

Regular Session, 2013
HOUSE BILL NO. 375

ACT No. 417

BY REPRESENTATIVE HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 36:4(R), to enact Chapter 4-B of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:461 through 470, and to repeal Part III of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1971 through 1979, relative to the early intervention program of this state for infants and toddlers with disabilities and their families; to establish the official name of such program; to provide for definitions; to provide for duties of the Department of Health and Hospitals relative to program administration; to provide requirements for a statewide system of services; to provide relative to payment for services; to allow for uses of funds for provision of certain services to eligible persons; to provide for authority to establish a statewide system of payments; to provide for authority to establish a schedule of fees for services provided to certain recipients; to create and provide for duties of the Louisiana State Interagency Coordinating Council for EarlySteps: Louisiana's Early Intervention Program for Infants and Toddlers with Disabilities and their Families; to authorize promulgation of rules by the Department of Health and Hospitals; to provide for continuation of effectiveness of certain administrative rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 4-B of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:461 through 470, is hereby enacted to read as follows:

1 CHAPTER 4-B. EARLYSTEPS: LOUISIANA'S EARLY INTERVENTION
 2 PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES
 3 AND THEIR FAMILIES

4 §461. Findings; policy

5 A. The Louisiana Legislature hereby finds that there is an urgent and
 6 substantial need in this state for all of the following:

7 (1) Enhancements in the development of infants and toddlers with
 8 disabilities in order to minimize their potential for developmental delay.

9 (2) Greater recognition of the significant brain development that occurs
 10 during a child's first three years of life.

11 (3) A reduction to the educational costs to our society, including costs borne
 12 by Louisiana's schools, through minimizing the need for special education and
 13 related services after infants and toddlers with disabilities reach school age.

14 (4) Maximization of the potential for individuals with disabilities to live
 15 independently in the community.

16 (5) Enhancement of families' capacity to meet the special needs of their
 17 infants and toddlers with disabilities.

18 (6) Enhancement of the capacity of state and local agencies and service
 19 providers to identify, evaluate, and meet the needs of all children; particularly
 20 minority, low-income, inner-city, and rural children, and infants and toddlers in
 21 foster care.

22 B. In consideration of the needs described in this Section, it is therefore the
 23 policy of Louisiana:

24 (1) To develop and implement a statewide, comprehensive, coordinated,
 25 multidisciplinary interagency system that provides early intervention services for
 26 infants and toddlers with disabilities and their families.

27 (2) To establish a state system of payments that provides for the collection,
 28 facilitation, and coordination of payment for early intervention services from federal,
 29 state, local, and private sources, including public and private insurance coverage and
 30 cost sharing with those families who qualify.

1 (3) To enhance Louisiana's capacity to provide quality early intervention
2 services and to expand and improve existing early intervention services currently
3 being provided to infants and toddlers with disabilities and their families.

4 (4) To encourage Louisiana to expand opportunities for children under three
5 years of age who would be at risk of having substantial developmental delay if they
6 did not receive early intervention services.

7 §462. Definitions

8 As used in this Chapter, the following terms shall have the meaning ascribed
9 to them in this Section, unless the context clearly indicates otherwise:

10 (1) "Cost participation" means fees or other charges through which families
11 share in the cost for early intervention services provided pursuant to the provisions
12 of this Chapter.

13 (2) "Council" means the Louisiana State Interagency Coordinating Council
14 for EarlySteps established pursuant to R.S. 28:470.

15 (3) "Department" means the Department of Health and Hospitals.

16 (4) "Early intervention services" means developmental services that:

17 (a) Are provided under public supervision.

18 (b) Are provided at no cost except where federal or state law provides for a
19 system of payments by families, including but not limited to a schedule providing
20 a sliding scale of fees as provided in R.S. 28:469.

21 (c) Are designed to meet developmental needs of an infant or toddler with
22 a disability, as identified by the individualized family service plan team, in any one
23 or more of the following areas:

24 (i) Physical development.

25 (ii) Cognitive development.

26 (iii) Communication development.

27 (iv) Social or emotional development.

28 (v) Adaptive development.

29 (d) Meet the standards of the state of Louisiana.

