
 <p style="text-align: center;">POLICIES AND PROCEDURES</p> <p style="text-align: center;">State of Tennessee Department of Intellectual and Developmental Disabilities</p>	<p>Policy #: 20.3.1</p>	<p>Page 1 of 5</p>
<p>Policy Type: Administrative/Community</p>	<p>Effective Date: March 19, 2024</p> <p>Distribution: A/B</p>	
<p>Approved by:</p>  <p>Brad Turner, Commissioner</p>	<p>Supersedes: DOE TEIS System of Payments Policy (7/1/12); 20.3.1 (9/24/21)</p> <p>Last Review or Revision:</p>	
<p>Subject: SYSTEM OF PAYMENTS – TENNESSEE EARLY INTERVENTION SYSTEMS (“TEIS”)</p>		

- I. **AUTHORITY:** 20 United States Code Annotated §§ 1438,1439, and 1440; 34 Code of Federal Regulations (C.F.R.) §§ 303.301 and 302, 303.400, 303.430, 303.432 – 434, and Subpart F; Tennessee Code Annotated (“T.C.A.”) §§ 4-3-2708, 33-1-303, 49-10-702.
- II. **PURPOSE:** The purpose of this policy is to establish procedures to ensure that supports and services are provided in a way that will not create financial hardship for parents and children by leveraging other available primary payor sources, such as private insurance, TennCare (Medicaid), and other governmental benefits to pay for services. Further, the purpose of this policy is to establish all system of payment requirements for which parents and children are responsible.
- III. **APPLICATION:** This policy applies to all Department of Intellectual and Developmental Disabilities (“Department”) workforce members who interface with the Tennessee Early Intervention System (“TEIS”), as well as families entering the TEIS.
- IV. **DEFINITIONS:**
 - A. **Continuity of Operations Plan (“COOP”)** shall mean an emergency preparedness plan which provides planning and guidance to Department workforce members who must implement the plan to ensure continuity of the essential functions under all threats and conditions.
 - B. **Core Services** shall mean functions that must be carried out at public expense and for which no costs may be charged to parents. Functions include:
 1. Implementing child find requirements;

Effective Date: March 19, 2024	Policy #: 20.3.1	Page 2 of 5
Subject: SYSTEM OF PAYMENTS – TENNESSEE EARLY INTERVENTION SYSTEM (“TEIS”)		

2. Evaluation and assessment and the functions related to evaluation and assessment;
 3. Service coordination services; and
 4. Administrative and coordinative activities related to:
 - a. The development, review, and evaluation of Individualized Family Service Plan (“IFSP”) and the interim IFSP; and
 - b. Implementation of the procedural safeguards.
- C. **Part C of the IDEA (“Part C”)** shall mean the section of the Individuals with Disabilities Education Act (“IDEA”) which requires participating States to ensure infants and young children with disabilities and their families receive early intervention services. In Tennessee, the Part C program is the TEIS.
- D. **Private Insurance** shall mean individual and group plans and programs administered through a commercial insurance company or self-insurance plan.
- E. **Public Benefits or Insurance** shall mean plans and programs administered through the Division of TennCare, any other Tennessee Medicaid programs, or any other available government benefits or insurance.
- F. **Services** shall mean all early intervention services, as defined at 34 C.F.R. §303.13(b), other than core services. Services other than core services are subject to the system of payments.
- G. **Workforce Member(s)** shall mean all persons whose conduct, in the performance of work for a covered entity or business associate, is under the direct control of such covered entity or business associate, whether or not such persons are paid for such work by the covered entity or business associate. Thus, employees, trainees, interns, students, contract workers, and volunteers are all part of the workforce.
- V. **POLICY:** Part C of the IDEA (“Part C”) requires states to use Federal IDEA Part C funds as a payor of last resort and to identify and coordinate all available funding resources to pay for Part C services. Services must be provided at no cost, unless a state has adopted a system of payments for services, which can include use of public benefits or insurance or private insurance. A system of payments is the State’s written policy regarding the costs parents and children may incur for receipt of services and may include use of public or private insurance. IDEA Part C requires that some services be provided at no charge to parents and children, including evaluation and assessment, development of the Individualized Family Service Plan (“IFSP”), and service coordination. All additional early intervention services are subject to a state’s system of payments.

Effective Date: March 19, 2024	Policy #: 20.3.1	Page 3 of 5
Subject: SYSTEM OF PAYMENTS – TENNESSEE EARLY INTERVENTION SYSTEM (“TEIS”)		

VI. **PROCEDURES:**

A. Assurances

1. Parents will not be charged for the delivery of service coordination or eligibility determination to which a child is otherwise entitled to receive at no cost.
2. Parents with public insurance or benefits or private insurance will not be charged disproportionately more than families who do not have public insurance or benefits or private insurance.

