

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURES		
Baby Watch Early Intervention Program Policy: 1.C.1	Page 1 of 8	
SYSTEM OF PAYMENT AND FEES		
<p>RATIONALE: To fund Part C early intervention (EI) services through public insurance and family fees</p> <p><i>Related Policies, Applicable Standards, Statutes:</i> Utah State Rule R398-20: Health, Family Health and Preparedness, Children with Special Health Care Needs, Early Intervention. 34 CFR §303.500 Use of funds, payor of last resort, and system of payments 34 CFR §303.521 System of payments and fees</p>		
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I. DESCRIPTION

How Utah's Part C early intervention system collects payment by implementing a system of payments for families whose children are enrolled in Baby Watch Early Intervention

This policy supersedes any previous department policy governing this subject matter. It does not supplant any existing federal, state, or department laws/policies to which the department shall adhere.

II. DEFINITIONS

Ability to Pay: The financial capacity for a family to pay a monthly fee as calculated by the fee determination process.

Allowable Income Deductions: Approved income deductions including child care, child support, or alimony payments, and qualifying medical expenses. In extenuating circumstances, other allowances can be made on an individual family basis.

Baby and Toddler Online Tracking System (BTOTS): The secure database used by Utah EI programs and providers to record service information. BTOTS is designed to track EI activities, encourage compliance with state and federal regulations, and support compliance and monitoring with statewide child information.

Billing and Payments System: The secure website that allows families to pay and manage monthly family fees.

Billable Service: Any IFSP service subject to a monthly family fee.

Children's Health Insurance Program (CHIP): A program that provides low-cost health coverage to children in families that earn too much money to qualify for Medicaid.

Countable Income: Countable income is all sources of income referenced by the IRS that is countable towards determining the total family income as explained in the Family Fee Determination Form Instructions.

Delinquent Account: When a family is 90 days past due from the original billing date.

Designee: The person appointed by the EI program director to make fee determination decisions for the respective EI program.

DHHS or department: Utah Department of Health and Human Services and collectively all its operational units.

Extenuating Circumstances: As described in Utah Administrative Code R398-20-5, a situation such as long-term hospitalization of a family member, casualty loss, moving expense, or other unusual expense that results in a family's inability to pay a monthly family fee.

Family: A group of two or more persons living together as one financial group.

Family Fee: The specified dollar amount that a family is expected to pay monthly for EI services, as determined by the Baby Watch Sliding Fee Scale.

Family Fee Determination Form: The worksheet that EI programs and families use to calculate their monthly family fee.

Family Size: The number of children and adults living in a household (including parent(s), spouse and other dependents).

Inability to Pay: When a family meets the Baby Watch eligibility requirements, is currently receiving services, and is: a) automatically eligible for zero financial responsibility, b) is below 185% of federal poverty guidelines, or c) has extenuating circumstances.

Individualized Family Service Plan (IFSP): As described in §303.20, a written plan for providing early intervention services to an infant or toddler with a disability and their family.

Medicaid: First authorized by Title XIX of the Social Security Act Amendments of 1965 (Public Law 89-97), a joint federal and state program that provides health coverage to children, pregnant women, parents, seniors and individuals with disabilities.

Modified Annual Income: The total family annual income after subtraction of all allowable deductions as determined on the Family Fee Determination Form.

OU: Operational units within DHHS, including divisions, offices, or standalone operations whose director reports to the executive director, a deputy director, an assistant deputy director, or a division director.

Parent: As described in §303.27, a biological or adoptive parent of a child; a foster parent; a guardian generally authorized to act as the child’s parent or authorized to make EI, educational, health, or developmental decisions for the child; an individual acting in the place of a biological or adoptive parent with whom the child lives or an individual who is legally responsible for the child’s welfare; or a surrogate parent.

Past Due: Any charges to the parent that have not been paid over 60 days from the due date of the original billing.

Sliding Fee Scale: As required by Utah Administrative Code R398-20-3, the table that determines the monthly family fee based on family size and modified annual income.

Temporary Assistance for Needy Families (TANF): As described on hhs.gov, a program that assists families with children when the parents or other responsible relatives cannot provide for the family’s basic needs. The federal government provides grants to states to run the TANF program.

