

902 KAR 30:160. Covered services.

RELATES TO: KRS 200.656, 20 U.S.C. 1435, 34 C.F.R. 303.12

STATUTORY AUTHORITY: KRS 194A.030, 194A.050, 200.660

NECESSITY, FUNCTION, AND CONFORMITY: KRS 200.660 requires the Cabinet for Health Services to administer all funds appropriated to implement provisions of KRS 200.650 to 200.676, to enter into contracts with service providers, and to promulgate administrative regulations. This administrative regulation establishes the provisions of covered services under First Steps, Kentucky's Early Intervention Program.

Section 1. Covered Services.

(1) Services shall be covered if the services are included and authorized through parent signature on the Individualized Family Service Plan (IFSP) developed by an IFSP team which shall include, at a minimum, the family and two (2):

- (a) Professionals as identified in 902 KAR 30:150, Section 2(1);
- (b) Paraprofessionals as identified in 902 KAR 30:150, Section 2(2); or
- (c) Service positions as identified in 902 KAR 30:150, Section 2(3).

(2) Services covered shall include:

(a) Service coordination as provided in accordance with 902 KAR 30:110, Section 2, and this paragraph:

1. A child shall have only one (1) designated service coordinator at a given time;
2. Service coordination shall be provided by qualified professionals in accordance with 902 KAR 30:150, Section 2(1); and
3. Service coordination shall be provided under the limitations of 902 KAR 30:200, Sections 2(2)(a) and 2(3)(b);

(b) Primary evaluation as provided in accordance with 902 KAR 30:120 and this paragraph. Primary evaluation shall be:

1. Considered the first level of a two (2) tier system of evaluation; and
2. Provided by qualified professionals in accordance with 902 KAR 30:150, Section 2(3)(b);

(c) Intensive team evaluation as provided in accordance with 902 KAR 30:120, Section 1(4), and this paragraph. Intensive team evaluation shall be:

1. Considered the second level of a two (2) tier system of evaluation; and
2. Provided by qualified professionals in accordance with 902 KAR 30:120, Section 2(9);

(d) Assessment of the child as provided in accordance with 902 KAR 30:130, Section 1, and 902 KAR 30:200, Section 3(1);

(e) Early intervention.

1. Except as provided in subparagraph 2. of this paragraph, early intervention, which is face-to-face intervention with the child and caregivers within the context of the environment, shall include three (3) types of service:

a. Individual home or community service which shall include intervention provided by a First Steps qualified professional to an eligible child at the child's home or other natural setting in which children under three (3) years of age are typically found (including non-First Steps provider day care centers or family day care homes) under the limitations of 902 KAR 30:200, Section 3(2);

b. Individual office or center-based service which shall include intervention provided by First Steps qualified professionals to an eligible child at the professional's office or center site under the limitations of 902 KAR 30:200, Section 3(2); or

c. Group intervention which shall include the provision of early intervention services by First Steps qualified personnel in a group, with two (2) or more eligible children, at an early intervention professional's site, office, center, or other community-based setting where children under three (3) years of age are typically found.

(i) The group may also include children without disabilities as long as a three (3) to one (1) ratio of children to staff is maintained.

(ii) Group intervention shall be provided under the limitations of 902 KAR 30:200, Section 3(2)(b).

2. If early intervention services are provided by a psychologist, counselor, marriage and family therapist, or social worker, the child shall not be required to attend the intervention. The reason the child's presence is clinically contraindicated shall be documented in the service note.

3. Disciplines providing early intervention shall be qualified professionals in accordance with 902 KAR 30:150, Section 2(1), or qualified paraprofessionals in accordance with 902 KAR 30:150, Section 2(2), and shall include the following:

- a. An audiologist;
- b. A marriage and family therapist;
- c. A developmental interventionist;
- d. A developmental associate;
- e. A nurse;
- f. An LPN;
- g. A nutritionist;
- h. A dietician;
- i. An occupational therapist;
- j. An occupational therapy assistant;
- k. An orientation and mobility specialist;
- l. A physical therapist;
- m. A physical therapist's assistant;
- n. A licensed psychologist, a certified psychologist with autonomous functioning, a licensed psychological practitioner, certified psychologist, or licensed psychological associate;
- o. A speech-language pathologist;
- p. A licensed social worker;
- q. A licensed professional clinical counselor (LPCC);
- r. A teacher of the visually impaired;
- s. A teacher of the deaf and hard of hearing;
- t. A physician;
- u. An optometrist; or
- v. An ophthalmologist;

(f) Integrated disciplines center-based service shall be provided by an agency that is approved by the Department for Public Health to be qualified to offer services:

1. By at least three (3) of the following disciplines working together in a group setting who qualify in accordance with 902 KAR 30:150, Section 2(1)(c), (g), (j), and (n):

- a. Developmental interventionist;
- b. Occupational therapist;
- c. Physical therapist; or
- d. Speech-language pathologist;

2. At least three (3) disciplines shall be scheduled and present, except in routine absences due to sickness or other conflicts;

3. The providers shall give evidence of transdisciplinary planning and practice;

4. If integrated discipline center-based service is in the IFSP, with the majority of the group make-up being children who need three (3) or more disciplines, except if approved by the Department for Public Health; and

5. Each child's record shall have a staff note from each discipline, except a staff note shall not be required from a discipline if the discipline is not identified in the IFSP as a needed service;

(g) Collateral service as provided in accordance with 902 KAR 30:200, Section 3(4);

(h) Assistive technology in accordance with 902 KAR 30:001 and 30:130;

(i) Respite which shall be a service provided to the family of an eligible child for the purpose of providing relief from the care of the child in order to strengthen the family's ability to attend to the child's developmental needs under the limitations of 902 KAR 30:200, Section 3(3);

(j) Transportation and related cost which shall be the costs of travel that are necessary to enable an eligible child to receive early intervention services; and

(k) Language access services for all families consistent with the provisions of the Individuals with Disabilities Education Improvement Act (IDEA), 34 C.F.R. 303.403, that, at a minimum, assists the family in understanding the purpose of First Steps and the family's procedural safeguards during referral, eligibility determination activities, and IFSP meetings.

(23 Ky.R. 3145; Am. 3863; eff. 6-16-1997; 25 Ky.R. 670; 1417; eff. 1-19-99; Recodified from 908 KAR 2:160, 10-25-2001; Recodified from 911 KAR 2:160, 5-17-2010; 37 Ky.R. 536; 1282; 1680; eff. 2-4-2011.)