



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIRECTOR'S OFFICE  
IDEA Part C Office  
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**MINUTES**

Name of Organization: Nevada Early Intervention Interagency Coordinating Council (ICC)

Date of Meeting: October 10, 2013

Meeting held via Video Conference at the Following Locations:

Las Vegas: Nevada Early Intervention Services, Southern Region  
1161 South Valley View Blvd., Conference Room  
Las Vegas, Nevada

Reno: Nevada Early Intervention Services, Northwestern Region  
2667 Enterprise, Conference Room  
Reno, Nevada

Elko: Nevada Early Intervention Services, Northeastern Region  
1020 Ruby Vista Drive, Conference Room  
Elko, Nevada

**I. Call to Order and Roll Call**

Co-Chair Lisa Cridland called the meeting to order at 9:08 am. A quorum of the members was present; the meeting proceeded as scheduled.

**Members Present:** Dr. Ann Bingham, Michelle Canning, Lisa Cridland, Kimberly Everett, Maynard Florence, Sherry Halley, Robin Kincaid, Joyce Larsen, Dr. Catherine Lyons, Sherry Manning, Lorraine O'Leary, Janelle Mulvenon for Johnette Oman, Julie Ortiz, Karen Stephens, Caroline Taylor; Fatima Taylor, Sherry Waugh, Jack Zenteno

**Members Absent:** Jan Fragale, Assemblywoman Melissa Woodbury

**Public Attendees:** Marnie Lancz, Therapy Management Group (TMG); Sally Cannon, Positively Kids; Michele Ferrall, Aging and Disability Services Division (ADSD); Amber Joiner; Department of Health and Human Services (DHHS); Kari Horn, Nevada's Governor Council on Developmental Disabilities(DD); Calena Long, University of Nevada Reno (UNR), Martha Schott-Bernius, Nevada Early Intervention Services Northeast (NEIS-NE); Janina Easley, parent; Rosa Rodriguez, Integrated Support Solutions-Baby Steps (ISS); Gail Publois, Parent; Jana Khoury, NEIS-SO; JoAnn Blake, The Continuum

**Part C Staff Present:** Susie DeVere, Dan Dinnell, Edie King, Iandia Morgan

**II. Public Comment**

Sherry Manning introduced Kari Horn who is the new project manager for the Governor’s Council on Developmental Disabilities (DD). She also announced the DD Council received a proclamation from Governor Sandoval in honor of October being Disabilities Awareness Month. The proclamation will be read at several events around the state, which she named. She added arrangements could be made to have the proclamation read at other meetings or events that are not currently on the schedule and to contact her office to schedule these or for more information.

Dr. Ann Bingham announced the Federal Personnel Preparation Grant will pay for 54 master degree students in early childhood special education over the next five years which amounts to just under one and a quarter million dollars. She remarked she is excited about this and believes information has gone out to all of the supervisors and community partners. The application can be located at the Nevada Center for Excellence in Disabilities (NCED) website by selecting the Projects tab at the top of the page and then choosing the Early Childhood Hybrid Online Special Educator Education (ECHOSEE) link. Dr. Bingham explained November 29 is the deadline for our first applicants. Applicants will need to concurrently apply to the graduation school, the Special Education Program Masters program at UNR and to ECHOSEE. Applicants cannot be considered for the grant unless they have been accepted for master’s study at UNR. She added there were nine grants awarded nationwide.

**III. Approval of the Minutes from the July 18, 2013 Meeting**

Ms. Cridland asked for corrections or comments to the minutes. The following corrections and comments were noted:

- “Roll” should be spelled “role” on the fourth line of the second paragraph on Page 6 second paragraph, line four roll as well as the second line on page 7.
- On page 6 in the fourth paragraph, the next to the last line should say “work with the IDEA Part C office”. The word “with” has been omitted.
- Within the second paragraph on Page 9, the word “states” should be “stated” and the word “remarkable” should be “remarkably”.
- On page 9 under letter “b” the word “met” should be “meet”.
- Under item 9 on page 5, correct the spelling of Jack Mayes’ name.
- Sherry Halley noted she was shown as present at the meeting but she was not.

