

**Mississippi State Department of Health (MSDH)
First Steps Early Intervention Program (EIP)
Systems of Payment Parent Booklet**

Mississippi State Department of Health (MSDH)/First Steps Early Intervention Program (First Steps EIP) has a system of cost participation which includes policies and procedures for parents and families of eligible infants and toddlers with disabilities to participate in identifying payment sources for the child to receive Early Intervention (EI) services under Part C of IDEA and any potential costs to the parents. The following copy of First Steps EIP's policies, referred to as the Systems of Payment (SOP) Parent Booklet, provides information about the payment sources to assist in making a selection of a payment method for the child's EI services:

A. Policies Related to Use of Public Benefits or Insurance or Private Insurance to Pay for Part C Services (§303.520)

1. Use of public benefits (Medicaid/MSCAN [Mississippi Coordinated Access Network]) or public insurance (CHIP) to pay for Part C EI services. MSDH may not use the public benefits (Medicaid/MSCAN) or public insurance (CHIP) of a child or parent to pay for EI services under Part C of IDEA unless MSDH provides written notification, consistent with §303.520(a)(3), to the child's parents and MSDH meets the no-cost protections identified in a) (1) through (4) (below):
 - a) With regard to using the public benefits/insurance of a child or parent to pay for Part C EI services, First Steps EIP:
 - (1) Does not require a parent to sign up for or enroll in public benefits or insurance programs as a condition of receiving Part C EI services and obtains consent prior to using the public benefits or insurance of a child or parent if that child or parent is not already enrolled in such a program.
 - (2) Obtains consent, consistent with §303.7 and §303.420(a)(4), to use a child's or parent's public benefits or insurance to pay for Part C of IDEA services if that use would:
 - (a) Decrease available lifetime coverage or any other insured benefit for that child or parent under that program;
 - (b) Result in the child's parents paying for EI services that would otherwise be covered by the public benefits or insurance program;
 - (c) Result in any increase in premium or discontinuation of public benefits or insurance for that child or that child's parents; or
 - (d) Risk loss of eligibility for the child or that child's parents for home and community-based waivers based on aggregate health-related expenditures.
 - (3) If the parent does not provide consent under (1) and (2) (above), MSDH still makes available those Part C EI services on the IFSP to which the parent has provided consent.
 - (4) Prior to using a child's or parent's public benefits/insurance to pay for Part C of IDEA EI services, MSDH provides written notification to the child's parents. The notification includes:

- (a) A statement that parental consent is obtained under §303.414, if that provision applies, before MSDH or the EI program/provider discloses, for billing purposes, a child's personally identifiable information to the Mississippi public agency responsible for the administration of the Mississippi public benefits (Medicaid, MSCAN) or insurance program (CHIP);
- (b) A statement of the no-cost protection provisions in §303.520(a)(2) and that, if the parent does not provide the consent under §303.520(a)(2), MSDH still makes available those Part C EI services on the IFSP for which the parent has provided consent;
- (c) A statement that the parents have the right under §303.414, if that provision applies, to withdraw their consent to disclosure of personally identifiable information to the Mississippi public agency responsible for the administration of the Mississippi public benefits (Medicaid, MSCAN)/insurance (CHIP) or private insurance at any time; and
- (d) A statement of the general categories of costs that the parent would incur as a result of participating in a public benefits/insurance program, such as the cost of insurance premiums, or the required use of private insurance as the primary insurance. Parents will continue to incur the cost of the premiums for the public benefits/insurance used to pay for EI services. The public benefits/insurance may be used to pay for EI services only with the parent's written consent. First Steps EIP will pay for deductibles or co-pays that are required as a result of use of the public benefits/insurance and the allowable cost of the EI service after insurance payment, as verified by an Explanation of Benefits (EOB).

