



**State of New Jersey**

**DEPARTMENT OF HEALTH AND SENIOR SERVICES**

DIVISION OF FAMILY HEALTH SERVICES

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[www.nj.gov/health](http://www.nj.gov/health)

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*Commissioner*

TO: INTERESTED PARTIES

FROM: NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES

SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD IN REGARD TO THE NEW JERSEY EARLY INTERVENTION SYSTEM FAMILY COST PARTICIPATION POLICIES AND PROCEDURES

DATE: July 29, 2010

The New Jersey Department of Health and Senior Services (Department) as lead agency for the administration of the New Jersey Early Intervention System (NJEIS), is proposing changes to the Family Cost Participation (FCP) Policies and Procedures. The purpose of this memorandum is to announce a public comment period in accordance with Part C of the Individuals with Disabilities Education Act (IDEA).

**Background**

The NJEIS provides a comprehensive, coordinated interagency system of early intervention services for children ages birth to three years, with developmental delays/ disabilities and their families. The cost of providing early intervention services has continued to escalate along with other health and educational costs, and budgetary constraints will likely continue in the current economy. Another concern is that federal financing has not and is not expected to keep pace with the state's ability to meet the federal mandates of the IDEA, Part C.

Governor Christie has demonstrated an ongoing commitment to infants and toddlers with disabilities by including \$82,880,000 in funding for early intervention services for the state's 2011 fiscal year budget (July 1, 2010 – June 30, 2011). However, this funding level resulted in a \$12,000,000 budget gap for SFY2011. Assumed within Governor Christie's budget was an increase in family cost share to address the shortfall. With input from stakeholders including members of the State Interagency Coordinating Council, the Regional Early Intervention Collaboratives, parent advocacy agencies, and provider agencies, the Department proposed additional alternatives to increase revenue and reduce expenses in a manner that distributes the impact, across all components of the system.

The Department's projected budget for SFY2011 includes \$10,828,899 in Federal IDEA, Part C dollars, \$82,880,000 in state appropriation, \$300,000 in state support for the central management system, \$23,000,000 from Medicaid reimbursement and \$7,000,000 in family cost participation revenue. Over 92% of the total funding for NJEIS is allocated to service coordination, evaluation, assessment, development of Individualized Family Service Plans (IFSPs), and provision of direct services.

The Department has convened a stakeholder workgroup to assist in: (1) proposing recommendations to address the budget reduction; and (2) identify system efficiencies that can be implemented to reduce costs and/or increase revenue. The stakeholders did recommend that any plan to address the projected SFY2011 budget gap should cross over all components of the NJEIS and any revisions to the Family Cost Participation **policies and procedures** must not unduly impact families. Currently, families with household incomes at or above 350% of the Federal Poverty Level (FPL) are assessed the lesser of: (1) an hourly cost share (based on income and household size); or (2) a maximum monthly cost share (4.5% of a family's household income), regardless of the type and amount of services provided.

### **Family Cost Participation Proposal**

- The Federal Poverty Level (FPL) will be moved down for families with an annual income at or above 350% FPL to require families at or above 300% FPL to share in the cost of the early intervention services received by the family.
- At 300% FPL, a family will be responsible for an hourly co-pay a cost share beginning as low as \$2 per hour of service.
- The co-pay per hour of service will increase progressively across ten tiers (100% FPL increase at each tier) up to the point where families pay for actual cost of services (100%).
- A family's responsibility for costs up to 4.5% of their **monthly** household income remains unchanged.
- NJEIS will implement policy and procedures to comply with state debt collection requirements for collection of family cost participation including but not limited to the Set-Off of Individual Liability (SOIL) Program. The SOIL program enables the state to hold an individual's tax refund, NJ Saver Rebate, and/or Homestead Rebate for failure to pay the cost share.
- Family Cost Participation Tables with the proposed changes scheduled to be effective for dates of service as of October 1, 2010 can be found at:  
[http://www.state.nj.us/health/fhs/eis/documents/Proposed%20FCP%20cost\\_tables%20FY%202011%20Co-pay.pdf](http://www.state.nj.us/health/fhs/eis/documents/Proposed%20FCP%20cost_tables%20FY%202011%20Co-pay.pdf)

### **Public Comment Period**

The public comment period is being held from **July 30-September 27, 2010** in order to receive public input regarding proposed changes to the FCP Policies and Procedures. The current NJEIS Family Cost Participation Policies and procedures can be reviewed at <http://nj.gov/health/fhs/eis/index.shtml>.

An opportunity to provide oral testimony is scheduled for September 1, 2010, from 4:00 to 7:00pm at the National Conference Center in East Windsor. Directions are attached below.

Those interested in testifying should contact Reda Khalifa, no later than five days before the scheduled hearing date, at (609)777-7734 between the hours of 8:30am and 4:00pm. Oral testimony should not exceed five (5) minutes in length. Submission of written text of oral presentations is recommended and appreciated. As time permits, individuals who did not register in advance to testify will be offered an opportunity to provide oral testimony.

Hearing impaired persons and those with limited English proficiency, requiring translation services should advise DHSS of their needs when they call. Directions are attached or available by contacting Reda Khalifa.

Interested persons or organizations may submit written comments for state review through September 27, 2010. The comments should include: (1) name, title, address, and telephone number of the commenter; (2) a description of the concern or support with respect to a proposed change; and (3) recommendations. Written comments may be submitted via mail, email or facsimile and should be sent to:

**Terry Harrison, Part C Coordinator**  
New Jersey Early Intervention System  
P.O. Box 364  
50 East State Street  
Trenton, NJ 08625-0364  
**Email: Terry.Harrison@doh.state.nj.us**  
**Facsimile: (609) 292-0296**

## **DIRECTIONS**

### **HOLIDAY INN**

The National Conference Center  
399 Monmouth Street  
East Windsor, NJ 08520  
Phone: 609-443-8000

### **From the NJ Turnpike – (North or South):**

Take Exit 8; bear right after the toll towards Freehold/Twin Rivers (*Rt. 33 East*). Immediately get into left lane and make the first left turn (*just pass Mom's Diner*) at the "No-U-turn sign. (The left turn is less than ¼ mile from the exit ramp), the hotel will be directly in front of you.

### **From Princeton Rt. 1 & Vicinity – (Via Rt. 571 East):**

Take Route 571 East (*Princeton-Hightstown Road*) to Route 133 East to end. Make a right at traffic light (*Route 33*), get into right lane immediately and bear right onto Monmouth Street. Hotel is ahead ¼ mile on right.

### **From Freehold/Points East – (Via Rt. 33 West):**

From Rt. 9, the Garden State Parkway, or Rt. 537, pick up Rt. 33 West, Follow into East Windsor/Twin Rivers. Bear right onto Monmouth Street. Hotel is just ahead on the right.