

Early Intervention Program –

Procedural Safeguards

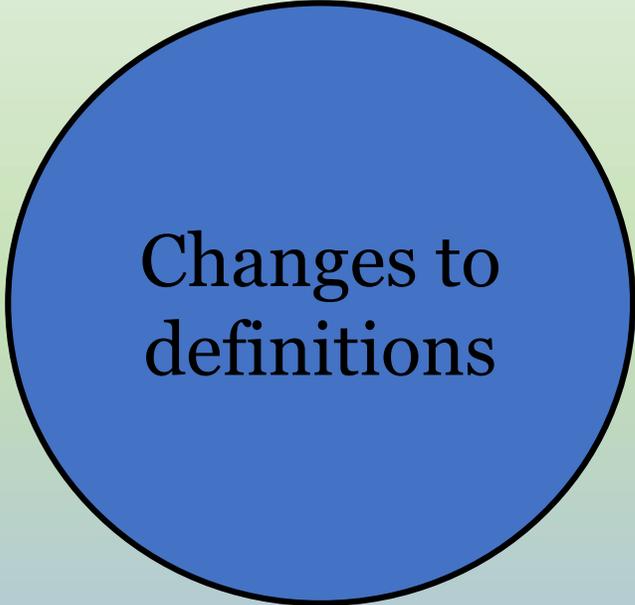
5123-10-01

Apr 23, 2019



Why are
Procedural
Safeguards
important in Early
Intervention?





New Definitions

Complainant: entity
other than the parent who
can file a complaint

EI records: specifically
for use in providing EI
services

Part C: added as a
reminder that the state
rule is anchored to the
federal regulations

Participating agency –
all local agencies that
implement EI services

Clarified Definitions

Consent: definition
expanded

**Early Intervention
Service Coordinator
(EISC):** Specifies that
individual must be
credentialed

EI services: list of services
moved to Appendix A

Parent: definition more
concise than the federal,
broader than the ODH rule

PII: more detailed
description

Consent

Must be obtained
in advance of
activities or
procedures

Requirements for
obtaining consent
apply to all EI
service providers

New forms
specific to each
activity and must
meet federal PWN
requirements

Emphasis on EI as
voluntary
program –
consent can be
withdrawn at any
time

Prior Written Notice

Waiver of Timeline (optional)

I understand and agree to waive my right to receive written notice 10 calendar days prior to the proposed activity.

Initials of parent(s)

Date

EI-01 PWN and Consent for Developmental Screening

EI-02 PWN and Consent for Evaluation and Child Assessment

EI-03 PWN and Consent for Family-Directed Assessment

EI-09 PWN of Determination of Ineligibility

EI-10 PWN of Exiting

EI-11 PWN of Proposed Change to IFSP

Retention of early intervention records



Confidentiality of personally identifiable information in early intervention records



EI-06 Consent for release/exchange
of information

EI-07 Consent for Transition

Access to early intervention records

permitting a parent to review the EI record

providing the parent with a list of the types and locations of the EI records maintained by the provider

complying with the parent's request to review the record no more than 10 days after the request is made