B. Participation: TEIS uses Part C funds to pay for costs of participation, such as deductibles or co-payments, which parents may incur through the use of public benefits or insurance or private insurance. It is the responsibility of the family to pay for insurance premiums.

C. Initial Evaluation

1. An initial evaluation is an evaluation to determine a child’s initial eligibility for Part C services.
2. An initial evaluation is a core service that must be carried out at public expense and for which no costs may be charged to parents.
3. TEIS is not required to make services available to a child, unless a determination of initial eligibility is made.

D. In-Network or Preferred Providers

1. Services must be placed with a “preferred” or an “in-network” provider for the particular insurance company.
2. Any exceptions must be approved in advance in writing by the Department’s Assistant Commissioner of TEIS or designee with copy submitted to the Department’s Office of Fiscal and Administrative Services.
3. Service coordinators may contact the insurance company to determine whether a particular provider is a “preferred” or “in-network” provider.
4. If a service is not covered by the insurance company, regardless of the provider, then any provider may be used. Documentation detailing the

Effective Date: March 19, 2024	Policy #: 20.3.1	Page 4 of 5
Subject: SYSTEM OF PAYMENTS – TENNESSEE EARLY INTERVENTION SYSTEM (“TEIS”)		

reason a service is not covered must be forwarded to the Department's Office of Fiscal and Administrative Services.

5. Lack of “preferred” or “in-network” providers cannot change the frequency or intensity of services in the child’s IFSP.
- E. Private Insurance: Parents without private insurance must be informed of the availability of public benefits and insurance.
 - F. Payment for Services: All payments of Part C funds must be in accordance with the IFSP as it appears in Tennessee Early Intervention Data System (“TEIDS”).
 - G. Interpreting
 1. Interpreting for purposes of child find is limited to two (2) hours duration for each instance of intake, family assessment, eligibility evaluation, and document preparation, unless it is clearly not feasible to do so.
 2. For all purposes other than child find, interpreting is limited to two (2) hours duration for each instance of IFSP meetings and Transition Planning Conferences, unless it is clearly not feasible to do so.
 3. Interpreting for ongoing IFSP service delivery is the responsibility of the early intervention service provider.
 - H. Interruption of Services
 1. TEIS will reimburse a provider for only one (1) documented “no show” per service, per child, per calendar month.
 2. The choice of a parent to not receive services for any period of time is voluntary and all services that are refused, regardless of reason, will not be compensated or made available at a future date.
 3. Parents must inform of any change in, or loss of, private insurance or public benefits, immediately upon parents’ receipt of notice of such change or loss.
 - I. Termination of Services: Services end upon the child’s exit from TEIS. Funds will not be used for services beyond the child’s exit from Part C.
 - J. Assistive Technology
 1. If a parent or legal representative, if applicable, requests assistive technology and the IFSP team determines that it is not necessary to meet an outcome on the IFSP or it is an item not on the list of eligible assistive technology services, then the Service Coordinator must provide the family with a Prior Written Notice refusing the request.

Effective Date: March 19, 2024	Policy #: 20.3.1	Page 5 of 5
Subject: SYSTEM OF PAYMENTS – TENNESSEE EARLY INTERVENTION SYSTEM (“TEIS”)		

2. A Service Coordinator may present a request, including all necessary information, for new or emerging assistive technology items which are not addressed on the list of eligible assistive technology for approval by the Department’s Assistant Commissioner of TEIS or designee.
3. When it is anticipated that more than one thousand (\$1,000) dollars of TEIS funds will be paid toward any single assistive technology item, prior approval must be obtained via the Department’s Office of Fiscal and Administrative Services.

K. Transportation

1. Transportation will be provided only when necessary to enable the child and family to receive early intervention services.
2. All necessary transportation for parents and children will be provided strictly via individual transportation agreements between TEIS and transportation providers.

L. Procedural Safeguards: Parents who wish to contest any action taken in accordance with this policy, may do one of the following:

1. Participate in mediation;
2. Request a due process hearing; or
3. File a state complaint.

M. COOP: In the event of an emergency, such as pandemic, natural disaster, or as otherwise identified by the Governor’s Executive Order(s) or as deemed necessary by the Department Commissioner or designee, COOP implementation may supersede this policy.

VII. **REVISION HISTORY:** September 24, 2021

VIII. **ATTACHMENTS:** None.