30 (e) Include but are not limited to:

- 1 (i) Family training, counseling, and home visits.
- 2 (ii) Special instruction.
- 3 (iii) Speech-language pathology and audiology services and sign language
- 4 and cued language services.
- 5 (iv) Occupational therapy.
- 6 (v) Physical therapy.
- 7 (vi) Psychological services.
- 8 (vii) Family service coordination services.
- 9 (viii) Medical services only for diagnostic or evaluation purposes.
- 10 (ix) Early identification, screening, and assessment services.
- 11 (x) Health services necessary to enable the infant or toddler to benefit from
- 12 other early intervention services.
- 13 (xi) Social work services.
- 14 (xii) Vision services.
- 15 (xiii) Assistive technology devices and assistive technology services.
- 16 (xiv) Costs associated with transportation that are necessary to enable an
- 17 infant or toddler and the infant's or toddler's family to receive early intervention
- 18 services.
- 19 (f) Are provided by qualified personnel, including:
- 20 (i) Special educators.
- 21 (ii) Speech-language pathologists and audiologists.
- 22 (iii) Occupational therapists.
- 23 (iv) Physical therapists.
- 24 (v) Psychologists.
- 25 (vi) Social workers.
- 26 (vii) Nurses.
- 27 (viii) Registered dietitians.
- 28 (ix) Family therapists.
- 29 (x) Vision specialists, including ophthalmologists and optometrists.
- 30 (xi) Orientation and mobility specialists.

1 (xii) Pediatricians and other physicians.

2 (g) To the maximum extent appropriate, are provided in natural
3 environments, including the home and community settings in which children without
4 disabilities participate.

5 (h) Are provided in conformity with an individualized family service plan
6 adopted in accordance with the provisions of this Chapter.

7 (5) "IDEA" means the federal Individuals with Disabilities Education Act.

8 (6)(a) "Infant or toddler with a disability " means an individual under three
9 years of age who needs early intervention services because of either of the following:

10 (i) The individual is experiencing developmental delays, as measured by
11 appropriate diagnostic instruments and procedures in the areas of cognitive
12 development, physical development, communication development, social or
13 emotional development, or adaptive development.

14 (ii) The individual has a diagnosed physical or mental condition which has
15 a high probability of resulting in developmental delay.

16 (b) This definition may also include, at the department's discretion, at-risk
17 infants and toddlers as defined in Subparagraph (c) of this Paragraph.

18 (c) "At-risk infant or toddler" means an individual under three years of age
19 who would be at risk of experiencing a substantial developmental delay if early
20 intervention services were not provided to the individual.

21 (7) "Parent" means a person who meets the definition of such term in federal
22 regulations relative to early intervention programs for infants and toddlers with
23 disabilities and their families (34 CFR 303.27).

24 §463. Goals

25 A. Louisiana shall adopt a policy which incorporates all of the components
26 of a statewide system as provided in this Chapter.

27 B. The department shall include in its annual application for federal funds
28 assurances that the statewide system provided for in this Chapter meets federal
29 requirements for such a system and a description of services to be provided in
30 accordance with the provisions of this Chapter.

1 §464. Requirements for statewide system

2 A statewide comprehensive, coordinated, multidisciplinary, interagency
3 system to provide early intervention services for infants and toddlers with disabilities
4 and their families shall include, at a minimum, the following components:

5 (1) A definition of the term "developmental delay" that will be used by the
6 department in carrying out the provisions of this Chapter in order to appropriately
7 identify infants and toddlers with disabilities who are in need of services provided
8 for in this Chapter.

9 (2) A state policy that is in effect and which ensures that appropriate early
10 intervention services based on scientific research, to the extent practicable, are
11 available to all infants and toddlers with disabilities and their families, including
12 Indian infants and toddlers with disabilities and their families residing on a
13 reservation geographically located in Louisiana, infants and toddlers with disabilities
14 who are homeless and their families, and infants and toddlers with disabilities who
15 are wards of the state.

16 (3) A timely, comprehensive, multidisciplinary evaluation of the functioning
17 of each infant and toddler with a disability in Louisiana and a family-directed
18 identification of the needs of each family of such an infant or toddler to assist
19 appropriately in the development of the infant or toddler.

20 (4) For each infant and toddler with a disability in Louisiana, an
21 individualized family service plan developed in accordance with applicable federal
22 regulations, including family service coordination in accordance with such service
23 plan.

