


100 South Grand Avenue, East — Springfield, Illinois 62762
401 South Clinton Street — Chicago, Illinois 60607

Provider Information Notice

TO: Early Intervention Providers and Payees
Child and Family Connections Offices

FROM: Benjamin Delgado, Jr., Chief
Bureau of Early Intervention 

DATE: May 12, 2023

RE: Updates to Policies and Procedures following the Expiration of the Public Health Emergency

I hope this notice finds you well. I am writing to inform you of some exciting updates to our policies and procedures, which have been made possible as a result of the expiration of the public health emergency as of May 11, 2023. While the past months have presented numerous challenges, we have also discovered new opportunities to innovate and better support the children and families in our Early Intervention (EI) System.

First and foremost, we would like to express our heartfelt gratitude for your unwavering dedication and commitment to delivering exceptional care and services throughout the public health emergency. Your resilience and adaptability have been truly remarkable, and we are incredibly proud to have you as part of our provider network.

In light of the expiration of the public health emergency, we have undertaken a comprehensive review of our policies and procedures. We are pleased to inform you that the updates implemented are aimed at ensuring compliance with the Health Insurance Portability and Accountability Act (HIPAA) rules, as well as the Family Educational Rights and Privacy Act (FERPA). These regulations are designed to protect privacy and confidentiality of personal health information and educational records, respectively. By aligning our policies and procedures with both HIPAA and FERPA, we can ensure the utmost security and privacy of the most sensitive information entrusted to us.

In addition to ensuring compliance with HIPAA and FERPA regulations, the updates to our policies and procedures reflect the valuable lessons we have learned during this challenging period. We are pleased to inform you that we are continuing and expanding our policy on Phone Consultation. Finally, we have been able to confirm that via rule change in 2021, the Illinois Department of Financial and Professional Regulation remote [supervision of Speech-Language Pathology Assistants](#) via video-conference technology continues to be permitted during telehealth practice.

We have received multiple inquiries regarding Family Participation Fees. Please note that any modifications to Family Participation Fees themselves or the process require a 30-day notice to parents and the time needed to undergo a public comment period for changes to legislation to occur. No modifications will be made to Family Participation Fees prior to these two processes occurring.

We believe these updates will enable us to better serve the children and families in our EI System, as well as create a stronger foundation for our provider network. We are excited about the positive impact these changes will have on our collective efforts to promote the well-being and development of the families and the children we serve.

We extend our heartfelt appreciation once again for your ongoing commitment and dedication. We value your partnership and look forward to the continued growth and success of our collaboration.

Should you have any questions or require further clarification regarding these updates, please do not hesitate to email the [DHS Early Intervention Questions](#) mailbox. We are here to assist you every step of the way.

Procedure Update: Enforcement of HIPAA and FERPA Compliant Telehealth/Live Video Visit Platforms in Illinois IDEA Part C Early Intervention

Effective Date: May 12, 2023

Purpose:

The purpose of this procedure update is to ensure the enforcement of the use of Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) compliant Live Video Visit (LTV) platforms in Illinois IDEA Part C Early Intervention (EI). This update aims to protect the privacy and confidentiality of EI families and their children's sensitive health and educational information while aligning with the enforcement discretion provided by the U.S. Department of Health and Human Services (US HHS).

Scope:

This procedure update applies to all EI service providers and Child and Family Connections office staff involved in Illinois IDEA Part C EI services.

Policy Statement:

It is the policy of the Bureau of EI to require the use of HIPAA and FERPA compliant LTV platforms for the delivery of Illinois IDEA Part C EI services. This policy ensures the protection of individual privacy and confidentiality while adhering to federal and state regulations.

Procedure:

1. Transition Period:

- A 90-day transition period will be provided to allow EI service providers and Child and Family Connections offices to come into compliance with the use of HIPAA and FERPA compliant LTV platforms.
- The transition period will begin on May 12, 2023, and end on August 9, 2023.
- During this transition period, existing LTV platforms may continue to be used, but EI service providers and Child and Family Connections offices should actively work towards implementing HIPAA and FERPA compliant LTV platforms. If an EI service provider or Child and Family Connections office has already identified and is utilizing a HIPAA and FERPA compliant LTV platform as described in item 2 below, they must ensure compliance with items 3 and 4, as well.

