

MINUTES

January 14, 2010 – Marlboro, Massachusetts

Members Present: Liz Fancher for Kristin Britton, Maria Burke, Kelly Ann Coyne, John Garcia, Jen Greco, Karin Lifter, Margaret Mahoney, Anne Marsh, Miriam Martinez, Rich Robison for Sara Miranda, Kimber O’Connell, Jennifer O’Leary, Nancy Phillips, Kathie Rose, Joanne Sweeney, Arlene Tannenbaum, Pam Wildnauer, Joanne Williams.

Members Absent: Jennifer Amaya Thompson, Richard Breault, Sandra Daly, Jen DerBegosian, Crystal Hebert, Pam Kuechler, Peggy Lee, Neal Michaels, Therese Murphy-Miller, Ronna Schaffer, Nancy Schwartz, Peggy Winsman.

Non-Voting Committee Chairs in Attendance: Zulmira Allcock, Rena Ginsberg, Tom Miller.

1. Welcome: Kimber O’Connell opened the meeting; she introduced Tri-Chairs Margaret Mahoney and Joanne Williams. **Approval of Minutes:** The Minutes of the meeting held November 12, 2009, were approved with the following correction: On page 3, following **Program Planning**, the correct name is Joanne Williams.

2. OSEP Conference Update: Several ICC members and Department of Public Health staff shared information about the OSEP Conference held in December. Highlights:

- The new Early Learning Challenge Fund, a competitive grant program, is moving through the U.S. Congress. Eight states will receive significant funding over eight years.
- EIFA – The Early Intervention Family Alliance – is working to expand its membership. A family may join without charge while their child is receiving EI services; thereafter, it is \$25.
- Special Quest introduced new materials that are available on line. The transition section is notable. There are video clips from the conference on the Federation for Children with Special Needs website at www.fcsn.org, and conference presentations are available at www.nectac.org.
- Ron Benham received the Pat Trohanis Leadership Award for his work on behalf of children and families in Massachusetts and nationwide.

3. Director’s Report – Ron Benham: Ron began by asking for a moment of silence to reflect on the tragedy caused by the earthquake in Haiti that occurred January 12; he encouraged that we respond to the need in whatever way we are able.

The ICC Steering Committee decided to invite continuing dialogue about proposed changes in the EI system in Massachusetts designed to confront the serious budget deficits we face. Ron proceeded with his Director’s Report, and the content of the “Listening Session” follows.

FY 2010: EI faces a \$2 million shortfall for 2010. This could be reduced if billing comes in under projections for several months – long enough to suggest a clear trend. Pending sign-off by the Secretary of EOHHS, an amendment to our 23rd Year Part C Application will be submitted to OSEP enabling the Department to substantially increase parent fees, effective April 1, 2010. This could mean 6-fold increases for some families. A delay of 40% (it is now 30%) in one developmental domain will also be proposed; neither change will be implemented unless absolutely necessary.

Factors that could reduce the FY 2010 deficit include restoration of FMAP dollars to EI (the state received reimbursement from the federal Medicaid program that was earned by EI but, because it came after June

30, it went into the General Fund rather than into the EI budget). Ron stressed that anything that reduces the deficit in FY 2010 will also have a positive effect for FY 2011.

Discussion regarding FY 2010: In response to specific questions, these clarifications were given:

- It is possible that fees charged to individual families could exceed the billed amount of service their child receives, in the same way that someone who purchases private insurance might pay more in a given year than the value of the care they receive in that year. DPH seeks guidance from OSEP on this matter.
- Guidance to programs about fee changes will be issued, hopefully by the end of February, for implementation April 1.
- Fee increases will not be retroactive, but will affect new families entering the system April 1 or later. The annual IFSP date will be the fee collection date. Fee increases will continue in FY 2011.
- The Department provides public benefits training that can help programs to inform families about public benefits for which they might be eligible; for example, some families don't know they may be eligible for Medicaid as secondary insurance because of disability, even if they do not qualify due to poverty.
- Under Part C, families cannot be discharged due to failure to pay fees. However, programs will be expected to suspend services for families that are unwilling to pay their fees. There will be a process to justify inability, vs. unwillingness, to pay.

FY 2011: Massachusetts' 23rd Year Part C Application to OSEP will include 40% delay in one domain and 50% delay in expressive language. Clinically, this would do the least harm. The changes in eligibility could affect 8,000-9,000 children. Higher family fees, with documentation via pay stubs and Income Tax Form 1040s, will be required. Billing and oversight of intensive services, for a range of children with complex medical or intensive behavioral need, would be brought back into EI programs, with clear guidelines, so that these services will be reimbursable by Medicaid and private insurance.