24 (5) A comprehensive child-find system, consistent with the federal
25 requirements of IDEA-Part B, including a system for making referrals to service
26 providers that includes timelines and provides for participation by primary referral
27 sources and that ensures rigorous standards for appropriately identifying infants and
28 toddlers with disabilities for services pursuant to this Chapter that will reduce the
29 need for future services.

1 (6) A public awareness program focusing on early identification of infants
2 and toddlers with disabilities, including the preparation and dissemination by the
3 department to all primary referral sources, especially hospitals and physicians, of
4 information for parents, especially for parents with premature infants, or infants with
5 other physical risk factors associated with learning or developmental complications,
6 on the availability of early intervention services, and procedures for assisting such
7 sources in disseminating such information to parents of infants and toddlers with
8 disabilities.

9 (7) A central directory that includes information on early intervention
10 services, resources, and experts available in Louisiana and research and
11 demonstration projects being conducted in Louisiana.

12 (8)(a) A comprehensive system of personnel development, including the
13 training of paraprofessionals and the training of primary referral sources with respect
14 to the basic components of early intervention services available in Louisiana, that
15 shall include:

16 (i) Implementing innovative strategies and activities for the recruitment and
17 retention of early education service providers.

18 (ii) Promoting the preparation of early intervention providers who are fully
19 and appropriately qualified to provide early intervention services.

20 (iii) Training personnel to coordinate transition services for infants and
21 toddlers with disabilities from an early intervention program provided for in this
22 Chapter to preschool or other appropriate services.

23 (b) The comprehensive system of personnel development may include:

24 (i) Training personnel to work in rural and inner-city areas.

25 (ii) Training personnel in the emotional and social development of young
26 children.

27 (9) Policies and procedures relating to the establishment and maintenance
28 of qualifications to ensure that personnel necessary to carry out the provisions of this
29 Chapter are appropriately and adequately prepared and trained, including the
30 establishment and maintenance of qualifications that are consistent with any

1 state-approved or recognized certification, licensing, registration, or other
2 comparable requirements that apply to the area in which such personnel are
3 providing early intervention services. Nothing in this Chapter shall be construed to
4 prohibit the use of paraprofessionals and assistants who are appropriately trained and
5 supervised in accordance with Louisiana law, regulations, or written policy to assist
6 in the provision of early intervention services to infants and toddlers with disabilities
7 pursuant to the provisions of this Chapter.

8 (10) A single line of responsibility in the department for carrying out the
9 following functions:

10 (a) General administration and supervision of programs and activities
11 receiving assistance pursuant to this Chapter, and the monitoring of programs and
12 activities used by Louisiana to carry out the provisions of this Chapter, whether or
13 not such programs or activities are receiving assistance made available by this
14 Chapter, to ensure compliance with this Chapter.

15 (b) Identification, coordination, and collection of all available resources
16 within Louisiana from federal, state, local, and private sources, including those of
17 the system of payments established pursuant to the provisions of R.S. 28:469.

18 (c) Assignment of financial responsibility to the appropriate agencies.

19 (d) Development of procedures to ensure that services are provided to infants
20 and toddlers with disabilities and their families in a timely manner pending the
21 resolution of any disputes among public agencies or service providers.

22 (e) Resolution of intra-agency and interagency disputes.

23 (f) Entry into formal interagency agreements which conform with all
24 applicable provisions of Louisiana law that provide the following:

25 (i) Definitions of the financial responsibility of each agency for paying for
26 early intervention services.

27 (ii) Procedures for resolving disputes.

28 (iii) Any additional component necessary to ensure meaningful cooperation
29 and coordination.

1 (11) A policy pertaining to the contracting or making of other arrangements
2 with service providers to provide early intervention services in Louisiana, consistent
3 with the provisions of this Chapter, including the contents of the application used and
4 the conditions of the contract or other arrangements.

5 (12) A procedure for securing timely reimbursement of funds.

6 (13) Procedural safeguards with respect to programs.

7 (14) A system for compiling data in accordance with information and
8 reporting requirements of the United States Secretary of Education.

9 (15) A state interagency coordinating council that meets the requirements of
10 R.S. 28:470.

11 (16) Policies and procedures to ensure all of the following:

12 (a) To the maximum extent appropriate, early intervention services are
13 provided in natural environments.

14 (b) The provision of early intervention services for any infant or toddler with
15 a disability occurs in a setting other than a natural environment that is most
16 appropriate, as determined by the parent and the individualized family service plan
17 team, only when early intervention cannot be achieved satisfactorily for the infant
18 or toddler in a natural environment.

