

EARLY CHILDHOOD INTERVENTION (ECI) RULE PROJECT - CONDENSED REVISION GUIDE

TEXAS ADMINISTRATIVE CODE TITLE 26, PART 1, CHAPTER 350

The Texas Health and Human Services Commission is proposing amendments to the rules that outline policies and procedures for the Early Childhood Intervention (ECI) program in Texas. The public has an opportunity to review and comment on these proposed edits. This guide aims to provide a summary of the edits and their potential impact to assist stakeholders and families in their review.

Some rule changes are being made to update references and align with HHSC rule conventions and do not change programmatic requirements. The list below includes only changes that are substantive.

The purpose of the proposed rule changes is to:

- clarify requirements for ECI providers to include provisions already in provider contracts;
- increase administrative efficiencies and improve processes for ECI contractors;
- provide administrative flexibilities for ECI contractors;
- add requirements, which are already in contract, related to criminal background checks of ECI service providers;
- strengthen transition services for children and families enrolled in ECI; and
- update references and align rules with HHSC rule conventions.

Rule	Recommendation	Rationale	Impact to ECI providers and families	Purpose (efficiency, clarity, terminology, etc.)
§§101.501, 101.503, 101.505, 101.507, 101.509, 101.511,	Repeal in Texas Administrative Code (TAC) Title 40, Part 2, Chapter 101, Subchapter C, Division 3, concerning Early Childhood Intervention Advisory Committee and relocate to 1 TAC Chapter 351.	This change will remove rules related to ECI from the chapter related to the Department of Assistive and Rehabilitative Services, which was abolished September 1, 2016, and relocate them to 1 TAC Chapter 351, where	None	Align with HHSC Advisory Committee rules

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101.513, 101.515		other HHSC advisory committee rules are located.		
,et§350.209 Subchapter B	Clarify what it means to receive a full explanation of the Individualized Family Service Plan (IFSP).	This change adds clarity regarding what aspects of the IFSP must be explained, with whom a complaint is filed, and the language in which a disagreement must be indicated; updates references; and brings the rule into alignment with HHSC rule conventions	Will help ensure the IFSP is understood by families.	Clarity
§350.310 Subchapter C	Clarify the requirement for criminal background checks on every new hire.	This change clarifies that contractors must get a criminal background check on all service providers, even if they had a criminal background check for their licensure. It also removes unnecessary language and updates a TAC reference.	None. This is already in the ECI contract and is the current practice for ECI contractors.	Clarity
§350.313 Subchapter C	Revise the minimum qualifications for an Early Intervention Specialist (EIS) to provide flexibilities related to the credentialing requirements for EISs, clarify when contractors must check with HHSC regarding EIS ethical violations, update references, and bring the rule into alignment with HHSC rule conventions.	The current minimum educational qualifications for EISs are too restrictive. Texas supports building and retaining the EIS workforce. The new language clarifies requirements related to course work. Allowing for exceptional circumstances allows the state office to determine, on a case by case basis, if an EIS can exceed the time	Will reduce barriers faced by programs in hiring qualified personnel.	Efficiency

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		<p>frames for credentialing activities if the EIS experienced a significant life event, such as a needing to take extended medical leave.</p> <p>The language related to inactive status aligns with the other requirements for EIS CEUs.</p> <p>The language related to checking the EIS registry ensure contractors are aware of any code of ethics violations before hiring an EIS.</p>		
§350.315 Subchapter C	Revise the minimum qualifications for service coordinators.	This change will allow ECI contractors to hire qualified service coordinators without having to enter them in the EIS registry if they do not deliver specialized skills training.	Will reduce barriers faced by programs in hiring qualified personnel.	Efficiency
§350.823 Subchapter H	Clarify the timeline for determining eligibility for continued ECI services.	This change adds clarity to when a contractor should determine a child's eligibility for early childhood intervention services.	Will provide more clarity to providers on when an eligibility evaluation is needed for a child approaching 36 months of age.	Clarity
§350.1004 Subchapter J	Establish that an IFSP meeting must be conducted at least annually only if a child was younger than 21 months of age at the previous initial or annual IFSP meeting.	This change allows for administrative efficiencies related to IFSPs for children within three months of their third birthday.	Will allow contractors to continue an IFSP for a child who will age out of ECI	Efficiency

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			within three months.	
§350.1007 Subchapter J	Add new section (b) pertaining to an annual interim IFSP and revise "interim IFSP" to "initial interim IFSP" in section (a).	This change allows for flexibilities for families and contractors who may be unable to meet for an annual IFSP meeting due to exceptional family circumstances.	Will provide flexibility for both providers and families.	Efficiency, Terminology
§350.1004 Subchapter J	Align TAC with federal regulations regarding exceptional family circumstances.	This change aligns with federal regulations and allows for flexibilities related to exceptional circumstances.	Will add flexibility for both providers and families.	Efficiency
§350.1104 Subchapter K	Clarify service delivery requirements and add a new subsection (c) pertaining to family education and training.	<p>The requirement for service recipients to be in Texas aligns with therapy practice acts/rules.</p> <p>The amendment allows for flexibilities for family education services, which do not require the child to be present.</p>	<p>Will add clarity on requirements for service recipients.</p> <p>Will provide flexibility for both families receiving family education services and contractors providing the service.</p>	Clarity, flexibility
§350.1205 Subchapter L	Requires contractors to provide information on Medicaid waiver programs to families of children who are likely to qualify for those waivers.	This amendment will support ECI's goal of setting babies and toddlers with developmental delays up for long-term success in Texas. Adding a requirement to educate families on	Improved transition services for families of children with long-term needs.	Clarity, service improvements

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		Medicaid waivers and enroll children on interest lists will ensure potentially eligible children have access to services more quickly.		
§350.1207 Subchapter L	Add subsection (H) pertaining to providing information on Texas Medicaid waivers.	This amendment will support ECI's goal of setting babies and toddlers with developmental delays up for long-term success in Texas. Adding a requirement to educate families on Medicaid waivers and enroll children on interest lists will ensure potentially eligible children have access to services more quickly.	Improved transition services for families of children with long-term needs.	Clarity, service improvements
§350.1425 Subchapter N	Remove from §350.1425 Public Benefits and Insurance and add to §350.1419 Private Insurance as (g).	This amendment moves the language to a more appropriate section of the rule.	None.	Clarity