2. Identification and Selection of HIPAA and FERPA Compliant LTV Platforms:

- EI service providers and Child and Family Connections offices are responsible for identifying and selecting LTV platforms that comply with both HIPAA and FERPA regulations.
- The selection process should involve evaluating platforms based on their security features, privacy policies, encryption methods, data storage practices, and any other relevant factors.
- The chosen LTV platforms should provide appropriate safeguards to protect the confidentiality and integrity of individual health and educational information.
- Under no circumstance should the choice of platform be public-facing products such as TikTok, Facebook Live, Twitch, or a public chat room. These are not acceptable forms of remote communication for LTV because they are designed to be open to the public or allow wide or indiscriminate access to the communication.

3. **Updating Internal Written Procedures and Notice of Privacy Practices (NPP) Document:**
 - During the aforementioned transition period, EI Service providers must update both their internal written procedures regarding Protected Health Information (PHI) and their Notice of Privacy Practices (NPP) document to reflect the use of HIPAA and FERPA compliant telehealth platforms.
 - The NPP document should be revised to inform individuals about the use of telehealth platforms, the measures taken to protect their privacy and confidentiality, and their rights regarding their health and educational information.
4. **Documentation and Compliance:**
 - Service providers and Child and Family Connections offices must maintain documentation of their transition to HIPAA and FERPA compliant telehealth platforms.
 - Documentation should include evidence of platform selection and any necessary agreements or contracts with telehealth platform providers.
 - Compliance with this procedure update will be periodically assessed by the EI Monitoring Program.
 - Documentation of services provided via LVV must include the platform used to serve as evidence of adherence to this HIPAA and FERPA compliant platforms procedure.
5. **Enforcement Discretion:**
 - This procedure update aligns with the enforcement discretion provided by US HHS.
 - During the 90-day transition period, US HHS enforcement actions related to non-compliance with the use of HIPAA and FERPA compliant telehealth platforms in Illinois IDEA Part C EI will be reasonably limited.
6. **Review and Revision:**
 - This procedure update will be reviewed periodically by the Bureau of EI to ensure its effectiveness and alignment with evolving regulations.

Policy Title: Phone Consultation and Billing for Illinois IDEA Part C Early Intervention Providers

Effective Date: May 12, 2023

Policy Statement:

Following the end of the COVID-19 public health emergency, Illinois IDEA Part C Early Intervention providers are authorized to conduct consultation with families. This policy allows providers to utilize their existing authorized onsite Individualized Family Service Plan (IFSP) Development time authorizations to engage in Phone consultation with families in extenuating circumstances in which an in-person or Live Video Visit cannot occur for the purpose of reviewing strategies, addressing progress or barriers, and providing clarification on strategies or addressing questions about challenges or barriers.

Procedure:

1. Phone Consultation for Reviewing Strategies and Progress/Barriers:
 - Providers may conduct phone consultation with families to review the strategies previously provided to the family for use during family routines.
 - The purpose of these calls is to assess the progress made by the child and identify any barriers or challenges associated with implementing the strategies effectively.
 - Providers should document the content of the Phone consultation, including the strategies discussed, progress made, and any barriers or challenges identified.
2. Billing for Phone consultation:
 - Providers are authorized to bill for Phone consultation time utilizing their existing onsite IFSP Development authorization.
 - Phone consultation should be billed in accordance with the existing billing procedures and guidelines set forth in Chapter 6 of the [Illinois Early Intervention Provider Handbook](#).
 - Providers must document the date, time-in and time-out, and purpose of each consultation call for accurate billing and record-keeping purposes.
 - Billing for Phone consultation should be submitted within the designated timeframe as specified by section 6.4.1 of the Illinois Early Intervention Provider Handbook.
3. Expansion to Include Family-initiated Calls for Clarification or Questions:
 - In addition to scheduled Phone consultation, providers may also bill for Phone consultation time when a family contacts the provider with requests for clarification on strategies or questions about challenges or barriers between regularly scheduled visits.
 - The purpose of these family-initiated calls is to support ongoing communication, address immediate concerns, and ensure the family's understanding and effective implementation of strategies.
 - Providers should document the date, time-in and time-out, signature, purpose of each family-initiated call for accurate billing and record-keeping purposes.
4. Continuation of Phone Consultation Beyond the Public Health Emergency:
 - This policy is not limited to the duration of the public health emergency and will continue to be in effect beyond the emergency period.
 - Providers are encouraged to utilize Phone consultation as an ongoing practice to support effective communication, collaboration, and service delivery to families.