



Early Childhood Intervention (ECI) Update

July 1, 2011

Legislative Update:

- Added \$19 million over base budget, but still \$30 million below 2010-2011 funding levels.
- Means about 4,000 fewer children will be served by ECI each month. Decreases the average number of children served monthly from about 32,000 to 28,000.
 - As filed, the base budget would have resulted in about 6,000 infants/toddlers being cut from program.
 - Senate proposed to significantly reduce caseloads in order to increase the average number of service hours for children enrolled in ECI. This did not make it into the final budget. Children enrolled in ECI will continue to receive an average of 2 hours of direct service each month, which is below what experts recommend.
- HB 2270 by Rep. Castro would have required private group health plans to cover certain services included in an ECI enrolled child's Individualized Family Service Plan (IFSP), such as physical therapy and occupational therapy. Bill received a hearing but failed to be voted out of committee.

Administrative Action in Response to Legislative Decisions:

The Department of Assistive and Rehabilitative Services (DARS) has posted proposed rule changes to the Texas Register. Proposed changes are open to public comment until July 26, 2011. Those interested in providing comments can visit the DARS website to view the proposed rules and information on how to submit comments: <http://www.dars.state.tx.us/ecis/index.shtml>

Outline of Proposed Changes:

- Determining Eligibility
 - More substantial delay will be required to qualify
 - Require ECI Contract Providers to use standardized evaluation tool designated by DARS
 - Calculation of developmental delay to be done in more equitable manner across ages
 - Allow for "qualitative determination" of delay based on clinical judgment
- Restructure Family Cost Share, adjusting ECI sliding fee scale from a base of 250% of FPL to 200% FPL
- Move requirements currently in ECI Provider Manual into Administrative Code

To sign up for the ECI Advocacy Coalition listserve, e-mail Josette Saxton at jsaxton@txchildren.org

Family Cost Share

Monthly Fees for DARS ECI Family Cost Share by % Federal Poverty Level		
Family Income by % FPL	Proposed Monthly Fee	CURRENT Monthly Fee
≤ 200%	\$0	\$0
> 200% to 250%	\$10	\$0
> 250% to 350%	\$20	\$20
> 350% to 450%	\$55	\$50
> 450% to 550%	\$85	\$75
> 550% to 650%	\$115	\$100
> 650% to 750%	\$145	\$125
>750%	\$175	\$150

Based on Figure: 40 TAC §108.1413(c) in proposed rules & Figure: 40 TAC §108.613(a) in existing rules

- Deductions allowed in determining family income
- Certain services would remain not subject to family cost share

Calculating Eligibility for Developmental Delay

DARS is proposing to switch from a “months-based” calculation of delay to a “percentage-based” calculation of delay. Under the new rules, to qualify for ECI services with a developmental delay, a child must be younger than 36 months of age and have:

- At least 33% delay in one of the developmental areas (communication, cognitive, gross motor, fine motor, social emotional or adaptive); or
- At least 25% delay in two or more of the developmental areas; or
- At least 33% delay for children whose only delay is in expressive language; or
- A “qualitative determination” of eligibility based on clinical judgment (replaces current “atypical development” category).

Adjustments in calculating delay would be allowed for infants born prematurely.

Children qualifying for ECI services under the qualitative determination would be eligible for up to 6 months, after which they would be reassessed and would remain eligible if initial criteria continued to be met.

For all other children to remain eligible the child must demonstrate a documented delay of at least 20% in one area of development; or at least 15% two or more areas of development.