained or negligent complaint; and
 7. Programs authorized through 42 U.S.C 15001 to 15009, the Developmental Disabilities Assistance and Bill of Rights Act.
- (2) Each POE staff shall maintain accessibility and provide public awareness activities in each of their districts.
- (3) The POE staff shall maintain communication with the District Early Intervention Committee (DEIC) and the state lead agency on matters of child find, service options, and other issues relevant to the First Steps Program.
- (4) The POE staff shall accept all inquiries for First Steps services to determine eligibility for programs.
 - (a) Upon receiving a telephone or written inquiry, POE staff shall determine if:
 1. The family is aware that an inquiry is being made; and
 2. The referral is appropriate based on:
 - a. The child's age, which shall be between birth and three (3) years old;
 - b. The family's residence within the assigned district or the family being homeless; and
 - c. An established risk diagnosis or a developmental concern that is confirmed by administration of the cabinet approved screening protocol.
 - (b) If the initial screening finds the child does not meet the criteria established in paragraph (a)2. of this subsection, the POE shall:
 1. Provide to the referral source appropriate resources for the child and family for services that meet that child's needs. These resources may include:
 - a. Public schools;
 - b. The Department for Community Based Services;
 - c. Medical services;
 - d. Other appropriate community services; or
 - e. Another POE if residency alone is the reason for an inappropriate referral; and
 2. Provide a parent with a First Steps Notice of Action or a First Steps Notice of Action and Consent in accordance with 34 C.F.R. 303.403(b).
 - (c) If it is determined that the child meets the criteria established in paragraph (a)2. of this subsection, POE staff shall contact the family by telephone or letter within five (5) working days of receipt of the referral to determine if the family would like more information and an initial visit scheduled.
 - (d) If the family is interested in early intervention services, the POE staff shall assign a service coordinator and continue with the intake process.
 - (e) If the family is not interested in participating, the family shall be provided contact information for the POE and other community resources. The POE staff shall document in the child's record the refusal of services.
 - (f) Within fifteen (15) working days of the referral, the POE staff shall send, in writing, an acknowledgment to the referral source that the referral was received and the status of the processing of the referral, if known at that time.
- (5) All children who are two (2) years and ten and one-half (10 1/2) months old to age three (3) years when first referred to First Steps shall not be eligible for First Steps. The POE shall notify the parent or guardian in writing that due to the child's age at the time of referral, the First Steps Program will not provide an evaluation to determine eligibility for First Steps, but will connect the parent or guardian with the local education agency or other community resource.
- (6) The POE staff shall maintain a complete record on all children referred through the POE and provide data to the state lead agency as requested. A complete record shall include:
 - (a) A hard copy of all documents that include a parent signature;
 - (b) Any correspondence generated by the POE; and
 - (c) The data entered into the child's electronic early intervention record in the First Steps data management system.
- (7) The POE staff shall provide data as requested by the DEIC.

Section 2. Service Coordination.

- (1) The service coordinator shall serve as the main point of contact in helping families obtain the services and assistance they need.
- (2) During the initial visit to the family, the service coordinator shall:
 - (a) Identify the purpose of the visit;
 - (b) Explain the First Steps service delivery system;

(c) Explain the family rights by reviewing the Family Rights Handbook and the Statement of Assurances – Procedural Safeguards;

(d) Obtain the signature of a parent or guardian on the Statement of Assurances – Procedural Safeguards;

(e) Obtain consent for an initial evaluation as required by 902 KAR 30:180, Section 2(3);

(f) Request the First Steps Consent to Release/Obtain Information form be completed by a parent or guardian for medical or developmental information, risk indicators, or other diagnostic or hearing test results;

(g) Determine the willingness of the family to participate in First Steps services or refusal of services;

(h) Interview the family and document findings relating to:

1. The child's developmental status;

2. The pregnancy, birth, and health information;

3. Social relationships;

4. Context for learning, including the family's history, resources, priorities, and concerns; and

5. The family's daily routines and activities, the family's satisfaction level with these routines, and the family's desired outcomes;

(i) Determine the next action needed with the family to determine eligibility of the child;

(j) Discuss evaluation and service options;

(k) Establish the potential date for developing an Individual Family Service Plan (IFSP);

(l) Discuss the role of the service coordinator; and

(m) Collect insurance information and data necessary for billing.

