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To: Early Intervention Program Directors

From: Patti Fougere, Assistant Director for Early Intervention Services
DPH EI Regional Team

Date: March 31, 2017

RE: Child and Family Eligibility Criteria Policy Update and Implementation Guidance

This memo provides an update to the EI Operational Standards related to Section III.B.3 Infants and Toddlers at Risk for Developmental Delay. Please maintain this memo and the Child and Family Eligibility Factors grid as part of your July 2013 EI Operational Standards. This information will be embedded into the Early Intervention Operational Standards in a future revision. The implementation date for the Child and Family Eligibility Factors is April 15, 2017.

The Department of Public Health acknowledges the work of the ICC Standards Committee for the review and revisions of the child and family risk factors. The Department will now and in all future communications refer to "risk factors" as "child and family eligibility factors". DPH encourages providers to include this language as part of any program level training.

Background:

The ICC Steering Committee charged the Standards Committee with the review of the eligibility factors ("risk factors") to ensure the factors were consistent with current research predictive of a developmental delay. The Standards Committee reviewed research associated with existing factors, additional risks, considered a weighted system of risk (vs. a cumulative number of four) and consulted with providers with additional content knowledge prior to releasing draft recommendations for public comment. During the November 10, 2016 meeting, the ICC voted to recommend the changes to DPH.

Eligibility for EI services in the category of "at risk for developmental delay" is determined by the presence of four (4) of eligibility criteria and evidenced by the procedures for determining

the presence of eligibility factors. There will continue to be 20 eligibility factors. Other notable changes included:

- Removal of the former risk factor associated with Apgar score
- Increase of the birthweight from 1200 grams to 1500 grams
- The single risk factor of “Inadequate food, clothing or shelter” has been separated into two distinct risk factors:
 - Family Eligibility Factor 16. Family Lacking Adequate Food and Clothing
 - Family Eligibility Factor 17. Homelessness

The resulting document specifies the criteria and procedures necessary to apply an eligibility factor as part of a multidisciplinary evaluation to determine eligibility. EI programs are strongly encouraged to review both the language of the criteria and the procedures/required evidence routinely with multidisciplinary teams to ensure consistent and valid determinations of eligibility.

EI Programs are reminded that if medical records from an outside source are part of the required evidence and/or part of the procedures for determining the presence of the eligibility factor, this documentation must be available at the time eligibility is determined. A program may need to develop systems to obtain this information within 45 days from referral. Parent report and/or referral information alone is not sufficient to apply the eligibility factor.

Child and/or family eligibility factors that may be applied based on a multidisciplinary teams’ informed clinical opinion:

Part C regulations and EIOS required Massachusetts Department of Public Health Certified Early Intervention programs to determine eligibility through an evaluation conducted by a multidisciplinary team based on informed clinical opinion and utilizing a DPH-approved developmental inventory tool. Parent report and/or referral information alone is not sufficient to apply the eligibility factor. EI staff as part of the assessment/evaluation process, utilizing informed clinical opinion, can identify and document observed behaviors attributing to the conditions listed under certain criteria. It is centrally important that the members of the multidisciplinary team have and apply their expertise in terms of training and experience throughout the evaluation process to determine if the eligibility factor applies. EI staff will need to thoroughly document behaviors, skills or atypical patterns of development that affect the child’s functioning within the context of daily routines.

The child and family eligibility factors that allow for the use of the multidisciplinary team’s informed clinical opinion as evidence include:

- **Child Eligibility Factor 8. Chronic Feeding Difficulties**
- **Child Eligibility Factor 9. Insecure Attachment or Interactional Difficulties (in the absence of outside documentation from an appropriately credentialed source)**
- **Child Eligibility Factor 10. Suspected Central Nervous System Anomaly**

Child and/or family eligibility criteria that may be applied based on parental report:

Several eligibility factors require a parent to acknowledge or self-disclose certain circumstances exist in order for the eligibility factor to apply. Information provided by a referral/outside source related to an eligibility factor alone is not sufficient to apply the eligibility factor. The EI program may consider sharing the reported information provided by the referral/outside source as a matter of transparency, but the parent must acknowledge the eligibility factor exists as part of the eligibility evaluation.

- **Child Eligibility Factor 11. Multiple Trauma/Losses**
- **Family Eligibility Factor 12. Maternal Age/Parity**
- **Family Eligibility Factor 13. Maternal Education**
- **Family Eligibility Factor 14. Family Lacking Social Supports**
- **Family Eligibility Factor 15. Parental Chronic Illness or Disability**
- **Family Eligibility Factor 16. Family Lacking Adequate Food and Clothing**
- **Family Eligibility Factor 17. Homelessness**
- **Family Eligibility Factor 19. Substance Abuse**
- **Family Eligibility Factor 20. Domestic Violence/Emotional/Physical or Sexual Abuse**

Programs are reminded that the Child and Family Eligibility factors are to be reviewed at every determination of eligibility and reported in EIS. This includes infants and toddlers eligible by delay and/or established condition. It is the responsibility of the multidisciplinary team to both determine eligibility (whether the determination is based on delay, established condition or child and family eligibility criteria) and provide parents with the outcome of the eligibility evaluation. A statement that the child is eligible (or not eligible) should be reflected in the eligibility evaluation result. The parent(s) may then choose to move forward with enrollment and developing an IFSP.

DPH encourages programs to continue to review the eligibility determination process and criteria with staff on an ongoing basis to ensure consistent and valid determinations of eligibility.

Please contact your Regional Specialist if you have any questions or need further clarification regarding any aspect of this correspondence.