



Agencies for Children's Therapy Services
SFY 2023-2024 State Budget Testimony
Joint Legislative Budget Hearing on Health
January 23, 2024

Good afternoon, Chairs Krueger, Weinstein, Rivera and Paulin, and committee members. I am Scott Mesh, a Board Member of the Agencies for Children's Therapy Services (ACTS), an association of 31 agencies providing Early Intervention, Pre-K, Special Education, and School Age Special Education services. Member agencies collectively serve over 25,000 infants, toddlers, and preschoolers statewide. For the last 25 years, I have co-owned an early intervention agency, Los Niños Services, Inc. with Edita Diaz, School Psychologist, serving the five boroughs of New York City and Westchester County. We serve all families, although we have specialized in serving underserved Spanish-speaking families, and hence the choice of our name.

Thank you for this opportunity to discuss the 2024-2025 Executive Budget proposal.

I am here today out of an urgent concern for the provider capacity crisis that we currently face in New York State's Early Intervention Program – the root cause of which is inadequate reimbursement levels paid to providers in the program.

We are appreciative that the Executive Budget proposes a 5% increase in reimbursement for in-person services statewide, but it is simply not enough to impact the current situation.

We are even more grateful for the Legislature's unwavering support last year by including an 11% increase in reimbursement in your one house bills, and especially to Chairs Paulin and Rivera for sponsoring legislation last session and again this year (S6902/A6998) that provides for this 11% increase.

In February 2023, the New York State Office of the State Comptroller (OSC) published an alarming [report](#) that documented that the **entire state is underserved with 51% of children in EI not receiving services to which they were entitled**. This is a devastating failure for tens of thousands of families whose children are not getting services that were authorized under the program. About 3,000 children did not receive ANY of the services that were authorized. The OSC report reviewed services provided through February 2022. There is evidence from a survey of local officials conducted by the New York State Association of County Health Officials that the provider shortage is rapidly worsening in the two years since the audit was conducted.

We urge the Legislature to include an 11% increase in reimbursement statewide in this year's enacted budget.

- 5% is simply not enough when rates have not changed except for one minor increase in the last 29 years. There were two *reductions* in early intervention rates, in 2010 (10%) and 2011 (5% in some counties, 9% in NYC) totaling a 15-19% reduction in rates. Even an 11% increase will not recover the 15-19% reduction, not to mention yearly inflation significantly eating away the purchasing power of the existing rate.
- 5% is simply not enough when the same therapists can opt to spend their time in the preschool special education program which has received 11% and 6.25% increases in reimbursement in the last two years, respectively. Based on data the

NYSDOH presented to the Early Intervention Coordinating Council, **over 2,000 therapists have left the program over the past 4 years**, many serving children in preschool.

- 5% is simply not enough to help the tens of thousands of infants and toddlers with disabilities and developmental delays and their families who deserve the best start in life and are currently not receiving their services.

The Executive Budget includes other proposals that I would like to comment on today.

- **ACTS supports a proposed new 4% rate modifier** to provide additional pay for providers serving rural and underserved areas, as it will create an additional incentive for providers to serve children in these areas. **But it MUST be in addition to an 11% statewide increase.** NYSDOH must obtain provider input on an *objective* method of defining the rural and underserved areas and must have a seamless implementation of this complex new rate modifier. The lack of providers is so bad that some counties have no providers or only have one speech therapist for the entire county. The report also cited disturbing inequities as Black children were less likely to receive an evaluation and less likely to receive their authorized services.
- **ACTS opposes the Executive's proposed elimination of school psychologists from the list of qualified personnel in the program.** This is the worst time to limit who can provide services in the program. School psychologists have delivered services in the program successfully for decades and they are clearly well qualified to continue to serve infants and toddlers in New York. Eliminating school psychologists will further reduce available clinicians in the EI program.
- **ACTS opposes the Executive's proposal to create \$15.2 million in savings from administrative efficiencies in the program, especially if these are accomplished in ways that have a negative impact on provider capacity.** We simply need much more information on these proposed initiatives to assure that children, families, and providers are protected from harmful savings proposals that aim to offset the costs of long-overdue investments.

In closing, I want to say that those of us who work in EI, whether providers such as ACTS, local health departments, or organizations representing children and families, universally feel that there is an urgency to the current crisis in the program that I have not felt in my 25 years working in this industry. I fear that if the Legislature and Executive do not act to create a meaningful increase in reimbursement, which I would argue is at least 11%, that we are likely to see even more therapists leave the program for other better paying sectors, more children sit on waiting lists for therapies that are required to be provided to them under federal and state law, and the program that we have all built to be a model for the nation will crumble due to a lack of providers to deliver services.

Thank you again for the opportunity to testify before your committees today.