(3) The service coordinator shall:

(a) Notify parents, in accordance with the parental prior notice requirements of 34 C.F.R. 303.403, and all the IFSP team members in writing of the date, time, and location of the meetings for the initial and annual Individual Family Service Plan (IFSP), the six (6) month review, and any other IFSP team meeting or the transition conference no less than seven (7) calendar days prior to the IFSP, review, or transition conference date.

(b) If there is a cancellation of an IFSP meeting, notify the IFSP members in writing of the rescheduling of the IFSP meeting within five (5) working days of the cancelled meeting date; and

(c) Facilitate the initial, annual and six (6) month review IFSP meetings and any IFSP meetings requested to address revisions.

The service coordinator shall:

1. Enter all IFSP data into the First Steps data management system;

2. Finalize the plan within five (5) days of the date of the meeting;

3. Provide a written copy to the parent or guardian within five (5) days of the meeting and provide copies to persons identified and consented to by the family;

4. Refer the family to appropriate agencies for service identified on the IFSP in accordance with 902 KAR 30:130, Section 2(5)(i); and

5. Ensure that transition steps and services are discussed with the family during each IFSP meeting.

(4) The service coordinator shall inform the family of the family's rights and procedural safeguards by:

(a) Summarizing the Family Rights Handbook at the initial IFSP, at each subsequent IFSP, and at any time the family requests;

(b) Familiarizing the family with the procedural safeguards and due process rules, and ensuring that the family reviews and signs the Statement of Assurances – Procedural Safeguards at every IFSP review;

(c) Ensuring that all materials are given to the family in a format the family can understand in the family's native language; and

(d) Assisting the family, at the family's request, with resolving conflicts among service providers.

(5) The service coordinator shall assist the family in identifying available service providers by:

(a) Keeping current on all available services in the district; and

(b) Having available to the families a list of all eligible First Steps services providers in each district. If the family chooses a service provider outside the First Steps approved provider list, the service coordinator shall inform the family that the provider is not approved through First Steps and may result in a cost to the family.

(6) The service coordinator shall ensure that service coordination is available to families during normal business hours and at the family's request.

(7) The service coordinator shall contact the child's family at a minimum of one (1) time per plan to discuss service coordination needs, unless otherwise stipulated in the IFSP.

(8) The service coordinator shall give the family a business address and phone number and any other information needed to contact the service coordinator.

(9) If a family desires a change in the family's service coordinator, the family shall contact the POE and the POE shall seek to resolve the situation.

(10) The service coordinator shall facilitate the development of a transition plan by:

(a) Knowing the transition procedures as established in 902 KAR 30:130, Section 2(8)(l);

(b) Ensuring that all potential agencies and programs that could provide service to a particular child after the age of three (3) are included when introducing the parents to future program possibilities;

(c) Holding a transition conference at least ninety (90) days and, at the discretion of all parties, not more than nine (9) months prior to the child's third birthday. The transition conference shall involve the family, IFSP team, the special education local school district representative, and staff from potential next placement options; and

(d) Including at least one transition outcome as a part of every IFSP that is consistent with 34 C.F.R. 303.344(h).

(11) The service coordinator shall ensure that all contacts with the family or other service providers are documented in the child's record in the First Steps data management system. This documentation shall occur within seven (7) days of the date of service and include:

(a) The date of contact;

(b) Amount of time spent;

(c) Reason for contact;

(d) Type of contact whether by telephone or face to face;

(e) Result of contact; and

(f) Plan for further action.