2. Use of private insurance to pay for Part C Services.

- a) MSDH may not use the private insurance of a parent of an infant or toddler with a disability to pay for EI services under Part C of IDEA EI unless the parent provides parental consent, consistent with §303.7 and §303.420(a)(4), to use private insurance to pay for Part C of IDEA services for his or her child. This includes the uses of private insurance, when such use is a prerequisite for the use of public benefits or insurance. Parent consent must be obtained:
 - (1) When MSDH or an EI service provider seeks to use the parent's private insurance or benefits to pay for the initial provision of an EI service in the IFSP; and
 - (2) Each time consent for EI services is required §303.420(a)(3) due to an increase in frequency, length, duration, or intensity in the provision of EI services on the child's IFSP.

- b) When obtaining parental consent required in 2. a) (1) and (2) (above) to use a child's or parent's private insurance policy to pay for an EI service, First Steps must provide to the parent a copy of First Steps EIP's Systems of Payment policies (SOP Parent Booklet) that identifies the potential costs that the parent may incur when their private insurance is used to pay for EI services under Part C of IDEA (e.g., premiums or other long-term costs such as the loss of benefits because of annual or lifetime health insurance coverage caps under the insurance policy). The parent will continue to incur the cost of the premium for their private insurance used to pay for EI services. The private insurance may be used to pay for EI services only with the parent's written consent. First Steps will pay for deductibles or co-pays that are required as a result of use of the private insurance and the allowable cost of the EI services after insurance payment, as verified by an Explanation of Benefits (EOB).
 - c) Mississippi has not enacted a state statute regarding private health insurance coverage for early intervention services under Part C of IDEA. However:
 - (1) The use of private health insurance to pay for Part C of IDEA EI services cannot count towards or result in a loss of benefits due to the annual or lifetime health insurance coverage caps for the infant or toddler with a disability, the parent or the child's family members who are covered under that insurance policy;
 - (2) The use of private health insurance to pay for Part C of IDEA EI services cannot negatively affect the availability of health insurance to the infant or toddler with a disability, the parent, or the child's family member who are covered under that health insurance policy, and health insurance coverage may not be discontinued for these individuals due to the use of the health insurance to pay for EI services under Part C of IDEA; and
 - (3) The use of private health insurance to pay for Part C of IDEA EI services cannot be the basis for increasing the health insurance premiums of an infant or toddler with a disability, the parent, or the child's family members covered under that health insurance policy.
3. Inability to pay. MSDH does not determine under §503.521(a)(3) the ability of a parent or family of an infant or toddler with a disability to pay for early intervention services; however, if the parent does not provide consent, the lack of consent may not be used to delay or deny any EI services under Part C of IDEA to that child or family.
4. Proceeds or funds from public insurance or benefits or from private insurance.
- (1) Proceeds or funds from public insurance or benefits or from private insurance are not treated as program income for purposes of 34 CFR 80.25.
 - (2) Reimbursements received from Federal funds (e.g., Medicaid reimbursements attributable directly to Federal funds) for services under Part C of IDEA are considered neither State nor local funds under §303.225.

- (3) Funds from private insurance for EI services under Part C of IDEA are considered neither State nor local funds under §303.225.
5. No family funds. Mississippi/First Steps EIP does not receive funds from parents or family members under MSDH's/First Steps EIP's Systems of Payment to cover any EI services.
6. Mississippi's Third Party Liability (TPL) and Medicaid:
- a) Third Party Liability and Medicaid.
- (1) TPL refers to a Medicaid eligible individual who also has private insurance.
- (2) Claims for EI services will first be processed through private insurance benefits prior to the use of public benefits (Medicaid).
- (3) If private insurance denies or pays a partial claim, then claims can be filed under the public benefits/insurance (Medicaid).
- (4) If the parent declines consent to use private insurance and the child also has Medicaid, First Steps EIP, under Mississippi regulations, is not allowed to bill Medicaid. In this situation, neither private insurance nor Medicaid is billed. Payor of Last Resort (POLR) funds will be used to pay for the child's EI services.
7. The parent will not incur costs for EI services for the child and/or family as a result of participating in a public benefit/insurance or private insurance. MSDH will pay co-pays and deductibles up to the cost of the EI service. The parent is not required to use private insurance as the primary insurance. MSDH includes such information in their Systems of Payment policies under §303.521 and in the notification provided to the parent.

