



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona



FFY 2022 Correction of Noncompliance Guidance

Arizona Early Intervention Program

The primary focus of the Arizona Department of Economic Security/Arizona Early Intervention Program (ADES/AzEIP) monitoring is to improve early intervention results and functional outcomes for all AzEIP eligible infants, toddlers and their families. ADES/AzEIP monitoring also ensures Service Providing Agency (SPA) compliance with requirements under the Individuals with Disabilities Education Act (IDEA), Part C and AzEIP policies and procedures.

A SPA must demonstrate 100% compliance for each federal indicator with noncompliance by 1) completion of child-specific corrections (as applicable) and 2) verification of programmatic corrections.

IDEA requires that ADES/AZEIP must correct all findings of noncompliance within one (1) year of the written notification regarding findings of noncompliance. To report full compliance for SPAs within the required timeframe, ADES/AzEIP requires all instances of new noncompliance be corrected as soon as possible and no later than **nine (9) months** from the issued date of the written notification of the noncompliance findings.

For all instances of continuing noncompliance, **correction is required as soon as possible.**

Child-specific Correction

Child-specific correction for Indicator 1 (Timely Provision of Services) is required when a child has not yet received the service(s) on their Individualized Family Service Plan (IFSP) at the time of monitoring. For FFY 2022, SPAs in Cohort 1 (Regions 3, 4A, 4B, 9, 14, 15, 19, and 20) were monitored for Indicator 1.

SPAs that have been identified as having one (1) or more records that require child-specific correction must demonstrate that each case of noncompliance for Indicator 1 (Timely Provision of Services) found during the FFY 2022 review period was corrected by providing documentation that:

- Service(s) was received although late,
- Parent declined service(s), or
- Child left the jurisdiction of the program due to transfer or exit

For correction of child-specific noncompliance for Indicator 1 (Timely Provision of Services), the following must be completed:

- SPA emails the following information to AzEIPQualityImprovement@azdes.gov:
 - Child's Name
 - I-TEAMS ID
 - The child-specific correction completed:
 - Service provided
 - Service removed from IFSP due to parent declining the service
 - Child transferred
 - Child exited

- SPA ensures I-TEAMS is updated to reflect the child-specific correction completed.
- ADES/AzEIP reviews the information provided and notifies SPA if child-specific correction has been verified or if additional action steps are required.

ADES/AzEIP requires that all child specific corrections be completed **as soon as possible**.

Note: Child-specific correction has been resolved for Indicator 7 (45-day Timeline), Indicator 8a (Transition Planning Meeting), Indicator 8b (Public Education Agency Notification), and Indicator 8c (Transition Conference). No further child-specific correction is needed by the SPA for Indicators 7, 8a, 8b, 8c.

Programmatic Correction

The SPA must demonstrate that data subsequent to the FFY 2022 monitoring period data is now 100% compliant for each indicator with noncompliance. For programmatic correction, ADES/AzEIP considers that data is 100% compliant when it meets requirements outlined in the AzEIP Policy and Procedure Manuals.

A Tier Level is designated for each monitored indicator based on the SPA's compliance percentage. If continuing noncompliance is identified from the previous monitoring period, FFY 2021 and FFY 2022 compliance percentages were utilized to determine the FFY 2022 Tier Level.

FFY 2022 Tier Level Definitions:

- Tier 1: 90-99% compliance percentage
- Tier 2: 80-89% compliance percentage
- Tier 3: Below 80% compliance percentage

Programmatic corrections include:

- Analysis of Noncompliance
- Letter of Assurance
- SPA Submission of Consecutive Compliant Records
 - Tier 1: 3% (minimum of two)
 - Tier 2: 5% (minimum of two)
 - Tier 3: 10% (minimum of two)
- ADES/AzEIP Verification of Submitted Documentation
- Compliance Accountability Touchpoint Meetings (CATMs) (if not corrected within six months)
- Additional Corrective Actions (if SPA is unable to demonstrate successful correction of noncompliance)
- Status of Correction Letter

To ensure the State is able to report correction of noncompliance within the IDEA required timeframe, ADES/AzEIP requires completion of all programmatic corrections as soon as possible. To support our SPAs in the timely correction of noncompliance, any SPA that is unable to submit the required programmatic corrections within six (6) months (**by November 9, 2024**) of receiving the FFY 2022 Findings of Noncompliance Letter will be required to participate in monthly Compliance Accountability Touchpoint Meetings until all programmatic corrections have been completed.