(12) The service coordinator shall document as notes on the First Steps data management system all contacts attempted but not made, and the reason if services were not delivered in a timely manner.

(13) The service coordinator shall encourage the family to access all services identified on the individualized family service plan.

(14) If the family wants to voluntarily terminate a service or all services, the service coordinator shall:

(a) Document in the child's record which services are ending and the date of termination; and

(b) Send a follow-up letter that meets the requirements for prior written notice as specified in 34 C.F.R. 303.403 to the family which includes what services are terminating, and the date services will terminate, within seven (7) working days after notice from the family of the family's choice to end services.

(15) If the family is absent from a scheduled service with no prior notice for at least three (3) consecutive visits, the service provider shall notify the service coordinator within seven (7) working days after the last absence. If the service coordinator receives notice of no show from a provider, the service coordinator shall:

(a) Document the service provider's contact and try to make contact with the family to discuss the circumstances. The service coordinator shall:

1. If contact is made, notify each provider within seven (7) working days of the result of the discussion; or

2. If no contact is made, send the family a letter within seven (7) working days:

a. Requesting direction as to the choice of the family in continuation of services;

b. Stating that the service will be discontinued until a choice is made by the family by contacting the service coordinator; and

c. Stating that if no contact is made by the family, services will be terminated fifteen (15) working days from the date of the letter; and

(b) Notify the service provider, in writing, if services are terminated and the date of termination.

(16) The service coordinator shall be responsible for securing any Release of Information necessary to send or secure information, upon request from other service providers, including non First Steps providers involved in the care of the child.

(17) The service coordinator shall provide data to the cabinet upon request.

(18) The service coordinator shall limit practice in First Steps to service coordination only.

Section 3. Determination of Child's Hearing Status.

(1) If the referral is for a birth to three (3) year old child who is "at risk" as confirmed by the Early Hearing Detection and Intervention Data Base and the "at risk" indicator is the only reason the child was referred to First Steps, and no audiological evaluation has been performed, the family or guardian shall be notified to contact the child's primary health care provider, pediatrician, or an Approved Infant Audiological Assessment and Diagnostic Center as specified by KRS 211.647 and 216.2970 for an audiological evaluation to determine hearing status.

(2) If the referral is for a birth to three (3) year old child who is suspected of having a hearing problem, but not suspected of having any developmental problems, the family or guardian shall be notified to contact the child's primary health care provider, pediatrician, or an Approved Infant Audiological Assessment and Diagnostic Center as specified by KRS 211.647 and 216.2970 for an audiological evaluation to determine hearing status.

(3) If the referral is for a birth to three (3) year old child who has a diagnosis of significant hearing loss, as specified by KRS 200.654(10)(b), the child shall be considered to have an "established risk" diagnosis and be eligible for First Steps services and the referral process shall continue.

(4) If the referral is for a birth to three (3) year old child who is suspected of having a hearing loss, with no verification of degree of loss or diagnosis, and who is suspected of having delays in developmental areas, the POE staff shall initiate the evaluation for First Steps, which shall include an audiological evaluation at an Approved Infant Audiological Assessment and Diagnostic Center as specified by KRS 211.647 and 216.2970.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Family Rights Handbook", December 2010;

(b) "First Steps Notice of Action", December 2010;

(c) "First Steps Notice of Action and Consent", December 2010;

(d) "First Steps Consent to Release/Obtain Information", December 2010; and

(e) "Statement of Assurances – Procedural Safeguards", December 2010.

(23 Ky.R. 3129; Am. 3847; 4168; eff. 6-16-1997; recodified from 908 KAR 2:110, 10-25-2001; 31 Ky.R. 482; 1267; eff. 1-19-2005; Recodified from 911 KAR 2:110, 5-17-2010; 37 Ky.R. 512; 1253; 1661; eff. 2-4-2011.)