**MOTION:** Accept the minutes as presented with the noted corrections.

**BY:** Sherry Manning

**SECOND:** Dr. Ann Bingham

**VOTE:** MOTION PASSED

**IV. Create a Nomination Subcommittee to Review Parent Representative Applications**

Edie King stated there are four parent positions available; one in the Northeast, two in the Northwest, and one in South. She described the application process and explained more applications have been received than there are positions available. As per the ICC bylaws, a subcommittee will need to be created with approximately three to five members who will review the submissions and provide a recommendation for appointment to the IDEA Part C Office. The IDEA Part C Office will then proceed with the standard application process. Ms. King explained member appointments for a single term is for no more than three years. The number of parents on the ICC is determined by the total number of members times 20 percent. Ms. King asked for volunteers to participate on the subcommittee; Robin Kincaid, Lorraine O’Leary, and Michelle

Canning volunteered. Julie Ortiz asked if a parent who speaks only Spanish would be eligible for appointment. Ms. King stated Part C regulations require information be provided in the person's native language and we would be discriminatory if we did not. Ms. Ortiz stated a developmental specialist (DS) approached her about a family who was interested and she wanted Council feedback prior to approaching the family. A discussion was held about the advantages and challenges. During this discussion, it was determined the advantages outweighed the challenges and by not providing the opportunity to the family it would be discriminatory and in violation of the law. It was noted the IDEA Part C Office does have equipment available for translating purposes that could be used during the meeting and any other accommodations could be addressed if this parent was to be appointed by the Governor.

**MOTION:** Create a subcommittee to review the parent applications for ICC membership.  
**BY:** Dr. Ann Bingham  
**SECOND:** Sherry Halley  
**VOTE:** MOTION PASSED

**V. Review and Discuss Possible Changes to the ICC By-Laws**

Ms. Cridland reminded the members of the discussion from the last meeting regarding the language in the bylaws around having more than one parent co-chair and the length of time since the last review. Dr. Bingham stated the crucial element discussed at the last meeting was to amend the bylaws on page 6, section 2 to indicate the Council could have multiple parent co-chairs if necessary. Adding, this would only require placing an "s" within parenthesis after the phrase "parent co-chair".

**MOTION:** Amend the bylaws so as to reflect more than one parent co-chair could be elected.  
**BY:** Dr. Ann Bingham  
**SECOND:** Sherry Manning  
**VOTE:** MOTION PASSED

In response to an inquiry as to who else would need to review the bylaws, Ms King responded the Deputy Attorney General reviews them for form only once the ICC accepts the changes. Ms. Manning suggested creating a subcommittee to review all the bylaws and present recommendations for changes to the Council at the next meeting.

**MOTION:** Create a subcommittee to review the ICC bylaws and provide suggestions for changes at the next meeting.  
**BY:** Sherry Manning  
**SECOND:** Dr. Ann Bingham  
**VOTE:** MOTION PASSED

Dr. Bingham, Ms. Manning, Fatima Taylor, and Dr. Catherine Lyons volunteered for the subcommittee.

**VI. Status of New Federal Regulation Policies**

Ms. King stated the draft policies included have been sent to the U.S. Office of Special Education Programs (OSEP) for their review. Suggestions for changes were received from our OSEP contact (this was not OSEP's formal response) but are not reflected in the version provided. She added once the comments from OSEP are incorporated and the suggestions received from the ICC, the policies will go out for the 60 day comment period. No specific dates have been determined yet. However, they do need to be finalized prior to the submission of the State application in April.

Ms. King related this is only the second time the policies have been changed and the last revision was in 2009. The request was made to have this placed on the next agenda and that ICC members are sent the revised policies once the OSEP changes have been made. It was also requested that members receive the revised policies at a substantial period prior to the next ICC meeting; at a minimum 30 days prior.