Analysis of Noncompliance

SPA will complete an analysis of noncompliance by reviewing records found to be noncompliant during the FFY 2022 monitoring period to explore and determine the reason/root cause and contributing factor area(s) that led to noncompliance. SPA will document their analysis on the 'Analysis of Noncompliance Spreadsheet' which is provided with the FFY 2022 Findings of Noncompliance Letter. The completed Analysis of Noncompliance Spreadsheet is to be submitted to AzEIPQualityImprovement@azdes.gov by the end of business day on **June 10, 2024**.

The analysis will assist SPA to make effective programmatic corrections that will prevent future noncompliance.

Letter of Assurance

SPA will submit to ADES/AzEIP a letter of assurance for each region by the end of business day on **June 10, 2024** that includes the SPA:

- Recognizes the reason(s) and root cause(s) of noncompliance
- Will make programmatic corrections to their policies, procedures, guidance, or practice to prevent future noncompliance
- Will correct the noncompliance as soon as possible and no later than nine (9) months (**by February 9, 2025**) from the date of the FFY 2022 Findings of Noncompliance Letter

SPA Submission of Consecutive Compliant Records

Programmatic Correction Spreadsheets

Specific Programmatic Correction Spreadsheets for each indicator (1, 7, 8a, 8b, 8c) in which programmatic correction is required are attached to the email with the FFY 2022 Findings of Noncompliance Letter.

- The Indicator 1 (Timely Provision of Services) Programmatic Correction Spreadsheets were created using the IFSP Services Utilization Report.
- The Indicator 7 (45-Day Timeline) Programmatic Correction Spreadsheets were created using

the 45-Day Timeline Report. Multiple contracts may be listed for a child record.

- The Indicator 8 (Transition Activities) Programmatic Correction Spreadsheets were created using the Transition Compliance Report.
 - If a transition compliance decision has not been entered in I-TEAMS by ADES/AzEIP, the compliance decision cell will be blank.
 - These records may still be submitted as part of the consecutive compliant count if after SPA review of the record it is determined the record is compliant.

Consecutive Compliant Records

SPA identifies the required number of consecutive compliant records from the table in the FFY 2022 Findings of Noncompliance Letter.

SPA uses the appropriate Programmatic Correction Spreadsheet to identify and highlight the required consecutive compliant records as indicated below.

- Highlight the row of each consecutive compliant record in **YELLOW**
- Highlight any excluded record in **ORANGE** and include in the Comments column:
 - One of the approved exclusions identified below
 - Date of ADES/AzEIP approval (if required)
- Once the consecutive records have been highlighted, save a copy of the Programmatic Correction Spreadsheet with its original file name

Limited Exclusions*:

Excluded records should be rare occurrences.

Approved exclusions:

- Indicator 7 (45-Day Timeline):
 - SPA/Region was not the assigned SPA on the date the Initial IFSP was completed
 - Record was transferred to SPA/Region after the 45th day without an Initial IFSP
- Indicator 8 (Transition Activities):
 - SPA/Region was not the assigned SPA on the date the specific transition activity (Transition Planning Meeting, Public Education Agency (PEA) Notification, Transition Conference) was completed

Additional exclusions require ADES/AzEIP approval **prior to** the submission of consecutive compliant records:

- If unsure if a record may be excluded, please refer to the AzEIP Policy and Procedure Manuals for assistance.
- Email approval request to AzEIPQualityImprovement@azdes.gov and the assigned Continuous Quality Improvement Coordinator (CQIC) including:
 - A detailed explanation of the reason for the request to exclude the record

- All applicable documents that support the request
 - Examples: Developmental Evaluation Report, Prior Written Notice of Eligibility, IFSP, Provider Contact Logs, Service Coordinator (SC) Contact Log(s), PEA Notification, Transition Conference Summary, written correspondence
 - If unsure of which documents to include, contact the SPA-assigned CQIC
- ADES/AzEIP will notify SPA if the record can be excluded.

*Approved excluded records do not affect the consecutive compliant count; the consecutive compliant count continues after an approved exclusion until the required number of compliant records is reached.

