

**New York State Department of Health
Bureau of Early Intervention Electronic Mailing List (Date: 07/17/2024)**

**Bureau of Early Intervention Program Approvals for Out of New York State Providers
Delivering Telehealth**

Dear Colleague,

To ensure that a provider has the capacity to deliver in-person services, effective immediately, the New York State Department of Health Bureau of Early Intervention (NYS DOH BEI) will only approve individuals who reside in New York State, one of its contiguous states (Connecticut, Massachusetts, New Jersey, Pennsylvania, Vermont), or Canada, who are capable of and willing to provide in-person services on demand. With the end of the federal Covid-19 Public Health Emergency on May 11, 2023, and the December 2023 release of the *New York State Telehealth Guidance* document, the NYS DOH BEI is requiring all approved providers to be capable of delivering consistent in-person services to children and families year-round. As stated in the December 2023 Telehealth Guidance document, the NYS DOH BEI's "expectation is that most Early Intervention (EI) services will be delivered in-person, and authorized EI providers must be capable of delivering services within their documented scope of expertise, to children and families in person."

NYS DOH approval will not be granted to providers who will only deliver Early Intervention Program services via telehealth, regardless of their state of residence. Providers are subject to both state and county municipal oversight. In cases where an approved provider consistently refuses requests to deliver in-person services, NYS DOH BEI reserves the right to withdraw the provider's approval and take other appropriate action.

To ensure continuity of Early Intervention Program services, currently approved NYS DOH approved Early Intervention Program providers may maintain their approval and may continue to deliver Early Intervention Program services via telehealth if all conditions set forth in NYS DOH BEI guidance documents continue to be met. Early Intervention Program approved agencies should not hire or contract with any new individuals who reside outside of NYS or its contiguous states but may maintain current staff.

Service Delivery via Telehealth Reminders:

- Individuals who reside outside of the United States of America including Canada, whether temporarily or permanently, cannot deliver Early Intervention services via telehealth.
- Individuals delivering Early Intervention Program services via telehealth must possess an active NYS license or certification in a profession recognized as 'qualified personnel' under Early Intervention regulations 10 NYCRR section 69-4.1(al)(1-28) or as a service coordinator meeting criteria established in 10 NYCRR section 69-4.4. Early intervention providers must be able to deliver all services within their scope of expertise to children and families in person, complying with their professional scope of practice. Any questions about profession-specific scope of practice restrictions and relevant laws and regulations should be directed to the NYS Education Department's Office of Professions. Contact information for each profession can be found on the following website: [New York State Licensed Professions | Office of the Professions \(nysed.gov\)](https://www.nysed.gov/education-professions).
- Early Intervention Program services, including those delivered via telehealth, are based on the unique needs of the child and family as determined to be appropriate by the

Individualized Family Service Plan team. Service providers are located by the service coordinator based on the written Individualized Family Service Plan.

All current guidance disseminated by the Bureau of Early Intervention can be found on the Bureau's "Early Intervention Program Memoranda, Guidance and Clinical Practice Guidelines" page, which can be found here:

https://www.health.ny.gov/community/infants_children/early_intervention/memoranda.htm .

If you have questions about approvals of providers, please contact the Bureau of Early Intervention Provider Approval, Due Process, and Monitoring Unit at provider@health.ny.gov. If you have programmatic questions about the delivery of telehealth in the Early Intervention Program, please contact the Bureau of Early Intervention Technical Assistance Unit at beipub@health.ny.gov.

Please do not respond to this ListServ announcement.

Thank You.

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