**VII. Update on the Recent OSEP Visit, including Assistance Related to Federal Determination of “Needs Assistance”**

Ms. Morgan reported the OSEP state contact, Priscilla Irvine, extended an offer to come to Nevada in September to provide technical assistance to help improve our state system. Ms. Irvine indicated her office had additional monies to make the trip possible and she had a very short timeframe in which to travel. Ms. Morgan explained when Ms. Irvine arrived a meet and greet at NEIS-NW was held in which all the programs in the north were represented. Due to the lack of time before her arrival, a statewide get together was not possible. During this event Ms. Irvine had the opportunity to meet program staff, get an understanding of what the programs do and the different activities they provide. This provided her with a better perspective of what Part C looks like in Nevada as compared to other states. During the visit, Ms. Irvine provided insight into what other states are doing and how to use additional resources to make changes to our current system. A handout was provided outlining the guidance and suggestions she made.

A discussion was had regarding whether the change in how the wait list is compiled provides a clearer picture of how many children are actually waiting for services. Ms. Morgan clarified a child is not considered waiting if the service has been initiated; not delivered but started. Prior to this the wait list showed all of the regular services and compensatory services children were owed. Susie DeVere added that a child will now only show on the wait list any time their services in TRAC are in the needed status and compensatory services are no longer counted.

Michele Ferrall reported she, Ms. Taylor, Ms. Joiner, Ms. Valentine and Ms. Irvine participated in a senior leadership call. During the call, many of the same topics listed in the visit summary were discussed. The main discussion was around the initiation of the state quality assurance (QA) teams. Ms. Irvine wanted to be assured that the State NEIS program QA efforts and the IDEA Part C Office were coordinating and working closely together. Ms. Ferrall stated those efforts have been on-going and will continue to be so a system is created that is complimentary rather than contradictory. On this call they also discussed the positions legislature approved and how those related to the QA teams. Ms. Ferrall noted Ms. Irvine wanted to make sure all parties were with the understanding that the IDEA Part C Office is the authority and they spearhead the issues. She also stated she and Ms. Taylor made the commitment to work closely with the IDEA Part C Office and since this call have had subsequent meetings in regard to the development of the NEIS QA team. Ms. Ferrall ended by saying it was a very helpful call and appreciated the opportunity to receive the technical assistance.

**VIII. Review Monitoring Process, Including:**

**a. Monitoring Current Schedule and Process**

Ms. King stated every EI program has a quality assurance (QA) team. This is the process in which they have ongoing monitoring of their own program process and as well as preparing for a comprehensive annual self assessment. Members of a QA team could include management or supervision, a data person, service provider, a Part C liaison and other members of the community such as peer reviewers or maybe parents in that process. Every program includes a Part C liaison in the self assessment. The time frame in which program are looking at data is usually from July 1 through March 31. Data points being reviewed come from child records and the TRAC database. A few of the data points are: entry and exit dates for child outcomes; family outcomes, natural

environments, 45-day timeline; and the 90-day transition conference. All data reviewed is directly related to our compliance indicators and is used to complete our federal annual performance report (APR) and state performance plan (SPP). The IDEA Part C Office provides each program with guidance to follow so data collected will be consistent throughout all programs. Ms. King related this is an on-going process and the Part C Liaisons work with each of their programs throughout it. She then detailed the steps and timelines for the monitoring pieces. All programs submit their comprehensive self-assessment to the IDEA Part C Office no later than May 31 with a cover letter explaining their process and including their challenges and successes. The IDEA Part C Office will verify their results and provide the program with a written report on compliance or noncompliance. Ms. King related the Part C liaison originally had 30 days in which to issue their response and now with OSEP guidance to extend that response time; this will give the programs more time to make correction thereby ensuring they are in compliance. If programs can make correction before their response or finding letters are issued, any noncompliance found during this process will be determined as corrected. Any noncompliance not corrected will be reported and the program will have one year from the date of the finding letter to correct. The IDEA Part C office can require programs to provide quarterly progress reports, monthly progress reports or use any other avenue to help facilitate correction.

**b. Clarify OSEP Suggestion for Technical Assistance Regarding New Early Intervention Quality Assurance Team**

Fatima Taylor reported since the last ICC meeting the QA team positions were released and the first six, 1 DS IV supervisor and five DS IIIs, will start on October 28. She explained not all positions are release at the same time. The next release will be in December for four more positions. Ms. Taylor explained recruitment was conducted within NEIS program for state employees interested in becoming part of the QA unit. This recruitment was held in August and prior to the next release another round of internal interviews will be held. There was a lot of interest within the south program and none within the northern region. In December, a statewide open recruitment will be held.

