

First Steps is re-born!

Over the last few years, many systemic changes have been implemented leading to a more responsive, efficient early intervention system. This newsletter focuses on the revised regulations for First Steps. While there are some new requirements, the bulk of the revisions were to delete old language and procedures.

It became clear during the promulgation process that more training is needed about the early intervention system. The majority of the public comments addressed regulations that had been in place since 2004. The State Lead Agency will be holding numerous training opportunities focusing on the regulations and associated procedures. Planning and preparation of materials began in the fall—there will be webcasts, face-to-face meetings, archived materials, new service coordination and provider modules, and newsletters. The goal is that everyone—service coordinators, early intervention providers, POE managers, technical assistants—understand the regulations and how to implement them. It will be a busy, busy spring!

Join us in celebrating this accomplishment. We will be announcing training dates and times soon!

TOTS Enhancements

A significant portion of the ARRA funds received by First Steps was designated for TOTS enhancements and upgrades. The design of these changes to TOTS has been deliberate and planned with the vision of increasing efficiency for users and versatility of the database system. Over the next several months, various changes will occur. Two significant changes are highlighted below:

Service Log Entry: Regulations require that all service logs be entered within 5 days of the delivery of service. This feature will be activated March 1, 2011. This regulation was added during the legislative review process. The State Lead Agency agreed with this change due to the problems incurred with late entries. Families did not receive accurate Family Share Invoices due to the lack of service documentation. IFSP teams could not function as a team when service logs were not up-to-date—the communication between team members is critical for effective service. Early intervention providers who miss the five-day timeline will need to contact the State Lead Agency to have the service log entered.

Early Intervention Service Provider Matrix: Later this spring an online service provider matrix will be available. This matrix will list each provider, their availability for new referrals, and other information about the provider. It will be the responsibility of the provider to keep their information up-to-date. This matrix will be maintained on a separate website and available to families to view. This feature will cut down on the amount of time service coordinators and providers spend trying to connect by phone and email.



Regulation Synopsis

First Steps regulations had not been updated since the program transitioned from the Commission for Children with Special Health Care Needs to the Department for Public Health in 2004. Since that time, there have been many changes in the program structure and operating procedures that were not reflected in the regulations. Also, many of the 2004 regulations had citations to incorrect federal regulations and statutes. All citations have been updated to the correct federal regulation, state and federal statutes that govern early intervention services.

Two of the most notable changes to the First Steps program were the change from the pen and paper billing process through CBIS (Central Billing and Information System) to the online data management system of TOTS (Technology-assisted Observation and Teaming Support System) and merging the roles of service coordinators and placing them under the direct supervision of the Point of Entry. All references to CBIS had to be removed from the regulation language. The previous regulation for Primary Service Coordination was repealed and that information moved to the Point of Entry regulation. Throughout the regulations the word “therapeutic intervention” has been changed to “early intervention”. The intent of this change is to shift the focus from a medical model to an education model of service delivery.

First Steps regulations are posted on the LRC website at: <http://www.lrc.ky.gov/kar/TITLE902.HTM> . These regulations became final February 4, 2011.

902 KAR 30:001 Definitions

This regulation establishes the definitions for 902 KAR Chapter 30.

Through the grant award process, the Office of Special Education Programs (OSEP) required that First Steps add several definitions to the state regulations to be in full compliance with the federal regulations. These included adding a definition for parent, ward of the state, homeless child and further defining assistive technology services. Staff with the Legislative Research Commission (LRC) also recommended several changes to the definitions including adding definitions for Part C Coordinator, cabinet approved criterion referenced instrument, Kentucky Early Childhood Data System, and record review team. Definitions that had previously been in this regulation but not found elsewhere were removed.

902 KAR 30:110 Point of Entry and Service Coordination

This regulation establishes the point of entry and service coordination provisions pertaining to First Steps.

For the Point of Entry section of this regulation, major changes included adding the screening process, changing from a referral to an inquiry until the child is screened, and removing regulated reporting requirements for the DEIC.

There were not many changes to the service coordination section of this regulation. As mentioned above, the primary service coordination regulation was repealed and that language moved to this regulation.

In addition to the Point of Entry and Service Coordination sections of this regulation, Section 3 discusses the process to determine a child’s hearing status.

902 KAR 30:120 Evaluation and Eligibility

This regulation establishes the evaluation, eligibility and redetermination of eligibility requirements for First Steps.

