

## Prior Written Notice and Consent Activity Script

### Scenario #1 Referral/Intake/Eligibility Evaluation:

Lucas is a 2 month old infant referred to EI by his pediatrician due to his premature birth at 31 weeks. Referral information includes:

- BW of 3.7 lbs.
- Total hospital stay 6 weeks
- Passed NB hearing screening.
- Feeding and Growing preemie – referred to EI to monitor development.

Parent reports that Lucas was in the NICU for 13 days and transferred to the SCN to wean him to room air and feed and grow.

No reports of retinopathy of prematurity.

Currently takes breastmilk by bottle, tires easily, but seems to be growing. He sees the pedi every other week for weight checks and to monitor growth.

Parent reports he has a fussy period in early evening. She notes she incorporates strategies taught to her by nurses in SCN around trying to limit stimuli prior to and during the fussy period. No other child/family eligibility criteria are reported.

Multidisciplinary Team (RN, SW, OT) can only identify 2 eligibility criteria based on parent report. No delays noted. Lucas presents as an “organized” newborn with appropriate alert/sleep periods.

**The EI multidisciplinary team finds Lucas not eligible for EI services.**

### Prompting/Discussion Questions:

- **What are the procedural safeguards that are provided before and subsequent to the eligibility evaluation?**
  - **Before: PWN of the program’s intention to complete an evaluation to determine eligibility, Family Rights Notice.**
  - **After: PWN of the outcome of the eligibility determination (“Your child is not eligible for EI services”) and the completed Health and Eligibility Summary and the Developmental Summary pages of the IFSP along with a copy of the Family Rights Notice must be sent to parents within 45 days of referral.**
- **What/Does your program have any practices for obtaining required documentation to substantiate eligibility criteria within the 45 days?**

- **What if the medical records were not available at the time of the multidisciplinary evaluation?**

### **Scenario #2 Re-Referral/Intake/Eligibility Evaluation:**

Lucas is re-referred to EI at 15 months.

During the last year, Mom has returned to work, Lucas attends a center-based child care 2 days/week, is at (his) home with grandparents 2 days/week, and with mom (at home) 1 day/week.

He has had frequent illnesses since starting child care at 9 months, but has continued to grow and gain weight.

When his motor skills began to notably lag at 9 months, his pediatrician referred him for an orthopedic consult and outpatient PT.

Outpatient PT ended after 4 months. The PT recommended re-referral to EI noting some concerns related to Lucas' overall development.

A multidisciplinary team (DS, SW, and PT) updates medical and social information, completes the BDI **and find Lucas eligible**. Team offers services and family accepts moving to IFSP development.

#### **Prompting/Discussion Questions:**

- **What are the procedural safeguards that are provided before and subsequent to the eligibility evaluation?**
  - **Before: PWN of the program's intention to complete an evaluation to determine eligibility, Family Right notice.**
  - **After: PWN of the outcome of the eligibility determination ("Your child is eligible or continues to be eligible for EI services"). The program may also check off "The EI program is proposing to have an IFSP Meeting" on the same form.**

### **Scenario #3 IFSP Development/Implementation:**

Based on the results of the BDI-II, staff observations and the functional assessment, the EI members of the IFSP team recommend:

- HV by a DS 1x/week at home for 1 hour and
- HV, 1x/month for 1 hour at home by an OT.

Parents identify their priorities for Lucas to include being able to walk the distance of the kitchen by himself, (to get to the garage and car), crawl upstairs to get into the house (from the

garage) or to his bedroom at night, and to be able to say (or have a name for) or call his Nana and Grampa.

(Training note: Be aware of the functional outcomes - outcomes to be met at home – this becomes important to remind staff of the parent identified outcomes during **Scenario #4**)

### **The IFSP is developed and parent provide consent for these services**

At a Preemie Clinic follow-up visit, the clinic team questions why Lucas is not receiving PT or speech therapy given his history and language delay. The Preemie Clinic team encourages Lucas's parents to go back and get these services from EI.

Lucas' parent are now proposing weekly HV by a PT and SLP, and because of the family's schedule, are asking that some of the EI services be provided in child care (which is 15 miles outside of your program's catchment area) or at night/weekends in order to spread the visits out.