III. PROCEDURES

A. Description of Early Intervention Services

1. Baby Watch may access the public benefits or insurance of a child or parent, including Medicaid and CHIP, to pay for Part C services with the exception that:
 - a) Baby Watch shall not require a parent to sign up for or enroll in public benefits or insurance programs as a condition of receiving Part C services
 - b) Baby Watch does not enroll children and parents in public benefits and insurance
 - c) Baby Watch will not use public insurance to pay for Part C services if the child is not already enrolled in such a program
 - d) Baby Watch shall provide written notification to a child’s parents prior to using public benefits or insurance, which shall include:
 - 1) A statement of the no-cost protection provisions; and
 - 2) A statement of any general categories of costs that the parent would incur as a result of participating in a public benefits or insurance program (such as copayments, or deductibles).
2. Baby Watch shall obtain a written consent to use the child’s or parent’s public benefits or insurance if that use would:
 - a) Decrease available lifetime coverage or any other insured benefit for the child or parent under that program
 - b) Result in the child’s parents paying for services that would otherwise be covered by the public benefit or insurance program
 - c) Result in any increase in premiums or discontinuation of public benefits or insurance for the child or the child’s parents
 - d) Risk loss of eligibility for the child or the child’s parents for home or community-based waivers based on aggregate health-related expenditures
3. Baby Watch is permitted, but not required to use Part C or other funds to pay for costs such as premiums, deductibles, or copayments.

4. Currently there is no cost associated with the use of public benefits or insurance in Utah.
 - a) Families shall not be charged any more than the actual cost of the Part C services.
 - b) Families shall not be charged disproportionately more than families that do not have public insurance or benefits.
 - c) Parental consent for disclosure of the child's personally identifiable information to Medicaid for billing purposes is not required since the Utah Department of Health and Human Services is the same agency that administers the Medicaid and CHIP programs.
5. Part C services provided at no cost to families are:
 - a) Child find
 - b) Evaluation and assessment
 - c) Service coordination
 - d) Administrative and family service coordination activities related to the development, review, and evaluation of IFSPs or interim IFSPs
 - e) Implementation of procedural safeguards
 - f) Services provided through the USDB Parent Infant Programs and the Deaf Blind Program.
6. Part C services subject to the sliding fee scale include, but are not limited to:
 - a) Assistive technology devices and services
 - b) Family training, counseling and home visits
 - c) Health services
 - d) Medical services
 - e) Nursing services
 - f) Nutrition services
 - g) Occupational therapy
 - h) Physical therapy
 - i) Psychological service
 - j) Social work services
 - k) Special instruction
 - l) Speech-language pathology services
7. The child and the family may not have any Part C services denied or delayed if a parent of the child is determined unable to pay the monthly fee upon initial fee determination or at the time a family requests a fee review.
8. If the parent of a family meets the definition of inability to pay, the child with a disability must be provided all Part C services (they qualify for) at no cost.

B. Local EI Program Procedures for Implementation

1. The local EI program is responsible for the following tasks:
 - a) Maintaining the IFSP for the child and family.
 - b) Providing families with login information and instructional documents for registering and navigating within the Billing and Payments System.
 - c) Updating the BTOTS visit and services record by the 20th of each month for children who:
 - 1) Have received a billable service

- 2) Had a change in fee status
- 3) Exited from EI services during the previous month
- d) Contacting the family when the account is 60 days past due and for notifying the family that fee eligible services will be suspended at 90 days past due, at which time the account is considered delinquent and reviewing the family fee and any extenuating circumstances that may indicate that the family has an inability to pay.

C. State Procedures for Implementation

1. Baby Watch shall be responsible for the following procedures relating to the billing and collection of fees.
2. Prior to July 1 of each year the DHHS billing office will provide an updated sliding fee scale to each local EI program detailing changes in family fee amounts due to adjustment of the Federal poverty guidelines and will update the sliding fee scale in the Billing and Payments System. The updated sliding fee scale is also posted on the Baby Watch website.

D. Participation Timeframes

1. The local EI program shall fully inform the family of Baby Watch Policy 1.C.1: System of Payments and Fees, and Parent Rights and Responsibilities in Part C early intervention at time of referral and intake.
2. The fee determination process is first conducted at the time of completion of the initial eligibility determination and either prior to, or in conjunction with, the development of the IFSP.
3. A new Family Fee Determination will be completed in the online Billing and Payments System if there are any changes at the time of the review.

E. Family Fee Determination Process

1. The respective local EI program shall assist the family in completing the Family Fee Determination form by explaining the process, sliding fee scale, exceptions, deductions, and parent rights.
2. All families receiving EI services shall complete the Family Fee Determination form in the Billing and Payments System, even if they're automatically exempted from fees due to their participation in a qualifying program.
3. Families may elect to forego the fee determination process for any reason.
4. If the family chooses to forego this process, they shall be charged the maximum level of the sliding fee scale.
5. No fee will be charged if a family or child is eligible and has documentation for any of the following programs:
 - a) Medicaid
 - b) Children's Health Insurance Program (CHIP)
 - c) Family Employment Program/Cash Assistance under Temporary Assistance to Needy Families (TANF)
 - d) Women, Infants and Young Children (WIC)
 - e) Child is a ward of the State
 - f) Early Head Start

6. Families will not be charged any more than the actual cost of the Part C service, factoring in any amount received from other sources for payment of that service.
7. The local EI program may determine to withhold the billable IFSP services for any family who has the financial means to pay, but chooses not to pay.
8. Child find, referral, evaluation, assessment, service coordination, and transition services are not subject to fees and shall be made available to all eligible families.

