

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV BIRTH TO THREE

POLICY 8905

FOR: West Virginia Department of Health and Human Resources

DATE: Revised February, 2013

TO: WV Department of Health and Human Resources (WVDHHR), Regional Administrative Units, and WV Birth to Three enrolled Service Coordinators and Practitioners

SUBJECT: Incorporates Previous 'Services at No Cost to Families' policy and New Individuals with Disabilities Education Act (IDEA) Part C System of Payments Requirements

- I. **PURPOSE:** As the lead agency for implementing Part C of IDEA, West Virginia Department of Health and Human Resources is responsible for the identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local and private sources, in accordance with all requirements under 34 CFR 303.510, 303.520, 303.521, and 303.203(b)(1).
- II. **PROCEDURES:** DHHR assures the requirements of this policy and the following procedures:
 - A. General Provisions –
 1. Funds of Last Resort
 - a. WV Birth to Three (WVBTT) Part C funding shall not be used to satisfy a financial commitment that would have been paid for from another public or private source, including any medical program administered by the Secretary of Defense, but for the enactment of Part C.
 - b. Whenever considered necessary by the Department to prevent delay in the receipt of appropriate early intervention services for a child or the child's family in a timely fashion, WV Birth to Three may be used to pay for the services pending the reimbursement from the agency that has ultimate responsibility for payment.
 - c. WVBTT Part C funding shall not be used to pay for medical services or well-baby care.
 - d. WVBTT funding shall be used only for early intervention services that an eligible child needs but to which the child is not entitled from any other Federal, State, local or private source.
 - e. WVBTT does not use federal Part C funds to pay for deductibles or co-payments;
 2. Services Provided at No Cost to Families
 - a. The Department shall carry out the following functions at public expense,

and at no cost to families including no fees, co-payments or deductibles:

- i. Implementing the child find requirements in accordance with 304.301 through 304.303;
 - ii. Evaluation and assessment, in accordance with 303.320, and functions related to evaluation and assessment in 303.503;
 - iii. Service coordination services, as defined in 303.12(b)(11) and 303.33;
 - iv. Development, review, and evaluation of IFSPs in accordance with 303.342 through 303.345;
 - v. Implementation of procedural safeguards and other program components;
 - vi. Part C services identified as needed on a child's IFSP.
 - b. The Department does utilize public insurance funds as administered by the lead agency, with the assurance that such use will not result in:
 - i. A decrease in available annual or lifetime coverage for any other insured benefit for the child or parent;
 - ii. The child's parents paying for services that would otherwise have been paid for by the public benefits or insurance program;
 - iii. An increase in premiums or discontinuation of public benefits for the child or child's parents;
 - iv. An out-of-pocket expense such as the payment of a co-pay or deductible amount incurred in filing a claim;
 - v. Risk of loss of eligibility for the child or the child's parents for home and community based waivers based on total health related costs; or
 - vi. Any parent being required to sign up for or enroll in public benefits or insurance program as a condition for their child to receive Part C services.
3. DHHR, as the lead agency for administering Part C of IDEA, assures the identification and coordination of all available resources within the State including the payor of last resort and fiscal responsibility requirements. As such, the DHHR utilizes public insurance administered by the same agency, as an available resource for funding the Part C/WV Birth to Three program. DHHR accesses these funds without parental consent, with the assurance that such use will not result in:
 - a) a decrease in available annual or lifetime coverage or any other insured benefit for the child or parent;
 - b) the child's parents paying for services that would otherwise have been paid for by the public benefits or insurance program;
 - c) an increase in premiums or the cancellation of public benefits for the child or parents;
 - d) an out-of-pocket expense such as the payment of a deductible amount incurred in filing a claim;
 - e) use of, or claim against, the child's private insurance ; or
 - f) risk of loss of eligibility for the child or the child's parents for home and community-based waivers based on total health-related costs.
4. DHHR provides this policy, when obtaining consent for initial services, as written notification to parents of the use of public benefits as a fund source to support

the State's provision of Part C of IDEA.

5. A parent who wishes to contest implementation of this policy may utilize options for addressing disagreements as identified in the WV Birth to Three Procedural Safeguards. .

- VI. RESPONSIBILITIES: The WV Department of Health and Human Resources is responsible for complying with this policy, with implementation by Regional Administrative Units, enrolled service coordinators and practitioners.
- VII. EFFECTIVE DATE: *(will be added upon approval by OSEP)*

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