19 §465. Individualized family service plan

20 A. Assessment and program development shall provide, at a minimum, for
21 each infant and toddler with disabilities and the infant's or toddler's family to receive:

22 (1) A multidisciplinary assessment of the unique strengths and needs of the
23 infant or toddler and the identification of services appropriate to meet such needs.

24 (2) A family-directed assessment of the resources, priorities, and concerns
25 of the family and the identification of the supports and services necessary to enhance
26 the family's capacity to meet the developmental needs of the infant or toddler.

27 (3) A written individualized family service plan developed by a
28 multidisciplinary team, including the parents, as required by Subsection D of this
29 Section, including a description of the appropriate transition services for the infant
30 or toddler.

1 B. The individualized family service plan shall be evaluated annually, and
2 the family shall be provided a review of the plan at six-month intervals or more often
3 as appropriate based on the infant or toddler and family needs.

4 C. The individualized family service plan shall be developed within a
5 reasonable time after the assessment required by Paragraph (A)(1) of this Section is
6 completed. With the parent's consent, early intervention services may commence
7 prior to the completion of the assessment.

8 D. The individualized family service plan shall be in writing and contain all
9 of the following:

10 (1) A statement of the infant's or toddler's present level of physical
11 development, cognitive development, communication development, social or
12 emotional development, and adaptive development, based on objective criteria.

13 (2) A statement of the family's resources, priorities, and concerns relating to
14 enhancing the development of the family's infant or toddler with a disability.

15 (3) A statement of the measurable results or outcomes expected to be
16 achieved for the infant and toddler and the family, including preliteracy and language
17 skills, as developmentally appropriate for the child, and the criteria, procedures, and
18 timelines used to determine the degree to which progress toward achieving the
19 results or outcomes is being made and whether modifications or revisions of the
20 results or outcomes or services are necessary.

21 (4) A statement of specific early intervention services based on
22 peer-reviewed research, to the extent practicable, necessary to meet the unique needs
23 of the infant or toddler and the family, including the frequency, intensity, and the
24 method of delivering services.

25 (5) A statement of the natural environments in which early intervention
26 services shall appropriately be provided, including a justification of the extent, if
27 any, to which the services will not be provided in a natural environment.

28 (6) The projected dates for initiation of services and the anticipated length,
29 duration, and frequency of the services.

1 (7) The identification of the family service coordinator from the profession
2 most immediately relevant to the infant's or toddler's or family's needs or who is
3 otherwise qualified to carry out all applicable responsibilities pursuant to the
4 provisions of this Chapter who will be responsible for the implementation of the plan
5 and coordination with other agencies and persons, including transition services.

6 (8) The steps to be taken to support the transition of the toddler with a
7 disability to preschool or other appropriate services, including the following steps:

8 (a) Notify the local educational agency for the area in which such a child
9 resides that the child will shortly reach the age of eligibility for preschool services
10 pursuant to IDEA-Part B federal regulations as determined in accordance with
11 Louisiana law.

12 (b) In the case of a child who may be eligible for such preschool services,
13 with the approval of the family of the child, convene a conference among the family
14 service coordinator, the family, and the local educational agency at least ninety days
15 but no more than six months before the child is eligible for the preschool services,
16 to discuss any such services that the child may receive.

17 (c) In the case of a child who may not be eligible for such preschool services,
18 with the approval of the family, make reasonable efforts to convene a conference
19 among the family service coordinator, the family, and providers of other appropriate
20 services for children who are not eligible for preschool service pursuant to
21 IDEA-Part B federal regulations to discuss the appropriate services that the child
22 may receive.

23 E. The contents of the individualized family service plan shall be fully
24 explained to the parents and informed written consent from the parents shall be
25 obtained prior to the provision of early intervention services described in such plan.
26 If the parents do not provide consent with respect to a particular early intervention
27 service, then only the early intervention services to which consent is obtained shall
28 be provided.

1 §466. Uses of funds

2 In addition to utilizing funds provided pursuant to the provisions of this
 3 Chapter to implement and maintain the statewide system, the department shall use
 4 such funds for the following purposes:

5 (1) For direct early intervention services for infants and toddlers with
 6 disabilities and their families as provided in this Chapter that are not otherwise
 7 funded through public or private sources.

8 (2) To expand and improve upon services for infants and toddlers and their
 9 families as provided in this Chapter that are otherwise available.