F. Income Verification

1. Local EI programs are responsible for requesting that families complete the Family Fee Determination Form in the Billing and Payments System.
2. Baby Watch shall verify all income and/or deductions by reviewing documents provided by the family. Families are required to provide a copy of the following:
 - a) Most recent Federal Income Tax return; or
 - b) Last three month's pay stubs; or
 - c) Families without income documentation should declare their income by signing the financial attestation in the Billing and Payments System.
3. The monthly family fee shall be established per family, regardless of the number of children in the family enrolled in EI.
 - a) There shall be no increase in financial responsibility, or additional differential assessed, if more than one child in a family receives EI services.
 - b) The family shall complete the Family Fee Determination Form with the name of the oldest child receiving services. The form shall be updated upon exit of this child with the name of the next oldest child receiving services.
 - c) The fee will remain the same when one of the children exits from the program, unless family size or income has changed.
 - d) The parent will sign the financial attestation, agreeing to accept the financial responsibility stated in the Billing and Payment System.
 - e) The Family Fee Determination is to be maintained in the family's Billing and Payments System account.
 - f) The family's right to due process shall be guaranteed throughout the fee determination process and any appeal process. Services shall NOT be denied, delayed, or interrupted while an appeals process is being completed.

G. Collection of Fees

1. The collection of fees shall begin the first month that a child receives a billable service.
2. Fees shall be billed to the parent on a monthly basis by the DHHS Billing Office.
3. A fee shall be charged for each month in which there is at least one billable IFSP service rendered.
4. A service shall be considered rendered and the family will be billed unless there is a cancellation by the family by 9:00am the morning of the scheduled service.

5. The local EI program shall update the visits and any changes to the family fee status in the BTOTS database by the 20th of each month, for the previous month.

H. Payment of Fees

1. Families determined by the sliding fee scale to pay a monthly fee shall do so unless extenuating circumstances are identified.
2. Extenuating circumstances shall be considered on an individual family basis.
3. The local EI program director's or program director's designee authorization is required for the approval of a fee waiver due to extenuating circumstances.
4. The family fee shall remain in effect until the annual IFSP meeting, unless there are extenuating family circumstances.
5. Adjustments can be made to the family fee at any time and a family may ask for a review at any time.
6. Documentation of any of the above five circumstances is required.
7. The DHHS Billing Office will assess fees within 10 calendar days of the end of each month, and mail or email the bills to the families on the first of the following month. In the event of a late or delinquent account, the local EI provider may send a letter to the family.

I. Non-Payment of Fees

1. The local EI program has the responsibility to assure that the inability of the parents to pay a monthly fee shall not result in the denial or delay of services to the child or the child's family.
2. Once the provider has implemented a valid means for determining that a family has the ability to pay the amount required by Sliding Fee Scale, nothing within Part C prohibits withholding IFSP fee eligible service(s) should the family choose not to make the payment.
3. The provider shall contact the family to determine the reasons for non-payment of fees (e.g., extenuating circumstances) and encourage them to contact the DHHS Billing Office to establish a payment schedule, if necessary.
4. If a family's financial situation has changed, a new Family Fee Determination Form shall be completed in the Billing and Payment System to include a description of the change in circumstances.
5. The family shall be made aware of the appeal process.
6. Parents shall be given the option to continue services not subject to fees

J. Insurance Payments

1. Parents may request a statement of payments for family fees from the DHHS Billing Office to submit to their private insurance or a flexible spending account.
2. The parent is responsible for submitting all invoices to their private insurance company or flexible spending account for reimbursement.

K. Transfer of Child to Another Local EI Program

1. Transferring Program

- a) The program shall begin the exit process as soon as the program becomes aware that a child is transferring out of their program.
 - b) The exit date will be entered into BTOTS when the IFSP is terminated.
 - c) Billing shall occur as described in Sections B: Local EI Program Procedures for Implementation and C: State Procedures for Implementation above.
2. Receiving Program
- a) Billing will commence in the same month in which a billable service is rendered by the receiving program.
 - b) In the event both local EI programs provide a billable service within the same month, the transferring program shall receive the payment credit.

IV. EXCEPTIONS

Baby Watch may make exceptions to this policy as necessary.