The most notable change for this regulation is moving the established risk condition list from the body of the regulation to a material incorporated by reference. Galactosemia is the only condition added to the list at this time. Conditions removed from the list include biotinidase deficiency, exencephaly, fatty acid oxidation disorder, Huntington Disease and Pierre Robin Sequence. Children enrolled in the program diagnosed with one of the removed conditions may remain in the program; however, new inquiries will not be eligible due to a biotinidase deficiency, exencephaly, fatty acid oxidation disorder, Huntington Disease or Pierre Robin Sequence diagnosis.

This regulation now lists the requirement for the neonatal follow up programs and the intensive level evaluation teams.

The previous version of this regulation outlined components for the initial IFSP meeting that have now been removed from this section. The list of required primary level evaluation report components has also been removed from regulation.

902 KAR 30:130 Assessment, Service Planning and Assistive Technology

This regulation establishes the requirements for assessment, the Individual Family Service Plans used in First Steps, and assistive technology.

The major addition for Section 1 of this regulation is the addition of the requirement that the annual and exit assessment information be entered in KEDS. It also further defines the requirements for authorizing a discipline specific assessment.

One change in IFSP development is that every IFSP must contain a transition outcome. This regulation not only reflects that practice but also defines the steps supporting the transition to preschool or another program when the child exits First Steps.

Section 3 outlines the process for obtaining assistive technology services and devices. This part of the regulation was previously listed with primary service coordination. That regulation was repealed and the information regarding AT incorporated into this regulation as a new section. This new section reduces the amount required for approval to purchase an AT device. The limit was previously set at \$500 per single item. Currently all requests for purchase that exceed \$100 for a single item must be approved by an assistive technology review team; formally known as the AT monitoring committee. This regulation outlines the requirements for that team. This section also further defines the appeal process if the IFSP does not agree with the AT review team decision.

902 KAR 30:150 Personnel Qualifications

This regulation establishes the provider qualifications for participation in First Steps.

Section 1 of this regulation is all new. This section outlines the enrollment process for providers.

There were three new provider types added to the qualified professionals listed in Section 2. First Steps will now be contracting with Licensed Professional Clinical Counselors (LPCC). The program was directed by OSEP to add the disciplines of Optometrist and Ophthalmologist to the list of qualified providers.

As a paraprofessional, a Developmental Associate must now be directly supervised by a Developmental Interventionist. This change was a recommendation of the Comprehensive System for Personnel Development (CSPD) Committee of the Interagency Coordinating Council (ICC).

902 KAR 30:160 Covered Services

This regulation establishes the provision of covered services under First Steps.

The first major change for this regulation is the allowance that services provided by a psychologist, counselor, marriage and family therapist, or social worker do not require the child be present at all times. This must be clinically contraindicated and well documented in the child's record.

Second, this regulation notes that language access services for all families will be consistent with the provisions of the Individuals with Disabilities Education Improvement Act (IDEA). These services will be provided at a minimum for those key procedural safeguard moments.

902 KAR 30:180 Procedural Safeguards

This regulation establishes procedural safeguards for families participating in First Steps.

This regulation has the most changes. Previously the only two procedural safeguards covered in regulation were mediation and due process. These were listed as two separate regulations. The First Steps program has combined these two into one regulation and expanded the information to mirror the language from federal regulations.

This regulation now covers consent, prior written notice, representation of children and surrogate parents, mediation, due process and complaints. These changes ensure that First Steps is protecting the rights of children and families receiving early intervention services.

902 KAR 30:200 Coverage and Payment for Services

This regulation establishes the provisions relating to early intervention services for which payment shall be made on behalf of eligible recipients.

Throughout this regulation the phrase "therapeutic intervention" was changed to "early intervention". As stated previously this was done to shift the focus to an educational model of service delivery.

This regulation sets the provisions for what is required when documenting service delivery, including the requirement that service logs be entered into the on-line data management system within five (5) days from the date of service.

Additional changes in this regulation include reducing the amount of time authorized for a discipline specific assessment from 2 and ½ hours down to 2 hours; requiring that Developmental Interventionists bill insurance for services, and provides the requirements for programs providing group services.



SLA TRAINING COORDINATOR UPDATE

First Steps Orientation - Face-to-Face

Feb. 24th TRAIN #: 1025711
9:30 a.m.-4:30 p.m. (EST)
Frankfort, KY

March 16th TRAIN #: 1025714
9:30 a.m.-4:30 p.m. (EST)
Frankfort, KY



First Steps - POE Manager Meeting

March 1, 2011
9 a.m.-4:30 p.m. (EST)
Transportation Cabinet - Frankfort, KY

**There is now an Events Calendar on the First Steps website.
It can be found under the Service Provider Information tab.**

<http://chfs.ky.gov/dph/firststeps.htm>