10 (3) To strengthen the statewide system by initiating, expanding, or
 11 improving collaborative efforts related to at-risk infants and toddlers, including
 12 establishing linkages with appropriate public or private community-based
 13 organizations, services, and personnel for the purposes of:

14 (a) Identifying and evaluating at-risk infants and toddlers.

15 (b) Making referrals of the infants and toddlers identified and evaluated
 16 pursuant to the provisions of Subparagraph (a) of this Paragraph.

17 (c) Conducting periodic follow-up on each such referral to determine if the
 18 status of the infant or toddler involved has changed with respect to the eligibility of
 19 the infant or toddler for services pursuant to this Chapter.

20 §467. Procedural safeguards

21 The procedural safeguards which shall be included in a statewide system
 22 shall provide, at a minimum, the following:

23 (1) The timely administrative resolution of complaints by parents. Any party
 24 aggrieved by the findings and decision regarding an administrative complaint shall
 25 have the right to bring a civil action with respect to the complaint in any state court
 26 of competent jurisdiction or in a district court of the United States without regard to
 27 the amount in controversy. In any action brought pursuant to the provisions of this
 28 Paragraph, the court shall receive the records of the administrative proceedings, shall
 29 hear additional evidence at the request of a party, and, basing its decision on the

1 preponderance of the evidence, shall grant such relief as the court determines is
2 appropriate.

3 (2) The right to confidentiality of personally identifiable information,
4 including the right of parents to written notice of and written consent to the exchange
5 of such information among agencies consistent with applicable provisions of federal
6 and state law.

7 (3) The right of the parents to determine whether they, their infant or toddler,
8 or other family members will accept or decline any early intervention service
9 provided for in this Chapter in accordance with state law without jeopardizing other
10 early intervention services provided for in this Chapter.

11 (4) The opportunity for parents to examine records relating to assessment,
12 screening, eligibility determinations, and the development and implementation of the
13 individualized family service plan.

14 (5) Procedures to protect the rights of the infant or toddler whenever the
15 parents of the infant or toddler are not known or cannot be found or the infant or
16 toddler is a ward of the state, including the assignment of an individual, who shall
17 not be an employee of the department or any other state agency; and who shall not
18 be any person, or any employee of a person, providing early intervention services to
19 the infant or toddler or any family member of the infant or toddler to act as a
20 surrogate for the parents.

21 (6) Written prior notice to the parents of the infant or toddler with a
22 disability whenever the state agency or service provider proposes to initiate or
23 change or refuses to initiate or change the identification, evaluation, or placement of
24 the infant or toddler with a disability, or the provision of appropriate early
25 intervention services to the infant or toddler.

26 (7) Procedures designed to ensure that the notice required by Paragraph (6)
27 of this Section fully informs the parents, in the parents' native language, unless it is
28 not feasible to do so, of all procedures available pursuant to this Section.

29 (8) The right of parents to use mediation in accordance with Section 615 of
30 IDEA.

1 (9) During the pendency of any proceeding or action involving a complaint
2 by the parents of an infant or toddler with a disability, unless the department and the
3 parents otherwise agree, the infant or toddler shall continue to receive the appropriate
4 early intervention services currently being provided, or if applying for initial
5 services, shall receive the services not in dispute.

6 §468. Payor of last resort; nonsubstitution; reduction of other benefits

7 A. Funds provided pursuant to this Chapter may not be used to satisfy a
8 financial commitment for services that would have been paid for from another public
9 or private source, including any medical program administered by the Secretary of
10 Defense, but for the enactment of this Chapter; except that whenever considered
11 necessary to prevent a delay in the receipt of appropriate early intervention services
12 by the infant or toddler or family according to the department's established timeline
13 for timely delivery of services, funds provided pursuant to this Chapter may be used
14 to pay the provider of services pending reimbursement from the agency that has
15 ultimate responsibility for the payment.

16 B. Nothing in this Chapter shall be construed to permit the department to
17 reduce medical or other assistance available or to alter eligibility pursuant to Title
18 V of the Social Security Act, relating to maternal and child health, or Title XIX of
19 the Social Security Act, relating to Medicaid for infants or toddlers with disabilities,
20 within the state of Louisiana.