not charging a fee to search for or to retrieve the records

Amendments to early intervention records

Parent requests verbally or in writing that record be amended

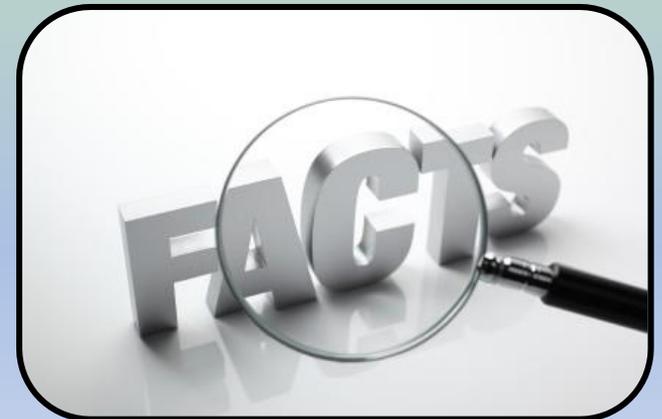
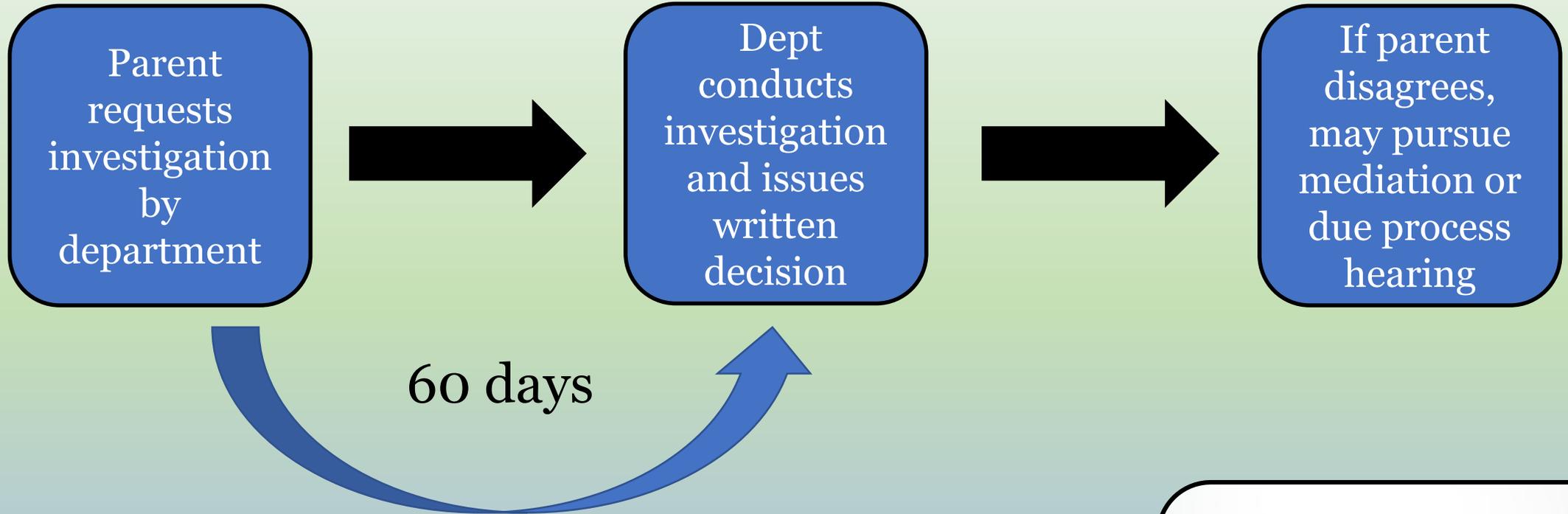


