

1 **2023 NYSAC Legislative Conference**  
2 **Standing Committee on Children with Special Health Care Needs**  
3 **Resolution # 3**  
4

5 **Resolution Urging the Governor and State Legislature to Implement a Rate**  
6 **Increase for Early Intervention Providers With No Increase Cost to**  
7 **Counties**

8 **WHEREAS**, the Early Intervention Program (EIP) provides critical developmental  
9 services to infants and toddlers (ages 0-3 years) with developmental delays or  
10 disabilities and their families at a time when these services can have the greatest impact;  
11 and

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13 **WHEREAS**, reimbursement rates for Early Intervention providers are lower now than  
14 20 years ago; and

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16 **WHEREAS**, stagnant and inadequate service rates have produced major provider  
17 capacity issues in the EIP; and

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19 **WHEREAS**, provider capacity issues often pose barriers to infants and toddlers with  
20 special needs receiving critical services; and

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22 **WHEREAS**, from 2020 to 2022 there was a more than 400 percent increase in the  
23 number of children on Early Intervention waitlists, equaling thousands of children  
24 waiting to receive services across New York State and further there was another 28%  
25 wait list increase from 2022 - 2023; and

26  
27 **WHEREAS**, the availability of in-person services is an equity issue in the EIP, with  
28 children living in the highest poverty rural and urban areas being the most unlikely to  
29 receive in-person service delivery.

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31 **WHEREAS**, municipal/county data indicate that, relative to other children, children in  
32 neighborhoods where more than 20 percent of residents live under the Federal Poverty  
33 Level (FPL) wait an average of 3 days longer to receive their first service than children in  
34 wealthier neighborhoods, and an average of 4 days longer to receive all of their  
35 mandated services compared to children living in wealthier neighborhoods; the  
36 difference can be as great as 9 versus 12 days for time to first service and 14 versus 19  
37 days for receipt of all services, respectively; for time to first service, this is an increase of  
38 more than 40 percent since 2017 while, for receipt of all services, it is an increase of 11  
39 percent.

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41 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
42 Counties calls on the Governor and State Legislature to increase Early Intervention  
43 reimbursement rates by 11 percent for all services, including evaluations, to improve  
44 provider recruitment and retention to the EIP; and

45  
46 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of

1 Counties (NYSAC) calls on the Governor and State Legislature to allocate State funding  
2 for a fifteen percent rate increase for services provided to children in census tracts  
3 where the percentage of the population below poverty is 20 percent or higher; and in  
4 areas that require service providers to travel more than 30 minutes between sessions to  
5 provide services for children; and  
6

7 **BE IT FURTHER RESOLVED**, the 11 percent rate increase should be fully borne by  
8 the State of New York as the State of New York has not fully funded early intervention  
9 services since the enactment of the federal IDEA Act; and  
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11 **BE IT FURTHER RESOLVED**, the Governor and State Legislature could pay for this  
12 increase by enacting A.921 (Conrad) which funds the 11 percent increase by increasing  
13 the covered lives assessment fee on commercial insurance; and  
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15 **BE IT FURTHER RESOLVED**, that the State shall remove the travel reimbursement  
16 rate modifier for telehealth services to address the lack of in-person providers; and  
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18 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
19 of New York encouraging member counties to enact similar resolutions; and  
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21 **BE IT FURTHER RESOLVED**, that New York State Association of Counties shall  
22 forward copies of this resolution to Governor Kathy Hochul, the New York State  
23 Legislature and all others deemed necessary and proper.