

News Release

**Agencies for Children's Therapy Services (A.C.T.S.)  
Cerebral Palsy Associations of New York State (CP of NY)  
Interagency Council of Developmental Disabilities Agencies, Inc. (IAC)  
New York Physical Therapy Association (NYPTA)  
New York State Alliance for Children with Special Needs (Alliance)  
New York State Speech-Language-Hearing Association (NYSSLHA)  
New York State Occupational Therapy Association (NYSOTA)  
United New York Early Intervention Providers and Parents As Partners (UNYEIP)**

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**Contact:  
Kathy Febraio (518) 786-0947  
[kfebraio@nysslha.org](mailto:kfebraio@nysslha.org)**

**Early Intervention Providers and Parents Support State Legislation to Save Services for Children**

**March 5, 2014, Albany, N.Y.** A Coalition of eight statewide organizations representing the interests of early intervention providers, parents and their children with special needs are calling for swift passage of legislation to pull the State early intervention program back from a financial cliff. A decision by the New York State Health Department last April to require providers to bill insurance companies directly is causing huge payment delays and waiting lists for children to access services. Many providers around the State say that they will have to stop providing services to children this year if the payment system is not fixed.

Legislation sponsored by the Chairmen of the Health Committees, Senator Kemp Hannon and Assemblyman Richard Gottfried (S6002/A8316) requires the State Fiscal Agent, who was hired by the Department of Health to manage the new system, to pay providers within 30 days.

The bill would also require the State Fiscal Agent to file appeals with insurance companies on behalf of providers when payment is denied. Under the new system, the Department of Health is paying the State Fiscal Agent \$45 million for the next five years plus bonuses to process payments and increase commercial insurance payments while placing the burden of tracking and appealing denial of claims directly on early intervention providers. Providers received no payment for this increased work load. In fact, the program has not had a rate increase in 16 years, but has had reimbursement cut by 5% in 2012 and 10% in 2011.

The dedicated professionals who provide therapies to children with special needs cannot hang on much longer. Many providers are not able to make payroll and have taken out personal lines of credit, business loans, and second mortgages on their homes to continue to provide services. A concerned group of downstate providers who call themselves the Westchester Providers Workgroup conducted a study in February of small, medium and large early intervention providers. With 41 of 58 counties responding, the survey found that nearly 50% of agencies are planning to reduce or close their programs, 71% reported that children are waiting for services in

their counties, 75% said they have less availability of therapists, and 91% are experiencing cash flow problems.

This legislation will preserve access to services for infants and toddlers who are under 3 years of age and it will restore fairness to a system of care that is being derailed by bureaucratic stumbling.

Bree Pisacane, a physical therapist and an independent provider of early intervention services from Gansevoort (Saratoga County) said, "Experienced providers are leaving the program causing significant delays in services. Two of the children that I treat waited 2 to 3 months for an evaluation. When one little girl finally got her evaluation she was found to qualify for each of the services that I expected she needed. One week ago she was diagnosed with autism. We will never know what types of gains this child would have made if services were initiated sooner. We do know that the nervous system is most responsive to intervention for a brief window early in life and that window is closing for children all across the State."

"ACTS thanks Assemblyman Gottfried and Senator Hannon for their leadership in sponsoring legislation to finally give providers reliability and certainty of payment. Without this critically needed legislation dozens of agencies will close in 2014 leaving thousands of parents to wonder where their children can obtain desperately needed services," said Steven Sanders Executive Director of ACTS.

Judi Gerson, Vice President, Policy and Program Services of Cerebral Palsy Associations of New York State said, "The current process places undue burden on providers for the billing, follow-up and reconciliation of third party payments, resulting in long delays in payments despite substantial efforts. The State Fiscal Agent is in a much better position to conduct these activities, after promptly paying providers for services rendered. "

"Just 10 years ago, IAC counted 35 agencies within our membership that provided EI services. Today that number has been reduced to 16. The funding issues responsible for this decline have been exacerbated by DOH's decision last year to require EI providers to bill insurance and other payers directly, in spite of the institution of the Fiscal Agent. Failure to rectify this issue is a very sad public policy statement," said Peter Pierri Executive Director of the InterAgency Council of Developmental Disability Agencies.

Matt Hyland, President of NYPTA said, "Early Intervention is a vital program for infants and toddlers with special needs in New York State. Unfortunately, because of the current system, many providers can no longer afford to treat these children due to delays in or denial of payment for their services from private insurance carriers. We urge the legislature to pass and the Governor to sign legislation requiring the State Fiscal Agent pay EI providers and seek payment from third party payers. This will provide relief to these providers so that they can get back to the business of helping our children."

"The administrative changes and delays with the new statewide billing system have been terrible. All agencies in NYS did not get paid anything for almost 2 months initially. Now we have hundreds of claims that are caught in limbo. We have a billing nightmare and there is no fix

offered anytime soon. If agencies don't get paid then we can't pay the therapists and then we can't serve the kids. It's that simple and I call on the governor and the legislature to fix this broken system before more agencies close and kids have to wait even longer for scarce services" said Scott Mesh, PhD, CEO, Los Niños Services.

Jane Coyle, President of NYSSLHA said, "The Early Intervention Program provides services at a critical time when therapy can have the biggest impact on a child's development. As a speech-language pathologist, I am deeply concerned that the current system will have adverse effects on those children who require early intervention services. Children with communication disorders are at high risk for poor academic performance, subsequent underemployment, and even incarceration."

Melissa Wahlen-Callahan of New York State Occupational Therapy Association states, "If this disastrous change in the early intervention system isn't corrected now, we are going to see thousands of children entering the school system in coming years with profound delays. We are harming our children and shifting the costs to the schools."

"Can we afford as a society and as a people to dismiss and minimize the opportunity and hope that Early Intervention affords our babies with special needs and their families? The transition to this new system of billing has yielded uninformed cost-savings which inappropriately stroke a multimillion dollar State Fiscal Agent but abandon our babies with special needs." said Leslie Grubler, Founding Director of United New York Early Intervention Providers and Parents (UNYEIP).

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