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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 93 LCM-107

Date: August 19, 1993

Division: Health & Long Term
Care

TO: Local District Commissioners

SUBJECT: Early Intervention Services

ATTACHMENTS: Attachment 1 - Chapter 428 of the Laws of 1992
Attachment 2 - Chapter 231 of the Laws of 1993
Attachment 3 - Early Intervention Regulations Filed by
the State DOH on an Emergency Basis
Attachment 4 - List of Local Early Intervention Officers
(Attachments are not available on-line)

We want to share with you some preliminary information regarding the New York State Early Intervention Program. As additional information becomes available and issues are resolved, we will keep you informed.

In 1987, New York State elected to participate in federal discretionary legislation (Part H of the Individuals with Disabilities Education Act (IDEA), P.L. 99-457) designed to assist states in developing a comprehensive system of early intervention services for infants and toddlers (0 through 2 years) who have, or are at risk of, developmental disabilities, and in developing support services for their families.

The State Department of Health has been designated the lead agency for the implementation of the early intervention program. In keeping with the interagency intent of the program, nine (9) state agencies participate in the program.

The Legislature enacted Chapter 428 of the Laws of 1992 and more recently Chapter 231 of the Laws of 1993. The legislation creates the New York State Early Intervention Program which replaces the current Family Court's responsibility for this population. Copies of the legislation (Attachments 1 and 2) as well as the emergency regulations (Attachment 3) which were filed recently by the State Department of Health are attached for your information.

Furthermore, the Medicaid Catastrophic Act of 1988 clarifies Congressional intent that nothing in Title XIX of the Social Security Act shall preclude Medicaid coverage of services included in a handicapped child's individualized family services plan pursuant to Part H of IDEA.

For purposes of Medicaid, the legislation mandates that the designated Local Early Intervention Agency (LEIA) in each municipality is the provider of service for Medicaid purposes. Medicaid will reimburse enrolled LEIAs for screening, evaluation and comprehensive case management services (service coordination) for the early intervention population effective September 1, 1993. Subsequently, Medicaid will reimburse the LEIA for a comprehensive package of other early intervention services upon promulgation of approved payment rates by the State Department of Health and federal State Plan approval. A listing of LEIAs and local EI officers appears in Attachment 5.

The early intervention initiative will have the following impact on local social services districts:

1. Local social services districts, in addition to other entities, have been designated primary referral sources. Local district staff will be responsible for the identification and referral of potentially eligible infants and toddlers within two working days to the LEIA. The Department of Health is currently preparing informational materials which will be provided to render guidance for this activity.
2. The local social services commissioner or his/her designee has a seat on the mandated local early intervention coordinating council which advises the local early intervention official. The council is scheduled to meet at least four times a year. If you have not been contacted by the local early intervention official in your municipality (see the list of officers in Attachment 4), we recommend that you do so as soon as possible in order to facilitate coordinated planning and service delivery in your district.
3. Local districts will be required to identify on the WMS system those MA eligibles infants and toddlers who are eligible to receive case management services through the Early Intervention Program. Local arrangements will need to be made to facilitate the transmission of names, CIN numbers, etc. We will be providing guidance on this issue shortly.
4. Local districts will be responsible for the 25% local share of any early intervention services provided to Medicaid eligible infants and toddlers.

Furthermore, the legislation provides LEIA with the federal share of Medicaid administrative dollars incurred for early intervention. A contract will need to be developed between the LEIA and your district in order to permit the LEIA to submit a claim and secure reimbursement for appropriate administrative expenditures. Procedures to be followed and a sample contract are currently being developed.

In addition to the above, the Department is examining the impact of early intervention on managed care programs, preventive services, foster care, child protective services and day care. As issues are resolved and additional information becomes available, the Department will follow up with the districts.

If you have any questions, please contact the following individuals:

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