



Department
of Health

Early Intervention Adopted Regulation Amendments

Douglas Arthur, Fiscal Planning and Policy Unit

Process, Definitions, and Qualified Personnel

Process

- Public comments were received from 46 different stakeholders.
- In-person public hearing was held November 7, 2023.
- Updates were shared at Quarterly Council meetings.
- Amendments adopted January 29, 2024.
- Published in State Register & effective February 14, 2024.

Highlights of Adopted Amendments

Section 69-4.1

- Added four mental health provider types as Early Intervention qualified personnel: licensed mental health counselors, licensed marriage and family therapists, licensed psychoanalysts, and licensed creative arts therapists.
- School psychologists are eligible to provide Early Intervention Services until 6/30/2024. They will no longer be qualified effective July 1, 2024.

Highlights of Adopted Amendments

Section 69-4.3

- Clarified options for follow-up screening or diagnostic audiological evaluation after a failed newborn hearing screening

Highlights of Adopted Amendments

Section 69-4.1

- Two new definitions will be added:
collateral visits and ***group early intervention services***
- Subdivision 69-4.1(q) was amended to add the word "directed" to the term family assessment.

Highlights of Adopted Amendments

Section 69-4.3

Reduced the definition of elevated venous blood lead level from 15 mcg/dl to 5 mcg/dl.

Section 69-4.4

Updated the timeline for completion of service coordination training to be completed within four weeks following Department approval and prior to the service coordinator furnishing services.

Provider Approval

Highlights of Adopted Amendments

Section 69-4.5

- Eliminated the requirement for discipline-specific Quality Assurance plans and requires an overall Quality Assurance plan be developed and overseen by the agency director or county Early Intervention Official, as applicable.
- Requires an agency seeking approval to have all needed staff in its employ before being granted Department authorization to provide Early Intervention services.

Highlights of Adopted Amendments

Section 69-4.5

- Reduced the required number of documented clock hours of experience delivering services to children under five years of age from 1,600 hours to 1,000 hours.

Highlights of Adopted Amendments

Section 69-4.5(b)

- Repealed to remove references to Applied Behavioral Analysis (ABA) aides.
- Licensed behavior analysts and certified behavior analyst assistants are now recognized as qualified providers of Early Intervention services.

Evaluations

Highlights of Adopted Amendments

Paragraph (2) of subdivision (e) of section 69-4.8

- Amended to clarify that the most recent version of the evaluation instrument must be administered, scored, and reported following all protocols in the examiner's manual as issued by the test developer.

Service Delivery

Highlights of Adopted Amendments

Section 69-4.10

- Changed language used to clarify that sites where group early intervention services are provided must be identified in the provider's initial or amended application and documented in the provider's current Department approval.
- Amended to clarify the term "frequency" to mean the number of days or sessions per week the service will be provided.

Highlights of Adopted Amendments

Subparagraph 69-4.20(b)(1)(i)

- Amended to clarify that **parental objection to notification** of the child's potential eligibility for services through the local school district's Committee on Preschool Special Education (CPSE) **must be in writing**, to align with federal Office of Special Education Programs (OSEP) requirements.

Highlights of Adopted Amendments

Section 69-4.26 amended to:

- Clarify that written orders apply to multidisciplinary and supplemental evaluations for the purposes of this section.
- Clarify that parents are to sign service logs, not session notes.
- Require session notes to include the date the session note was created.

Reimbursement

Highlights of Adopted Amendments

Section 69-4.30

- Amended to clarify:
 - multidisciplinary evaluation reimbursement.
 - the number of additional multidisciplinary or supplemental evaluations that may be provided within a twelve-month period.

Highlights of Adopted Amendments

Section 69-4.30

- Amended to clarify that supplemental evaluations are driven by the Individualized Family Service Plan (IFSP). If the multidisciplinary evaluation team determines that supplemental evaluations are necessary, they are to be included in the Plan.
- Provides that supplemental audiological evaluations to determine whether hearing loss is present are permitted prior to a Plan for infants who are referred due to a newborn hearing screening.

Highlights of Adopted Amendments

Group Early Intervention Services

- Paragraphs 69-4.30(c)(8) were amended and 69-4.30(c)(9)-(11) will be repealed.

69-4.30

- Group early intervention service visit is defined as the provision of physical therapy, occupational therapy, speech-language therapy, applied behavior analysis, or special instruction early intervention services by appropriate qualified personnel to eligible children in a group.

Highlights of Adopted Amendments

Billing for group Early Intervention services

- Up to 120 minutes per day as specified in an approved Individualized Family Service Plan.
- Group Early Intervention service sessions – minimum of 60 minutes in length and maximum of 120 minutes in length in accordance with the child's Individualized Family Service Plan.

Highlights of Adopted Amendments

Section 69-4.30

- Amended to clarify that collateral visits are intended to provide the parent and/or caregiver with the tools needed to assist their eligible child.
- Amended to clarify that a basic visit must be a minimum of 30 minutes in duration.

Highlights of Adopted Amendments

- Session notes for group Early Intervention services shall be provided for each child in the group and include, at a minimum:
 - Eligible child's name
 - Specific type of service provided
 - Group size
 - Setting in which the group service was rendered
 - Date and time the service was rendered, including start and end times

Highlights of Adopted Amendments

- Session notes for group Early Intervention services shall be provided for each child in the group and include, at a minimum:
 - Brief description of the child's progress made by receiving the service during the session
 - Name, title, signature and credentials of the person furnishing the service, and
 - Signature and credentials of supervising clinician as appropriate, dated within 45 days of the date of service.

Highlights of Adopted Amendments- Groups

- Group size: two to ten children; use of 1:1 aides should be based on clinical appropriateness.
- Groups shall be provided by, at a minimum, one approved and appropriately qualified early intervention provider and an assistant.
- Groups should consist of children with similar Individualized Family Service Plan outcomes and include appropriate therapeutic approaches.

Highlights of Adopted Amendments- Groups

- Children participating in a group Early Intervention service cannot also receive individual services (including push-in/pull-out services) while the group is in session.

Highlights of Adopted Amendments

Section 69-4.30

- The Early Intervention Official shall approve and notify the department of any visits provided in addition to those described in paragraphs (5) through (13) as may be required by and provided in accordance with the child's Individualized Family Service Plan.
- If additional visits are necessary, notice shall be provided monthly on forms provided by the department.

Questions?

- Please send all questions to Beipub@health.ny.gov.
- Questions will be compiled, and answers will be provided.