

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

4
5 **Resolution Urging the Governor and State Legislature to Enact an**
6 **Emergency System to Address the Scarcity of Providers of Therapeutic**
7 **Services for Early Intervention Care**
8

9 **WHEREAS**, before and throughout the COVID-19 pandemic, New York State has
10 observed a growing insufficiency of Early Intervention providers, including speech,
11 occupational, physical, and applied behavioral therapists, to render related services to
12 care for children with special needs both in the home and in early intervention settings;
13 and
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15 **WHEREAS**, counties are responsible for ensuring that services developed in an
16 Individualized Family Service Plan (IFSP) begin in a timely fashion, namely thirty days
17 from the date of the authorization; and
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19 **WHEREAS**, counties are required to assign providers to a child's IFSP that have
20 current provider agreements with the State Department of Health and are listed by the
21 county in the New York Early Intervention System (NYEIS) database; and
22

23 **WHEREAS**, providers listed in the NYEIS database are frequently unavailable to
24 provide services to a child due to a variety of factors, including the area in which the
25 child resides, other commitments, full caseloads, or outdated listings for providers who
26 no longer participate with the Early Intervention Program (EIP); and
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28 **WHEREAS**, because of the decline of participating and available providers, counties
29 are not able to provide the Early Intervention services required under the law, even to
30 already enrolled eligible children; and
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32 **WHEREAS**, a survey conducted in January 2020 of fifty New York State counties
33 found that approximately 1,140 children were on waiting lists for Early Intervention
34 services; and
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36 **WHEREAS**, a survey conducted in Spring 2022 of forty-eight counties found that
37 approximately 5,769 children were on waiting lists for Early Intervention services across
38 New York State, an over 400 percent increase since 2020; and
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40 **WHEREAS**, the State Department of Health reported to the Federal Government that
41 one in two children in NYS are not receiving services as required by 34 CFR § 303.310;
42 and
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44 **WHEREAS** research demonstrates that the growth and brain development of infants
45 and toddlers is at its highest in years 0-2, and the developmental progress of children
46 identified with special needs could be hampered by any delays in services; and

1 **WHEREAS**, many children in the EIP have been left with little or no services, and
2 there are no systems currently in place to proactively address when counties have hit
3 critically low provider capacity levels; and
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5 **WHEREAS**, it is with great awareness that needs can fluctuate with each child and
6 setting in the EIP; however, New York State should have a system to call upon in the
7 event of a provider shortage for this critically important program.
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9 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
10 Counties (NYSAC) calls upon the Governor and New York State Legislature to conduct a
11 needs analysis report for each county EIP to quantify and identify the maximum
12 capacity of available providers within each county to deliver Early Intervention services
13 in their identified catchment area; and
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15 **BE IT FURTHER RESOLVED**, that each needs analysis includes an assessment of
16 where IFSPs may be authorizing a more limited scope of services based on existing
17 capacity, and the available methods of service delivery – in-person vs telehealth –
18 within each county, to gain a full understanding of the current state of provider scarcity
19 throughout New York State; and
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21 **BE IT FURTHER RESOLVED**, these needs analysis reports are to be completed
22 within six months of this resolution’s adoption; and
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24 **BE IT FURTHER RESOLVED**, a plan needs to be created to establish a pool of
25 retired professionals and licensure candidates to operate under the supervision of a
26 licensed professional in the execution of an IFSP be created; and
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28 **BE IT FURTHER RESOLVED**, this effort should use Executive Order 4 “Declaring a
29 Statewide Disaster Emergency Due to Healthcare Staffing Shortage in the State of New
30 York” as a guide to how an emergency pool of providers could be generated; and
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32 **BE IT FURTHER RESOLVED**, this plan should be seen as temporary and usage
33 should be evaluated every year until enduring Early Intervention provider capacity has
34 been demonstrated; and
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36 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
37 of New York encouraging member counties to enact similar resolutions; and
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39 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
40 the Governor of the State of New York, the New York State Legislature, and all others
41 deemed necessary.