



November 21, 2022

The Honorable Kathy Hochul
Executive Chamber
New York State Capitol Building
Albany, NY 12224

RE: New York children and families in need of effective, timely Early Intervention services

Dear Governor Hochul,

We are writing to urge you to include an 11% increase in Early Intervention (EI) reimbursement rates in the SFY2024 Executive Budget. We are very concerned about the thousands of infants and toddlers with developmental delays and disabilities who are waiting for the services they need in violation of their legal rights, including a growing concern about young children being offered only telehealth services when in-person services are needed.

All children aged birth through three with developmental delays and disabilities have a right to appropriate interventions that is established in federal law through the Individuals with Disabilities Education Act (IDEA) – Part C. This federal mandate recognizes that when services are available early and on time, young children are more likely to develop to their full potential, and the cost is significantly less than waiting until children reach school age.

In a trend that began well before the COVID-19 pandemic, New York State has fallen behind on delivering on this mandate. In FFY2020, one-third (34%) of children in New York eligible for EI went without services longer than the 30-day federal timeline.

While telehealth services played a critical role during the height of the pandemic, we are also hearing growing concerns about children who need in-person services but are being limited to remote, telehealth delivery because no provider is available to travel to their home or child care setting. While telehealth service delivery can be a positive option for families who might otherwise not be served, the decision to provide in-person vs. telehealth visits should be based on the most effective method of service delivery, the individual needs of the child, and parent preference—not based solely on provider availability. We are particularly concerned about the inequities of one- and two-year-old children in low-income communities of color being offered services only over a screen while their peers receive the benefit of in-person physical therapy or speech therapy.

The State has a legal obligation to ensure children who need in-person services have access to them, and EI professionals who deliver face-to-face services should be compensated for the extra costs they incur, such as transportation and travel time.

Even with the 5% increase in EI rates paid to select providers that was included in the SFY20 budget, reimbursement rates for providers are lower now than they were in the 1990s. This discourages provider recruitment and retention, leaving families and children waiting for – or being denied – life-changing interventions.

We urge you to:

1. Increase Early Intervention rates by 11% across the board.

2. Institute higher rates or rate add-ons to cover the higher costs of in-person service delivery to ensure all children who need in-person services have access to them.

New York's families have waited far too long for the state to fulfill its responsibility to their infants and toddlers with developmental delays and disabilities. The state's pattern of inadequate compensation has led to a critical shortage of EI providers, which has resulted in delays and denials of effective interventions across the state. We strongly urge you to invest in the healthy development of New York's residents by increasing all Early Intervention reimbursement rates.

Sincerely,

Advocates for Children of New York

Children's Defense Fund-NY

Citizens Committee for Children

Liftoff WNY

Schuyler Center for Advocacy and Analysis

The Children's Agenda

American Academy of Pediatrics, Chapters Accountable Health Partners

Adirondack Birth to Three Alliance

Agencies for Children's Therapy Services (A.C.T.S.)

AHRC New York City

Alliance for Quality Education

An Apple A Daycare NY, Inc.

Ardent Solutions

BabyCorps

Being Black in the Burbs

Beyond Learning Center

Binghamton University - Division of Physical Therapy

Birth Justice Warriors

Building Blocks Learning Center

Canalside Speech

Cerebral Palsy Associations of NYS

Child Care Council of Nassau, Inc.

Child Care Council, Inc.
Children's Institute
Children's Aid
Choice for All
Church Women United in New York State
Citywide Council on Special Education
Clinical Associates of the Finger Lakes
Committee for Hispanic Children & Families (CHCF)
Community Advocates of Struggling Learners (CASL) Gates Chili
Community Connections of NY (CCNY)
Daystar Kids
Docs for Tots
Dr Elizabeth R Walsh
E. John Gavras Center
Early Childhood Quality Council
Eastside Pediatrics
Education Council Consortium(ECC)
Goddard Riverside
Golisano Autism Center
Greater Rochester Parent Leadership Training Institute
Greater Rochester Summer Learning Association
Healthi Kids Coalition
Helping Celebrate Abilities
Health and Welfare Coalition of Long Island (HWCLI)
Imagination Childcare Academy
Independent Infant Toddler Specialist, MSN
Integrated Therapy Services of Western New York
Jamestown Community Learning Council
Jericho Road Community Health Center
Jewish Family Services of Rochester
Jowonio School
Jump Start Physical Therapy, PLLC
King Urban Life Center
Liberty Resources

Long Island, FQHC, Inc.

Mary Cariola Center

Metropolitan Parent Center, Sinergia Inc.

Monroe County Medical Society

New York Immigration Coalition

New York State American Academy of Pediatrics

New York Legal Assistance Group

New York State Council of Churches

New York State Speech Language Hearing Association (NYSSLHA)

NYS Association for Infant Mental Health

New York Zero to Three Network

Panorama Pediatric Group

Parent Network of WNY

Parents for Responsive Equitable Safe Schools (PRESSNYC)

Parents Helping Parents Coalition of Monroe County

Partners in Learning, Inc.

Partnership for the Public Good

Pittsford Pediatric Associates, LLP

Prevent Child Abuse NY

Racker

Read to Succeed Buffalo, Inc.

Rochester Area Community Foundation

Rochester Childfirst Network

Rochester Hearing and Speech Center

Room to Bloom Therapy Services LLC

Simplify Health

Sprout Therapy Group

Step by Step Developmental Services

The Education Trust--New York

Tompkins County Early Intervention

Tompkins County Health Dept. - Children with Special Care Needs

Twelve Corners Pediatrics

United Way of Buffalo & Erie County

United Way of Greater Rochester and the Finger Lakes

United Way of the Southern Tier, Inc.

University of Rochester/Golisano Children's Hospital

Upstate Cerebral Palsy

WNY Women's Foundation

cc:

Priya Joshi, Assistant Secretary for Health, NYS Executive Chamber

Carl Heastie, Speaker, NYS Assembly

Andrea Stewart-Cousins, Majority Leader, NYS Senate

Senator Gustavo Rivera, Chair, NYS Senate Committee on Health