

1 **NYSAC 2020 Legislative Conference**  
2 **Standing Committee on Children with Special Needs**  
3 **Resolution #5**

4 **Resolution Urging the New York State Bureau of Early Intervention to**  
5 **withdraw SPA#18-0017 until a Task Force of the Early Intervention**  
6 **Coordinating Council is Created**

7 **WHEREAS**, the Early Intervention Program in New York State serves infants and  
8 toddlers having or suspected of having a developmental or a diagnosed physical or  
9 mental condition that has a high probability of resulting in a development delay; and

10 **WHEREAS**, the infant or toddler is referred to the local Early Intervention Program as  
11 defined in Public Health Law Title II-A of Article 25 and set forth in 10 NYCRR section  
12 69.3; and

13 **WHEREAS**, the county requires the Early Intervention official to promptly assign an  
14 Initial Service Coordinator; and

15 **WHEREAS**, the Initial Service Coordinator then performs all billable and non-billable  
16 activities relative to regulatory requirements; and

17 **WHEREAS**, the family selects an Ongoing Service Coordinator from a list provided  
18 them by the Early Intervention Office at the time of the Individualized Family Service  
19 Plan meeting; and

20 **WHEREAS**, the Ongoing Service Coordinator performs all billable and non-billable  
21 activities relative to the regulatory requirements of that title; and

22 **WHEREAS**, the State Plan Amendment #18-0017 changed the payment methodology  
23 for service coordination services from an hourly rate billed in 15-minute increments to  
24 two separate fixed rates for Initial Service Coordination and a monthly fixed rate for  
25 Ongoing Service Coordination; and

26 **WHEREAS**, payment will be made based on meeting minimum time requirements;  
27 and

28 **WHEREAS**, no payment will be made if minimum requirements are not met; and

29 **WHEREAS**, counties were not involved in the decision to move service coordination  
30 functions to fixed rates; and

31 **WHEREAS**, initial review of both Initial Service Coordination and Ongoing Service  
32 Coordination time spent on billable services indicate that it will be difficult to meet the  
33 minimum time requirements.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Bureau of Early  
2 Intervention (BEI) withdraw SPA#18-0017 until a Task Force of the Early Intervention  
3 Coordinating Council is created; and

4 **BE IT FURTHER RESOLVED**, that Task Force will be comprised of all stakeholders  
5 to include parents, providers, municipality and BEI staff; and

6 **BE IT FURTHER RESOLVED**, that the Task Force review current data in NYEIS and  
7 early intervention billing relative to initial and ongoing service coordination to  
8 determine an average of minimum time spent providing these billable services; and

9 **BE IT FURTHER RESOLVED**, that the Task Force make recommendations to BEI  
10 on realistic minimum time requirements for these billable coordination services; and

11 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
12 of New York State encouraging member counties to enact similar resolutions; and

13 **BE IT FURTHER RESOLVED**, the New York State Association of Counties shall  
14 forward copies of this resolution to Governor Andrew M. Cuomo, the New York State  
15 Legislature and all others deemed necessary.