Ms. Taylor related there was a call with Ms. Irvine around quality standards that were developed to use a guide for the QA team. She added she, Ms. Ferrall, Dawn Brooks and the new QA supervisor, in cooperation with the IDEA Part C office, discussed the trainings to be held for the QA team so as to make sure the team understands they will be providing support to the providers and help them provide quality services by identifying compliance issues. These issues would then be shared with the IDEA Part C Office for them to monitor and enforce. It was stressed that the QA team is not doing the job of the IDEA Part C Office as far as the enforcement and monitoring. The QA team will truly be looking for quality and how to support the programs to get them ready to teach children that are defined as medically fragile. Ms. Taylor expanded on the medically fragile issue by explaining the legislative intent was for the state to retain enrollment of children identified as medically fragile. Because of testimony given, the state was not confident the community providers could handle this population. She continued by saying the QA team will collect baseline data on what the community providers can do and if they can meet the definition of those children.

Ms. Taylor stated the QA team is at the very beginning stages and briefly outlined their timeline. She related it is hoped that in November the QA supervisor will meet with a IDEA Part C Office liaison, the director of each program and possible members of the QA team to discuss expectations and the program's self assessment. They are also hoping to have the forms they will be using finalized so by December the team can begin chart reviews. By January, the team in south will be fully staffed and recruitments will begin the team in the north. The plan is to have the southern team be the support and model for the team in the north.

Ms. King added Ms. Irvine during her visit supported the idea that the IDEA Part C Office coordinates with the Western Regional Resource Center (WRRRC) national technical assistance staff to facilitate a conversation about how we are going to mesh compliance and quality. Anne Lucas was contacted and will assist us in setting up a strategic planning meeting to layout this new process.

Ms. Kincaid asked if job descriptions were available for the QA members and voiced her concern that all the new positions approved by legislature will not be providing services. Especially since her office receives many reports from parents that there is an inconsistency with service coordinators. Ms. Kincaid was assured not all positions were intended to provide direct services and that more clearly defined job descriptions could be provided at the next ICC meeting.

**IX. Update on Nevada Department of Education (NDE) Memorandum of Understanding (MOU) and Review of Licensure Requirements**

Ms. King stated the memorandum of understanding (MOU) has been reviewed by the Deputy Attorney Generals of Part B and Part C as well as OSEP. The two major aspects of the MOU were the agreement for transition because it a cooperative effort between Part B and C and the requirement for highly qualified staff. The MOU is in the final stages of the approval process prior to being signed.

Ms. King briefly provided the background on the development of the MOU and the issues that have surrounded it. Sherry Halley reported it is still waiting for signatures because of a discrepancy in the definition of developmental specialist (DS) across different agencies due to specific requirements in each of those agencies. Ms. Morgan clarified that the requirement for DSs to receive their early childhood special education endorsement is still in effect and has to be completed in three years of employment. Dr. Bingham asked for an update to be provided at the next meeting.

A discussion on what the current policy states and how that affects those developmental specialists who have not taken their classes for licensure was had. The council agreed that until a new policy was put in place it was only appropriate to abide by the current one.

**X. Early Intervention Providers Presentation**

Marnie Lancz introduced herself as the director of Therapy Management Group. She related this presentation was put together many months ago and was a collaboration effort between all the supervisors and program managers from all the early intervention agencies within the state. Ms. Lancz explained they wanted to provide this overview because early intervention (EI) has changed over the last few years and wanted the ICC to know what programs are now doing, what the programs looks like, who is providing it and what services actually look like. Following the PowerPoint presentation a few of the current EI providers spoke specifically about their relationships with the children and their families who are in their programs. Ms. Lancz concluded by stating when members come to the ICC meeting, statistics and percentages are reviewed. Each of those numbers represents an individual child and family who have specific needs and goals. The presentation is intended to show what success stories look like and to remind everyone they are not always looking at numbers because numbers do not represent the uniqueness of each of the families that we work with.

