



NEW YORK STATE SENATOR

Cecilia Tkaczyk

Legislators Call for Action to Save Critical Programs for Infants and Toddlers with Disabilities

CECILIA TKACZYK March 24, 2014

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(**ALBANY**, March 24, 2014) -- Thousands of infants and toddlers with developmental disabilities rely on Early Intervention (EI) services to help them develop to their fullest potential and have the chance of a normal and fulfilling life.

But legislative changes and bureaucratic missteps have put many EI service providers out of business. The problem has had the most severe impact on small agencies and sole proprietorships, most of which are woman-owned businesses.

Members of the Senate and Assembly joined today with parents and advocates to call for a much needed reform that would save the EI services these young children, and their families, rely on.

State Senators **Cecilia Tkaczyk** (Ranking Member of the Senate Standing Committee on Mental Health and Developmental Disabilities) **George Latimer** (Ranking Member on Education Committee) **Gustavo Rivera** (Ranking Member on Health) and **Neil Breslin** (Ranking Member on Insurance) together with Assemblymembers **Patricia Fahy**, **Shelley Mayer** and **Thomas Abinanti**, called on the Governor and Legislative Leaders to include the fix in the final 2014-2015 budget. It has been included in both the Senate and Assembly Budget resolutions, but could be cut from the final spending plan.

"This is a two-fold problem," **Senator Tkaczyk** (D-Duanesburg) said, "We are jeopardizing the services that help thousands of the most vulnerable children in our communities; We are also hurting small businesspeople who are extremely committed to providing these services and helping these children. We should be assisting them however we can to grow, create new jobs and help more children, rather than stifling them and putting them out of business."

State Senator George Latimer (D-Westchester) said, "By streamlining the early intervention insurance collection processes, we are helping children and small businesses in the community at the same time. Seeing the necessary fixes to early intervention services included in both the Senate and Assembly budget resolutions is a strong indicator that we ought to act now and address this issue or else risk further impact on small businesses, sole proprietorships and young children with special needs."

State Senator Gustavo Rivera (D-Bronx) said, "Simply put, the implementation of the fiscal agent system has had unintended consequences that urgently need to be addressed. If changes to this system are not made soon, Early Intervention providers are facing financial hardships that could compromise the quality and access of care infants and toddlers with developmental disabilities are receiving. I urge the Governor and the Legislative Leadership to include provisions in the budget to address this issue to help ensure that early intervention providers are able to continue providing special needs children with the critical services they need."

Assemblywoman Shelley Mayer (D-Yonkers) said, "I am pleased to support this legislation that will take the burden of collecting payment and navigating the health insurance industry off of our early intervention providers, and allow them to do what they do best -- provide our

children the services they need."

Assemblyman Tom Abinanti (D-Mount Pleasant) said, "New York State refuses to recognize that they broke a system that was working well for babies who need help and refuses to fix it. So now the legislature has to fix it."

Assemblywoman Patricia Fahy (D-Albany) said, "These vulnerable young children, their families and their caregivers deserve better, as do the dedicated service providers trying to help them. New York State must do its part and give providers the help they need to get timely payments to providers to ensure they will stay in business."

Senator Neil Breslin (D-Albany) said, "It is incumbent upon us as legislators to ensure that people, especially children, receive the support services they need to reach their fullest potential. I am happy to support this legislation that ensures children will receive the help they need while also relieving administrative burdens from the providers of these essential services."

Leslie Grubler, Founding Director of **United New York Early Intervention Providers with Parents as Partners** (UNYEIP) said, "We have talked. We have communicated. We have rallied. We have surveyed. We have petitioned. We have engaged in Legislative Budget Hearings. We have emailed. We have tweeted. We have posted on Facebook. We have shared ... from our heart, to educate with-a-sense-of-urgency all those who can make a difference in the lives of children. There is no time to waste. Listen to us. Hear our words. Engage. Give our families hope that their children's lives will be better."

The problem has its roots in the 2011 budget, which removed the responsibility for collecting third-party insurance from counties and added "fiscal agents" to the process.

However, that administrative burden was then placed on therapists and other service providers, most of which did not have the training, time, expertise or administrative staff to deal with government bureaucracies and insurance companies.

The result is a complicated system that has overburdened providers, who are not being paid in a timely fashion.

Providers are forced to spend hours filing paperwork and calling insurance companies – time that could be spent providing therapy to infants. And despite filing the required

paperwork, they are still seeing delays in payment.

Senator Tkaczyk introduced legislation last year that would require prompt payment for providers. The State's new Early Intervention "Fiscal Agent" would then pursue and recover payments from insurance companies and Medicaid, work the office is well-trained and staffed to accomplish.

Tkaczyk's proposed reform was included in both the Assembly and Senate budget proposals.

Numerous providers and advocates have expressed their support for the measure, including:

New York State Speech-Language-Hearing Association

- Agencies for Children's Therapy Services ACTS
- Interagency Council of Developmental Disabilities Agencies
- NY Physical Therapy Association
- the Alliance For Infants and Toddlers,
- NYS Speech-Language-Hearing Association
- New York State Occupational Therapy Association
- United Cerebral Palsy Associations of New York State