21 §469. System of payments; authority of the Department of Health and Hospitals;
22 cost participation schedule

23 A. The department is hereby authorized to establish a statewide system of
24 payments in accordance with the provisions of 34 CFR Part 303.

25 B.(1) In implementing the system of payments, the department shall
26 promulgate rules for the reimbursement of services from all third-party payers, both
27 private and public.

28 (2) The department or its designee shall seek payment from all third-party
29 payers prior to claiming payment from the IDEA-Part C early intervention system
30 of this state for services rendered to eligible children.

1 (3) The department or its designee may pay directly to a provider any
2 required deductible, copayment, coinsurance, or other out-of-pocket expense for a
3 child who is eligible for services from the IDEA-Part C early intervention system of
4 this state.

5 C.(1)(a) The department shall promulgate rules in accordance with the
6 Administrative Procedure Act that establish a schedule of monthly cost participation
7 for early intervention services per qualifying family. Cost participation shall be
8 based on a sliding scale and shall consider elements, including but not limited to
9 adjusted gross income, family size, financial hardship, extraordinary expenses
10 associated with the child, and Medicaid eligibility. The department shall be subject
11 to all of the following limitations and requirements relative to the cost participation
12 schedule:

13 (i) The department shall utilize the most recent federal poverty guidelines
14 issued in the Federal Register by the United States Department of Health and Human
15 Services as the basis for determining the income threshold based on family size for
16 eligibility for cost participation.

17 (ii) The department shall not assess any fee or other charge through the cost
18 participation schedule upon a family which has annual income of less than three
19 hundred percent of the federal poverty level.

20 (iii) In any month, the department shall not assess fees or other charges
21 through the cost participation schedule which total more than three percent of the
22 monthly income level for a family of four, according to the federal poverty guideline
23 schedule.

24 (iv) The department shall not assess a fee or other charge through the cost
25 participation schedule for any service provided for in Item (c)(ii) of this Paragraph.

26 (b) Parents who have public or private insurance and elect not to assign such
27 right of recovery or indemnification to the department or choose not to release
28 financial information shall be assessed the cost for each early intervention service
29 listed on the individualized family service plan according to the most current service
30 rate schedule and cost participation schedule promulgated by the department.

1 (c) The cost participation schedule promulgated by the department shall
2 provide all of the following:

3 (i) Procedures by which a service provider may notify the department that
4 a family is not complying with the cost participation requirements and procedures
5 for suspending services.

6 (ii) A statement of assurance that fees are not charged for services which a
7 child is otherwise entitled to receive at no cost to parents, including child-find
8 activities, evaluation and assessment for eligibility and individualized family service
9 planning, service coordination, administrative and coordinative activities related to
10 development review, evaluation of individualized family service plans, and
11 implementation of procedural safeguards and other components of the statewide
12 system provided for in R.S. 28:464.

13 (2)(a) The department shall provide prior notification in writing to families
14 for use of public or private insurance according to the requirements of 34 CFR
15 303.414. Such notification shall include a statement of the general categories of
16 costs that the parent would incur and a statement of the process for resolution of a
17 dispute regarding decisions related to use of public or private insurance, failure to
18 pay for services or the state's determination of a family's ability to pay.

19 (b) The department shall ensure that the procedures utilized to resolve such
20 disputes will not delay or deny the parents' rights or the child's ability to access
21 timely services.

22 (3) The aggregate contributions made by the parent shall not exceed the
23 aggregate cost of the early intervention services received by the child and family,
24 inclusive of any amount received from other sources of payment for a service.

25 (4)(a) At least annually, or at any time the department determines is
26 warranted, the department shall conduct a reassessment of the parents' financial
27 status. A parent may request such reassessment at any time when significant changes
28 in financial circumstances may affect the calculation of the cost participation
29 amount.

1 **(b) The department shall not make any administrative decision regarding**
2 **suspension or termination of services for a family prior to the family having been in**
3 **arrears, with respect to fees or other charges assessed pursuant to cost participation,**
4 **for a duration of three months.**

5 **(c) On at least a monthly basis, the department shall send to any family in**
6 **arrears, with respect to fees or other charges assessed pursuant to cost participation,**
7 **notice of the family's right for reconsideration of their financial status and the**
8 **family's right to apply for exemption from cost participation due to financial**
9 **hardship. A copy of the notice shall be sent to the representative and senator in**
10 **whose district the family resides.**

