

1 10A NCAC 43G .0108 is proposed for readoption without substantive changes as follows:

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3 **10A NCAC 43G .0108 ADMINISTRATION**

4 The Department of Health and Human Services shall administer the statewide early intervention program under
5 Federal law, Part C of the Individuals with Disabilities Act (IDEA).

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7 *History Note: Authority G.S. 130A-126;*

8 10A NCAC 43G .0110 is proposed for readoption without substantive\changes as follows:

9 **P10A NCAC 43G .0110 ELIGIBILITY**

10 (a) Children from birth to age three are eligible for early intervention services under the provisions of this
11 subchapter and under Part C of the Individuals with Disabilities Education Act (IDEA) if they have been determined
12 by the Children's Developmental Services Agency to meet the criteria of one of the two following categories:

13 (1) developmental delay; or

14 (2) established conditions.

15 (b) Developmental Delay.

16 (1) A child is considered to have developmental delay if the child's development is delayed in one or
17 more of the following areas:

18 (A) Cognitive Development;

19 (B) Physical Development, including fine and gross motor function;

20 (C) Communication Development;

21 (D) Social-Emotional Development; or

22 (E) Adaptive Development.

23 (2) The specific level of delay shall be:

24 (A) documented by scores of 2.0 standard deviations below the mean of the composite score
25 (total test score) on standardized tests in at least one of the above areas of development;
26 or

27 (B) documented by a 30 percent delay on instruments which determine scores in months in at
28 least one of the above areas of development, or

29 (C) documented by scores of 1.5 standard deviations below the mean of the composite score
30 (total test score) on standardized tests in at least two of the above areas of development,
31 or

32 (D) documented by a 25 percent delay on instruments which determine scores in months in at
33 least two of the above areas of development.

34 (c) Established Conditions. A child is considered to have an established condition if the child has a diagnosed
35 physical or mental condition which has a high probability of resulting in developmental delay. Diagnosis may be
36 made by Children's Developmental Services Agency staff or the child's physician. Specific conditions through
37 which a child shall be deemed eligible in the established conditions category are as follows:

- (1) Congenital Anomaly/Genetic Disorders/Inborn Errors of Metabolism. These are children diagnosed with one or more congenital abnormalities or genetic disorders with developmental implications. Some examples are Down Syndrome, Fragile X Syndrome, familial retardation syndromes, and fetal alcohol syndrome.
- (2) Congenital Infections. These are children diagnosed with congenital infections with developmental implications. Some examples are toxoplasmosis, rubella, cytomegalovirus, and HIV.
- (3) Autism. These are children diagnosed with autism or autism spectrum disorders.
- (4) Attachment disorder. These are children with a diagnosed attachment disorder.
- (5) Hearing Loss. These are children diagnosed with unilateral or bilateral permanent hearing loss.
- (6) Visual Impairment. These are children diagnosed with a visual impairment that is not correctable with treatment, surgery, glasses, or contact lenses.
- (7) Neurologic Disease/Central Nervous System Disorders. These are children diagnosed with a disease or disorder known to affect the nervous system with developmental implications, such as Cerebral Palsy, Spina Bifida, Epilepsy, and Microcephaly.
- (8) Neonatal Conditions and Associated Complications. These are children diagnosed with one or more of the following neonatal diseases or disorders:
 - (A) Gestational age less than 27 weeks or birth weight less than 1000 grams;
 - (B) Neonatal encephalopathy with neurological abnormality persisting at discharge from the neonatal intensive care unit.
 - (C) Moderate to Severe Ventricular Enlargement at discharge from the neonatal intensive care unit or a ventriculoperitoneal shunt;
 - (D) Neonatal seizures, stroke, meningitis, encephalitis, porencephaly, or holoprosencephaly;
 - (E) Bronchopulmonary Dysplasia requiring supplemental oxygen at discharge from the neonatal intensive care unit;
 - (F) Intrauterine Growth Retardation;
 - (G) Necrotizing enterocolitis requiring surgery;
 - (H) Abnormal neurological exam at discharge;
 - (I) Intraventricular hemorrhage III or IV; or
 - (J) Periventricular leukomalacia.

History Note: Authority G.S. 130A-126;

1 10A NCAC 43G .0111 is proposed for readoption without substantive changes as follows:

2 **10A NCAC 43G .0111 SERVICE PLAN – SERVICE DELIVERY**

3 Once a child is determined eligible for the program, the Children's Developmental Services Agency shall develop a
4 service plan based on the child's needs and the requirements of Part C of the Individuals with Disabilities Education
5 Act (IDEA). Service provision shall be monitored by the Children's Developmental Services Agency. The services
6 shall be provided by the following:

- 7 (1) staff of the Children's Developmental Services Agency, or
8 (2) agencies or individuals within the community who have executed a provider agreement with the
9 Children's Developmental Services Agency.

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11 *History Note: Authority G.S. 130A-126;*
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