Child File Review Forms

Complete a 'Child File Review Form' for each identified consecutive compliant record and verify:

- All supporting documentation meets AzEIP policies and procedures
- Data accuracy in I-TEAMS
- Dates on child records, 'Child File Review Form' and I-TEAMS match
- All fields and detailed explanations are entered on the 'Child File Review Form' as appropriate

Upload the 'Child File Review Form' and all supporting documentation for each consecutive compliant record through the FFY 2022 Corrective Action File Review Google Form. It is the responsibility of the SPA to upload all documentation needed for verification of compliance.

Once all file reviews and supporting documentation have been uploaded:

- Update the title of the Programmatic Correction Spreadsheet adding the date of submission to ADES/AzEIP to the end of the title
- Email the highlighted Programmatic Correction Spreadsheet to AzEIPQualityImprovement@azdes.gov and the assigned CQIC

For ADES/AzEIP to verify submitted records, SPA must successfully follow and complete all steps above as soon as possible but no later than **February 9, 2025** to be considered for timely correction.

ADES/AzEIP Verification of Submitted Documentation

- AzEIP will verify complete documentation submitted within 45 calendar days from submission.
- Verification decisions may be delayed due to the following:
 - Incomplete and/or inaccurate documentation
 - Submission of multiple regions or indicators on the same date
- Files will be reviewed in consecutive order as identified on the Programmatic Correction Spreadsheet

- If a file is determined to be noncompliant (incomplete, inaccurate, or inconsistent), the file verification process will halt, and
- SPA will be notified to begin the process again
- SPA is encouraged to submit spreadsheets and required documentation as each indicator per region is ready for verification
- Multiple spreadsheets submitted at the same time will likely lead to a delay in ADES/AzEIP response time

Compliance Accountability Touchpoint Meetings

- ADES/AzEIP requires monthly Compliance Accountability Touchpoint Meetings (CATMs) for any SPA that has not demonstrated 100% verified compliance by **November 9, 2024**.
- During each CATM, SPAs will provide ADES/AzEIP with specific regional updates on their status of programmatic correction for each noncompliant indicator including but not limited to:
 - Identification of how SPA utilized the Analysis of Noncompliance to guide programmatic corrections
 - Programmatic Corrections implemented since receiving the FFY 2022 Findings of Noncompliance Letter to address noncompliance:
 - Discuss any implemented Technical Assistance
 - Updates to SPA Policy and Procedures
 - Trainings
 - Analysis of the effectiveness of corrections
 - Status of identifying consecutive compliant records
 - Successes
 - Challenges
 - Supports needed
 - Date SPA proposes to submit the required consecutive compliant records

Additional Corrective Actions

ADES/AzEIP will implement corrective actions for any SPA that is unable to demonstrate successful correction of noncompliance. Corrective actions may include one or more of the following:

- Required submission of additional documentation and/or increased reporting of the area(s) of noncompliance and strategies to improve compliance
- Focused monitoring activities that may occur on site or remotely to review files, meet with staff, identify strategies for improvement and prepare a plan to address areas of noncompliance

- Developing a written Corrective Action Plan (CAP) including timeline for implementation and periodic progress reporting
- Revising contract terms and provisions of SPA when necessary and with appropriate notice
- Requiring SPA to revise its contractual terms or procurement methods when necessary, and with appropriate notice
- Adjustment or withholding of whole or partial payment until satisfactory resolution of noncompliance
- Suspending all or part of SPA's contract or service provision responsibilities
- Termination of SPA's contract or service provision responsibilities in whole or in part

Status of Correction Letter

ADES/AzEIP will issue a 'Status of Correction' Letter upon verification of:

- Child-specific correction(s) (as applicable for Indicator 1, Timely Provision of Services)
- Programmatic correction(s), including completion of all required corrective actions

Acronym List

ADES: Arizona Department of Economic Security

AzEIP: Arizona Early Intervention Program

CAP: Corrective Action Plan

CATM: Compliance Accountability Touchpoint Meeting

CQIC: Continuous Quality Improvement Coordinator

FFY: Federal Fiscal Year

IDEA: Individuals with Disabilities Education Act

IFSP: Individualized Family Service Plan

I-TEAMS: Infant-Toddler Electronic Administration & Monitoring System

PEA: Public Education Agency

SC: Service Coordinator

SPA: Service Providing Agency

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GCI-1207A HBPENG (6-24)