11 **(5) The department shall not limit early intervention services for a child in**
12 **any month if the cost of such services in that month exceeds the maximum monthly**
13 **contribution from the child's family as provided in Item (1)(a)(iii) of this Subsection.**

14 **§470. Louisiana State Interagency Coordinating Council for EarlySteps: Louisiana's**
15 **Early Intervention Program for Infants and Toddlers with Disabilities and**
16 **Their Families**

17 **A. The Louisiana State Interagency Coordinating Council for EarlySteps:**
18 **Louisiana's Early Intervention Program for Infants and Toddlers with Disabilities**
19 **and Their Families is hereby created. All council members shall be appointed by the**
20 **governor who shall also appoint the chairperson. No member of the council who is**
21 **a representative of the department may serve as the chairperson of the council. At**
22 **least twenty percent of the members shall be parents of infants or toddlers with**
23 **disabilities or children with disabilities age twelve or younger, with knowledge of**
24 **or experience with programs for infants and toddlers with disabilities; and at least**
25 **twenty percent of the members shall be public or private providers of early**
26 **intervention services.**

27 **B. The council shall be comprised of the following members:**

28 **(1) At least one member shall be a parent of either of the following:**

29 **(a) An infant or toddler with disabilities.**

30 **(b) A child with disabilities age six or younger.**

1 (2) At least one member shall be an elected member of the Louisiana
2 Legislature.

3 (3) At least one member shall be involved in the preparation and training of
4 early intervention providers to become qualified to provide services.

5 (4) Members in the number of one each from each state agency involved in
6 the provision of or payment for early intervention services to infants and toddlers
7 with disabilities and their families, including Medicaid, and such members shall have
8 sufficient authority to engage in policy planning and implementation on behalf of
9 their respective agencies.

10 (5) At least one member shall be from the office of the Louisiana
11 Department of Education which is responsible for preschool services to children with
12 disabilities and who shall have sufficient authority to engage in policy planning and
13 implementation on behalf of such agency.

14 (6) At least one member shall be from the Louisiana Department of
15 Insurance.

16 (7) At least one member shall be from a Head Start agency or program.

17 (8) At least one member shall be from the Louisiana Department of Children
18 and Family Services.

19 (9) At least one member designated by the Louisiana Department of
20 Education who is responsible for coordination of the education of homeless children
21 and youth.

22 (10) One member from the Department of Children and Family Services who
23 is responsible for foster care.

24 (11) One member from the Department of Health and Hospitals, office of
25 behavioral health.

26 (12) Any other members duly appointed by the governor.

27 C. The council shall meet at least quarterly and in such places as it deems
28 necessary. The meetings shall be publicly announced and to the extent appropriate,
29 open, and accessible to the general public.

1 D.(1) Subject to the approval of the governor, the council may prepare and
2 approve a budget using funds provided pursuant to the provisions of this Chapter to
3 conduct hearings and forums; to reimburse members of the council for reasonable
4 and necessary expenses, including child care for parent representatives, for attending
5 council meetings, and performing council duties; and to pay compensation to a
6 member of the council if the member is not employed or must forfeit wages from
7 other employment when performing official council business.

8 (2) The council shall use funds provided pursuant to this Chapter to hire an
9 executive director who shall be responsible to and report directly to the council and
10 the governor or his designee to carry out its functions pursuant to this Chapter. The
11 executive director shall be hired as an unclassified employee of the office of the
12 governor. The cost of maintaining the functions of the executive director and council
13 shall be specified by an interagency agreement between the department and the
14 office of the governor. The council may also use funds provided pursuant to this
15 Chapter to obtain the services of other such professional, technical, and clerical
16 personnel as may be necessary to carry out its functions as provided in this Chapter.

17 E. The council shall have the following duties:

18 (1) To advise and assist the department in the performance of responsibilities
19 established pursuant to this Chapter, particularly the identification of sources of
20 fiscal and other support for services for early intervention programs, assignment of
21 financial responsibility to the appropriate agency, and the promotion of interagency
22 agreements.

23 (2) To advise and assist the department in the preparation of applications and
24 amendments thereto.

25 (3) To advise and assist the department relative to the transition of toddlers
26 with disabilities to preschool and other appropriate services.

27 (4) To prepare and submit an annual report to the governor and to the United
28 States Secretary of Education on the status of early intervention programs for infants
29 and toddlers with disabilities and their families operated within the state.

1 Section 5. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____