Provider makes decision whether to amend

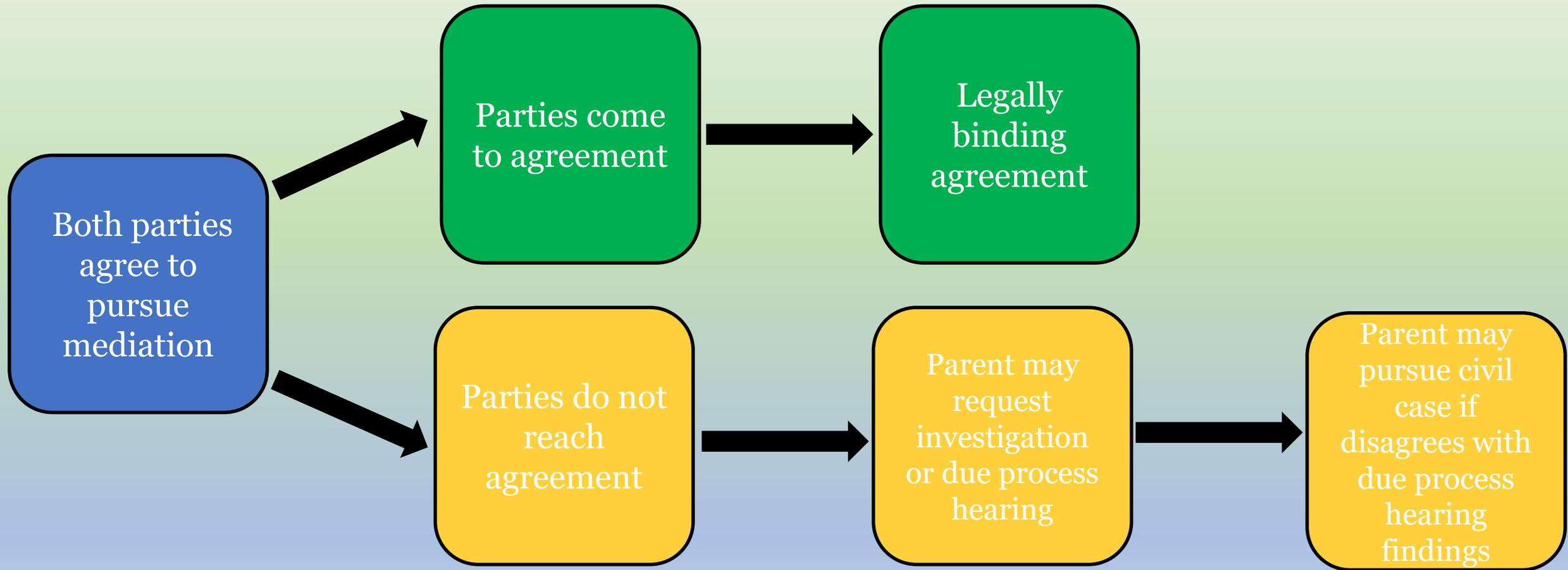
Dispute resolution



Investigation



Mediation process



Your Questions

If a Children Services agency has custody of the child, are they considered a guardian of the child? When it talks about person acting in place of the biological or adoptive parent with whom the child lives; is with whom the child lives only for the person acting in place of the biological or adoptive parent or does that also mean the guardian? Does a guardian have to live with the child to be considered the parent?

At our Welcome visits we are getting consent from parents to share information with our core team members that are not county board employees. Is that necessary since they are part of our 'EI system'?

If a family gives consent for EI to share information with the LEA are our core team members free to discuss the child with the school district or do they need to have separate consent?

EI-01: Does the consent for screening (EI-01) include consent for the nutrition, vision, and hearing screenings in addition to developmental screenings?

EI-05: There are two sections. It is assumed a yes/no/child does not have insurance would be checked for both sections. Is it necessary for the parent to sign on both sections as well or can the parent not sign on the section if the box "my child does not have public/private insurance" is checked?

Your Questions

EI-06: The box on the top right corner “Service Coordinator use only”-when is this box completed? What is the purpose of this box?

EI-06: Also, on page 2 in the first box regarding consent for release/exchange of information orally, in writing, or electronically-What are some examples of what would be filled in to answer the question of “the following information”?

EI-06: The release says permission is needed to share information with persons/agencies who are not part of the EI system. Does this mean anyone who is listed on the IFSP is part of the EI system? If your county board is not at the same agency as service coordinators, is a consent for release of records needed? What about agencies other than the county board who are still EI providers and part of the IFSP? Is a consent to share information needed to take a child’s information to the team meeting?

EI-07: Both this form and EIDS now use the language asking if the parent gives consent to a TPC. Our understanding is that EVERY child has a transition planning conference. Aren’t SCs required to do transition planning for all children even if the family does not want to invite the LEA? When is an example of when a parent can opt out of transition planning?

EI-07: It appears this consent gives permission for the child’s information to go on the LEA report. Is there a timeframe in which this consent can/must be completed?

Your Questions

Rule: 5123-10-01 D2c: Prior written notice must be provided in the native language of the parent. Who is responsible for this? If a service provider is completing the PWN, is their responsibility to submit the PWN to the SC in the family's native language? Does the SC need to get it translated and what means are available for doing so?

Rule: 5123-10-01 F2a Again this language goes along with form EI-06. Please provide clarity on who is not required to have a consent to release information and who is covered under "any participating agency in the early intervention program..."



**THANK
YOU**

www.ohioearlyintervention.org