**XI. Discuss and Determine what Action, if any, to Take in Advocating for Changes to the Interpretation of Medicaid Chapter 1700 as it Relates to Habilitation/Rehabilitation**

Ms. Cridland stated this agenda item was requested so the ICC could discuss and decide how best to have their opinions expressed regarding this issue. JoAnne Blake was asked to provide an update on what has happened since the last meeting. She explained all the discussions are around the habilitation versus the rehabilitation part of Medicaid Chapter 1700 and there is a meeting to be held on October 16 where the public can have their voices heard. Ms. Manning related she understands there is a real concern on the national level in regards to the different interpretations by insurance companies of the regulations related to habilitation versus rehabilitation from the Centers for Medicare & Medicaid Services (CMS). Ms. Blake explained there is Medicaid and then two health Maintenance organizations (HMO; Health Plan of Nevada (HPN) and Amerigroup. Fees for service are paid through Medicaid. Currently, the private providers are not getting reimbursed for most of their services by Amerigroup because they say there has not been an accident, injury or illness that has happened. Services are not being covered unless there is a medical diagnosis. This means services for such issues as developmental delays, regardless of whether it is communication delay or motor delay or a diagnosis of Down's syndrome, will not be covered. The inconsistency of what is covered is the issue. Programs cannot provide services that are not covered. Julie Ortiz remarked that Diane Ross had been working hard for Medicaid thru Chapter 1700 to recognize that a lifelong disability should be provided coverage for early intervention as well as therapies following age three through adulthood. Ms. Ross is concerned there could possibly be a restriction in how many therapy interventions could be allowed or approved in a three year period of time. She added if we look at this more as maintenance of services and not treatments this would mean a significant reduction in services in a calendar year. Ms. Manning reported in one of the last meetings with Medicaid they assured everyone the changes in the expansion would not affect current services.

Ms. Ortiz emphasized that if there are changes to the developmental disability statement now in Medicaid, when Medicaid children leave EI they will only have access to services provided in the school. Dr. Bingham stated her concern is that Part C is the payor of last resort. If a child cannot access services through a provision of insurance or Medicaid and has a number of services that should be delivered on an IFSP, it comes back to the payor of last resort which in turn reduces the number of services that can be provided and thereby creates a wait list. She added this is a critical issue which we should be advocating. Ms. Manning recommended a member of the ICC attend the October 16 meeting and report back so the Council can become more educated on this issue and understand what the impact maybe in the future. Kimberly Everett inquired if there was to be two different plans or just one. Ms. Joiner confirmed that the plans in Nevada have to match. She elaborated by saying the directive they received from the governor was to make sure there was not a difference. The reason this rehabilitative piece has become a problem or an issue is because in the expansion requirements for the essential health benefits. She added the state plan amendment that will be addressed on October 16 is almost complete and believes it might be beneficial to contact Laurie Squartsoff and her staff to express your concerns. Ms. Joiner volunteered to contact Ms. Squartsoff to facilitate a conference call. Joyce Larsen stated there is a Medicaid Conference on October 15 taking place at the convention center and understands that they will be addressing the expansion and the other changes taking place within Nevada Medicaid. Registration is required and can be done from their website.

**MOTION:** Create a subcommittee with Sherry Manning, Julie Ortiz, Kimberly Everett and JoAnne Blake as the members to represent the ICC interests specific to young children with disabilities and the issue of habilitation versus developmental delay in acquiring more information and representing the ICC at meetings related to this issue.

**BY:** Dr. Ann Bingham

**SECOND:** Julie Ortiz

**VOTE:** MOTION PASSED

**XII. Report on Information Obtained Through the Early Intervention Family Alliance (EIFA) Membership**

Item was tabled until the next meeting.

**XIII. Updates and Highlights from Early Intervention Programs**

Janelle Mulvenon stated Nevada Early Intervention Services-Northwest (NEIS-NW) has received a formal request from tribal leaders to present a draft Memorandum of Understanding (MOU) to the Sparks Indian Colony. This has required a long commitment to get to this point but is hopefully of the outcome. Ms. Mulvenon also shared that Dr. Diane Branson is the recipient of the Division for Early Childhood (DEC) Rose C. Engel for Excellence in Professional Practice award. She will receive the award at the international DEC meeting in October. Dr. Branson worked not only in early intervention at NEIS but at the university level and with a number of organizations throughout the northwest region.