B. Systems of Payment and Fees (§303.521)

1. General. MSDH has a system of cost participation for parents or families of eligible infants and toddlers in Mississippi, which includes public benefits (Medicaid, MSCAN)/public insurance (CHIP) or private insurance for the cost of EI services. Information regarding payment sources and potential costs to parents is provided to parents in writing and specifies which functions or services are subject to the Systems of Payment (including any fees or costs to the family as a result of using one or more of the family's public benefits/insurance or private insurance), and includes:
- a) The payment system and explanation of any costs to parents for receipt of EI services which include:
- (1) Parents who have public benefits/insurance for their child and consent to the use of the benefits/insurance for payment of EI services will continue to be responsible for the cost of the public insurance premiums.

- (2) Parents who have private insurance for their child and consent to the use of the insurance for payment of EI services will continue to be responsible for the cost of the private insurance premiums.
 - b) An assurance that fees will not be charged to parents for the services that a child is otherwise entitled to receive at no cost.
 - c) Families with public benefits/insurance or private insurance will not be charged disproportionately more than families who do not have public insurance or benefits or private insurance; and
 - d) Provisions that permit, but do not require, MSDH to use Part C or other funds to pay for costs such as deductibles or copayments. MSDH/First Steps EIP does not require parents or families with public benefits/insurance or private insurance to pay for deductibles or co-pays required by the insurance when the insurance is used for payment of EI services. MSDH/First Steps EIP will be responsible for the co-pays or deductibles for the EI service(s), up to the allowable cost of the EI service. An Explanation of Benefits (EOB) must be provided by the insured family prior to MSDH/First Steps EIP paying the co-pay or deductible.
2. Functions not subject to fees. The following required functions are carried out of public expense, and no fees may be charged to parents:
- a) Implementing the child find requirements in §303.301 through §303.303;
 - b) Evaluation and assessment, in accordance with §303.320, and the functions related to evaluation and assessment in §303.13(b);
 - c) Service Coordination services, as defined in §303.13(b)(11) and §303.33; and
 - d) Administrative and coordinative activities related to –
 - (1) The development, review, and evaluation of IFSPs and interim IFSPs in accordance with §§303.342 through 303.345; and
 - (2) Implementation of the procedural safeguards in subpart E of Part C of IDEA and this subpart and the other components of the statewide system of EI services.
3. MSDH/First Steps EIP does not have a FAPE (Free and Appropriate Public Education) mandate.
4. MSDH/First Steps EIP does not charge or collect fees from a parent or the child's family based on a sliding fee scale or on the parent's or family's income or ability to pay for participation in the EI program or for the receipt of early intervention services.
5. Procedural Safeguards.
- a) MSDH has a Systems of Payment Policy, which includes written procedures to inform parents who wish to contest the imposition of a fee, or the state's determination of the parent's ability to pay, may do one of the following:
 - (1) Participate in Mediation in accordance with §303.431.
 - (2) Request a Due Process Hearing under §303.436 or §303.441, whichever is applicable.

- (3) File a Written State Complaint under §303.434.
 - (4) Use any other procedure established by MSDH for speedy resolution of financial claims, provided that such use does not delay or deny the parent's procedural rights under Part C of IDEA, including the right to pursue, in a timely manner, the redress options.
- b) MSDH/First Steps EIP informs parents of these procedural safeguard options by:
- (1) Providing the parents with MSDH/First Steps EIP's Systems of Payment policies (SOP Parent Booklet) when obtaining initial consent for provision of EI services;
 - (2) Offering parents a copy of the Systems of Payment policies (SOP Parent Booklet) when there is an increase in the use of public benefits/insurance or private insurance; and
 - (3) Offering the parents a copy of the Systems of Payment policies (SOP Parent Booklet) annually, at a minimum.

C. Fraud, Abuse and Waste Policy and Whistleblower Policy:

- 1. First Steps EIP follows the MSDH policies and procedures as the lead agency, regarding fraud, waste, and abuse, and the agencies policies and procedures regarding the Whistleblower Act. The policies and procedures may be found in the MSDH Policies and Procedures Manual.