#### **Prompting/Discussion Questions:**

**What is/are your next step(s):** Answer is contingent on responses to the questions – review the FAQ, Grid and Tip Sheet

**What are the procedural safeguards that are provided before and subsequent to your next steps?** Answer is contingent on responses to the questions – review the FAQ, Grid and Tip Sheet

**What is the timeline and at what points do you provide PWN, for what. PWN is provided once the EI members of the IFSP team make a decision about what is agree upon if it means a change to the child's current services (including frequency, service type and/or location. PWN is not required in response to the parent's request about the "time"/"when" the service is provided (in the evening or on weekends), but the program could certainly document that the request was addressed and that a response from the program was provided.**

**What if the EI members of the IFSP team do not agree with what Lucas's parents are requesting?** A parent is an equal member of the IFSP team. Any request made by a parent related to their child's IFSP services should be viewed as something that has been proposed by a member of the IFSP team. As such, it should be addressed as part of the IFSP development, review and implementation process. The decision about whether or not the EI members of the IFSP team agree to move forward and implement the parent's specific proposal (in whole or part) or decline to act on the parent's specific proposal (in whole or part) should be documented on a PWN form. The team's decision should be documented soundly with sufficient information and in a manner that anyone could follow.

**What if the EI members of the IFSP team aren't sure if the addition of or a change in service providers might be appropriate? If the EI members of the IFSP team propose to do an assessment to determine ongoing strengths and needs, the program could use the Consent for Evaluation/Assessment form checking off the "child assessment" box and obtain parental consent.**

**If the program instead chooses to do a "consult" visit and the discipline to do the visit is not a service provider (discipline) on the IFSP, the program would provide the parent with PWN of a HV by the consulting discipline and obtain parental consent on an IFSP Consent in Change of Service Delivery Plan page.**

#### **Scenario #4: IFSP Development/Implementation:**

Lucas's outcomes remain the same.

His grandparents were recently in a car accident and are unable to care for him for the foreseeable future. Lucas started full time child care as a result.

This child care is within the program's catchment area and given the circumstances of the accident and Lucas's mom's need to add on attending to her parents' recovery in addition to working full time, and caring for Lucas, the EI IFSP team members agree to accommodate parent's proposal to provide services in child care. EI staff maintain communication via progress notes, text messages and email.

When it comes time to determine Lucas's ongoing eligibility, communication suddenly tapers off.

Program staff continue to try to outreach; send text messages, leave written correspondences for parents, and voicemails identifying the need to obtain consent to complete another evaluation, and if eligible and the parents are interested, convene another IFSP meeting.

The Service Coordinator receives an email from Lucas's mom that she is overwhelmed and would like Lucas to continue services at day care.

She says that if it's absolutely necessary, the program can leave the consent form with the child care provider and she will sign it. The evaluation can be done at the child care.

#### **Prompting/Discussion Questions:**

**What is/are your next step(s):**

**What are the procedural safeguards that need to be provided.**

- **Family Rights notice,**
- **prior written notice of the program's proposal to complete an evaluation/assessment to determine ongoing eligibility,**
- **obtain consent on a Consent for Evaluation/Assessment form**

**Can a program complete an evaluation without a parent present?** An EI program must obtain informed parental consent to complete an evaluation/assessment to determine initial and ongoing eligibility. Neither the DPH Operational Standards or the Part C regulations specify if a parent must be physically present to participate in an evaluation, however, the parent should be informed of the potential the team may not be able to establish eligibility if they are unavailable to provide responses.

**Can a parent sign and leave consent with another person?** Yes

**What are the next steps if Lucas is not found to be eligible?**

- **After:** PWN of the outcome of the eligibility determination (“Your child is not eligible for EI services”) and the completed *Health and Eligibility Summary* and the *Developmental Summary* pages of the IFSP. The program will also want to propose to convene the IFSP team to review the results of the evaluation/assessment and begin transition planning. Provide a copy of the *Family Rights Notice*.

**What are the next steps if Lucas is eligible and the parent does not make herself available for an IFSP meeting?** Programs must make good faith and soundly document attempts to engage a parent to develop a new or review an existing IFSP at an IFSP meeting. If, after repeated attempts to convene an IFSP meeting, the parent fails to participate, the program may provide the parent with prior written notice of the program’s intention to exit (discharge) the child from the program.

#### **Scenario #5: TPC:**

Now it comes time to transition Lucas out of the program. His parents indicate they would like to refer him to the public school for an evaluation to determine eligibility for special education or related services, but are also interested in other community opportunity and options in the event Lucas does not qualify for preschool services.

#### **Prompting/discussion Questions:**

**What’s the prior written notice that needs to be provided to the parent?** PWN of the program’s proposal to convene a TPC meeting.