In response to specific questions, the following clarifications were given:

- While the current cost to the Department for intensive services is \$12.5 Million, only about a third of that could be saved by changing the manner in which services are billed. This is because private insurance is over-represented in the population that receives these services, and many insurance plans do not cover EI.
- Though more families might request specific discrete services, programs would continue to use the IFSP process to determine individual needs.
- Programs would not receive fee assessments as they now do. They would be expected to yield payment to DPH based on the needs of specific children as determined in the IFSP. The Department will know family incomes, and services provided, and therefore will know what to collect from each program.
- Under Part C, we do not have authority to reduce the amount of service a child receives, once needs have been determined, even though limiting service might achieve the same result as tightening eligibility.
- Part C mandates the use of informed clinical opinion. Children considered to be at risk, and those deemed eligible by clinical judgment, will continue to be served. We intend to preserve services for those families, some of whom are less able to advocate for themselves.
- The Department has shared in budget cuts along with programs. There have been lay-offs and positions left vacant, and staff has been asked to do more.
- The EI community, through the Massachusetts Early Intervention Consortium, will rally forces – especially families – to advocate for EI. Meetings with the Commissioner and the Governor's Office are taking place. The MEIC Board supports the current family fee approach, in which families of similar size and means pay the same amount regardless the amount of service their child requires. The alternative – charging families for co-pays and deductibles – would mean families

whose children require a higher volume of service would be charged more, forcing some of them out of the system.

- Points to stress when preparing MEIC Fact Sheets and talking to legislators:
 - For every dollar of state funding that is cut, the system loses another \$3.50 in Medicaid and insurance reimbursement.
 - Legislators are generally unaware that FMAP reimbursement generated by EI was not restored to the EI budget.
 - Companies that self-insure their employees are not required to cover EI, and an increasing number choose not to. Sometimes, turning this around is simply a matter of educating families and benefits administrators.
- It is reassuring to contemplate the strong political support EI has in Massachusetts. However, for every EI child we want to protect, there is a developmentally challenged adult with substantial needs. There will still be 20,000-25,000 children in EI in this state; it will be a substantial system.

Tribute to Jimmilee Prouty: Ron announced that Jimmilee, long-time Director of U. Mass. Medical Center EI, is retiring this month. She has been an active member of the ICC and its Fiscal Committee, and is a past President of the MEIC, as well as mentor and guide to many in the field. Several attendees shared their recollections of how very important Jimmilee has been to the EI community in Massachusetts.

4. FFY 08 State Performance Plan – Patti Fougere: Patti distributed the *Annual Performance Report Data Summary*. The report to OSEP for Federal Fiscal Year 2008 is due February 1, 2010. Patti reviewed the various performance indicators. Massachusetts' first annual report was submitted in December, 2005. Since then, the state has made very substantial progress. Last year we met all of the federal standards. Of special note: In 2009, 2,215 parent surveys were returned compared to 2,000 last year. Surveys are now distributed in March and October and programs are asked to track how many were actually distributed. Patti thanked providers for all of their effort to bring programs into compliance.

5. Committee Reports. Standards Committee – Zulmira Allcock: The committee is in the midst of their required review of the Operational Standards. After every committee meeting, the website – www.eiplp.org – is updated. The plan is to complete work in January, 2011, present it to the ICC in March, and request the ICC's approval vote in May, 2011. **Program Planning – Arlene Tannenbaum:** The committee continues work on a brochure about the value of play in EI. It is also working with Jean Nigro and the new Early Intervention Training Center Advisory Committee regarding program needs. There have been concerns about how a speech-language pathology candidate could complete their CFY and become licensed without having to stop work while paperwork is in process. Procedures were reviewed and programs were urged to help their CFY staff process their paperwork in the most timely way. **Specialty Services – Tracy Osbahr for Tom Miller:** Tracy noted that committee meetings have been in flux because of construction at Perkins. **Fiscal Committee – Miriam Lasher for Peter Woodbury:** The committee has recently welcomed additional MEIC Board representatives. It focuses on how various plans to deal with the impending budget shortfall will affect programs' ability to provide meaningful service and remain fiscally viable. While accepting that change is necessary, the committee favors pursuit of cost-sharing across multiple systems, before making significant changes in eligibility or substantially increasing parent fees.

6. Member Updates. The MEIC Annual Conference is Tuesday-Wednesday, April 13-14. The Massachusetts Special Quest Conference will be held March 4-5-6 at the Education Development Center. The conference fee is nominal and there are scholarships for parents. CEUs are available, and the potential to receive EI competencies should be explored.

7. Adjournment: 2:35 p.m.