Martha Schott-Bernius related the NEIS-Northeast (NEIS-NE) program has hired a developmental specialist (DS) to open a Winnemucca site office which is the third site for NEIS-NE region. The opening of this new office will relieve some of the traveling the Elko staff has been doing.

**XIV. ICC Committees – Reports on Activities**

**a. Family Support Resource Subcommittee (FSRS)**

Robin Kincaid reported the members had the opportunity to have an Aging and Disability Services (ADSD) representative talk to them about respite and what was offered through the Aging and Disability Resource Center (ADRC) locations. We were provided information on how to access assistance and were informed there are several types of respite programs available within communities. Ms. Kincaid indicated a goal is to make sure all programs are well versed in what respite programs are available and that families are informed of the options available. Ms. Kincaid indicated the committee also looked over referral sources and where they were coming from. Upon asking questions, they were better able to understand the data. The next meeting is tentatively scheduled for February 19 from 10:30 to 12:30 via teleconference.

**b. Child Find Subcommittee Update**

No update was available. The next meeting is scheduled for February 19, 2014.

**XV. Part C Information Reports**

**a. Complaint Matrix Review**

Ms. King reported there were two new complaints filed for SFY14. Ms. Mulvenon reported the NW complaints were filed because services could not be provided timely and this is to be understood because of the current wait list. However, she noted the wait list has been reduced due to the influx in new resources.

Ms. Kincaid voiced her concerns over the significant increase in complaints in SFY12 and SFY13 and a note on the matrix stating complaints prior to 2008 are being closed. She asked if the systemic complaint dated 2009 will eventually be set aside in the same way. Ms. King responded by saying timely services was impacted in both fiscal years by the cut in therapy hours. She added the wait list is improving due to additional funding and how the wait list is now being counted. Ms. King explained the IDEA Part C Office was directed by our OSEP state contact to close complaints prior to 2008 because they were opened prior to the change in separating individual child correction and system correction. She assured Ms. Kincaid all systemic issues from 2009 forward would be addressed and not closed until it was resolved. Ms. Kincaid asked for a

complaint summary to be presented at the next meeting showing what types of complaints were filed over the last five years.

**b. ENHANCE - Child Outcomes Data Study Program**

Ms. Morgan reported she has not received any response back for the SRI Institute since the last ICC meeting and therefore, has no new information to provide.

**c. Review and Discuss 4th Quarter State Fiscal Year 13 (SFY13) Data Report**

Susie DeVere stated she and Guy Guzman, our contracted programmer, had been working on the Autism portion of TRAC IV up until his contract ended on September 30. Progress has been made but there is still a way to go. We are hopeful that he will be able to return for a short period to finish the Autism section and then fix the last few small issues TRAC has. Ms. DeVere then reported the packet included the SFY13 fourth quarter yellow bar report. She is still working on the year end data and will have that available at the next ICC meeting along with SFY14 first quarter data.

**XVI. Consider Agenda Items for the Next Meeting**

- Federal Policies
- The finalized definition of medically fragile
- QA teams
- Mentoring process
- Licensure issue
- Wait list report
- TRAC update
- Performance data
- APR Review
- Summary of Complaints over the last few years

**XVII. Schedule Future Meetings**

- January 16
- April 17 - face to face in Reno  
A conflict with a major conference was noted for this date. April 24 was selected as the new date for the face-to-face meeting in Reno.
- July 10

**XVIII. Public Comment**

Ms. Kincaid stated Nevada PEP has been a statewide parent cohort organization for over 20 years and has always been a part of discussions particularly when OSEP comes to Nevada. She would like to remind everyone again that Nevada PEP would like to be a part of any meet and greet, any in-service, or conference call in relation to issues where parents should have a voice.

Dr. Bingham added she was able to attend part of the meeting with the OSEP representative when she was in Nevada in September because she had a back door invitation. She related she was not invited by the IDEA Part C Office and feels that it is important the ICC be represented at these meetings anytime an OSEP representative is here.

**XIX. Adjournment**

The meeting was adjourned at 1:20 pm.