



UNITED NEW YORK Early Intervention Providers and Parents as Partners (UNYEIP)

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**Testimony to the New York State Legislature
Joint Budget Committee on Health *in the matter of Early Intervention*
Monday, February 3rd, 2014**

Chairmen DeFrancisco and Farrell, Chairmen Hannon and Gottfried and distinguished members of the Senate and the Assembly, good evening and thank you for the opportunity to testify today on Governor Cuomo's 2014/2015 Executive Budget Proposal and the Executive's exclusion of Early Intervention in the state's \$2 billion dollar surplus.

My name is Leslie Grubler. I am a Speech-Language Pathologist in Early Intervention and Founding Director of UNYEIP, the *United New York Early Intervention Providers and Parents as Partners*, a grassroots organization founded in 2010, that uses no lobbyists and collects no fees or dues from its members. As Founding Director, my Executive Committee and I represent the interests of over 2500 current and former parents of children in NYS Early Intervention, as well as providers of service including special educators and ABA Therapists and allied health professionals from all disciplines in early intervention. Our membership spans from the tip of Long Island to Buffalo and both east and west. Our underlying mission is to be the voice of the children -- who have no voice or vote -- and their parents who because of their child's special needs are unable to have their voice heard in forums like this.

There are several issues that need to be addressed as a result of the absence of Early Intervention in Governor Cuomo's 2014/2015 Budget Proposals.

1. The Hannon/Gottfried Bill S6002/A8316 MUST find its way into the One-House Bills and then, into the final budget document in a form that will be signed by our Governor, a bill that was supported and vetted by ALL Early Intervention Advocacy Groups and ALL Professional Organizations. Despite data that the DOH BEI is proliferating, Early Intervention families are **not** receiving the services according to their IFSP and providers are closing their doors. Will the ***continuation of sameness and maintenance of mediocrity*** that both providers and parents have endured through this state fiscal transition, the sameness that all of *you* are acutely aware of as a result of the collective efforts of Chairmen

Gottfried, Cahill, and Hevesi in initiating Assembly Hearings this past October, will this continuation of sameness yield a stronger program? more meaningful and timely services to our children? Or will these ongoing issues that threaten the stability of the program and the pool of providers simply save money and further limit an already decimated program? And further limit an already challenged child? Clearly, to the masses, to the families with children with special needs, a growing voting block, it will communicate that our Governor and our Government has lost its moral compass, is simply choosing to *kick the can* to another administration. But this is time that our children *will never get back* in their lifetime. This is time that cannot be wasted.

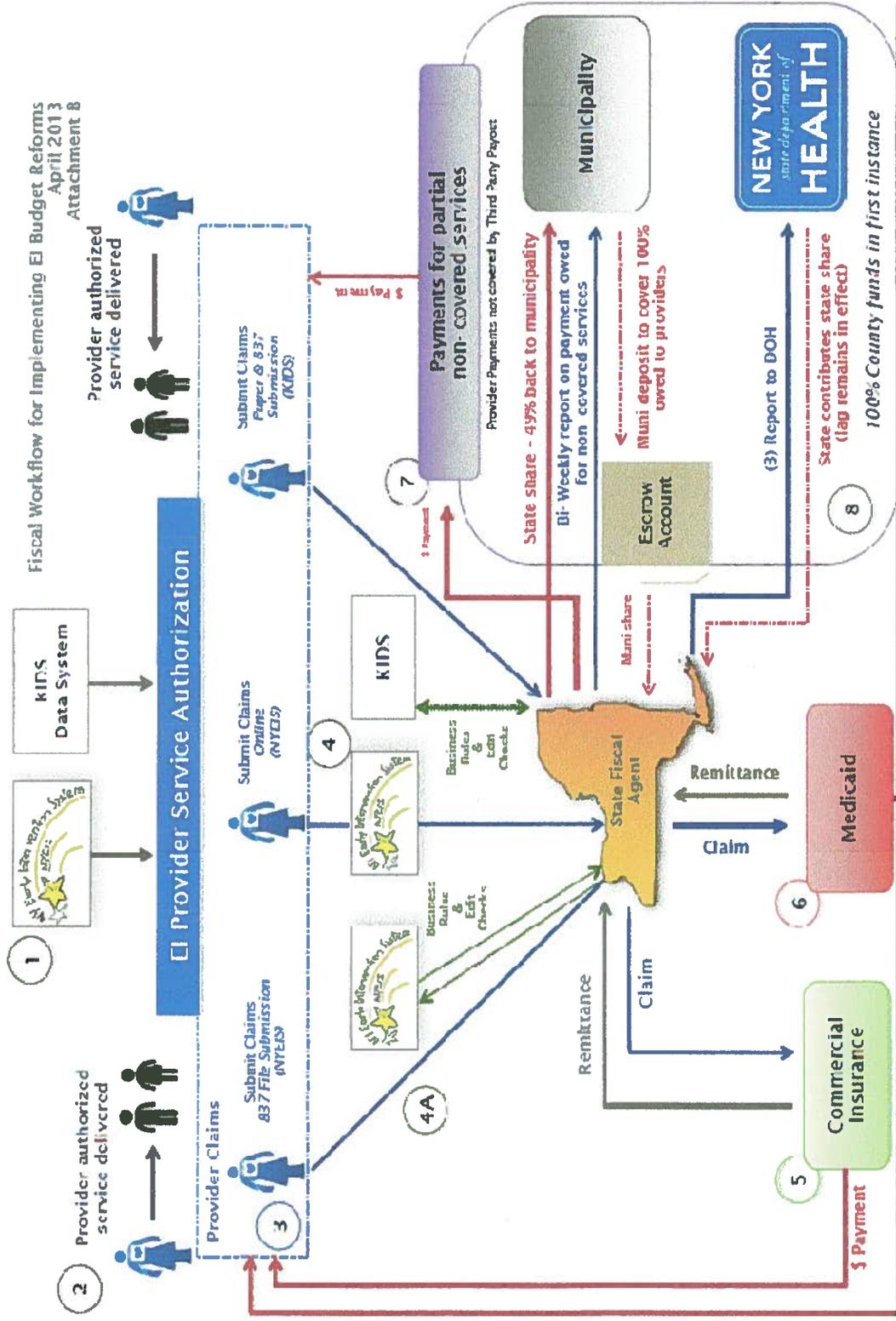
II. The Bureacracy Grows While Providers Close. Over the last three years, the NYS Early Intervention Program has been reduced by greater than \$150 million dollars – this is a significant reduction for a small program that composes now less than 1% of NYS' Budget. Yet, this year in a contract for the State Fiscal Agent that has not been released via FOIL (although requested by numerous entities including our own legislature), a multi-million dollar corporation SFA will recoup reportedly \$42.8 million in the form of contractual payments not including incentives for the next five years. Over 40 Early Intervention Agencies have closed and uncountable providers have left the field and daily, providers' practices are on the verge of collapse. At the same time, the SFA demonstrates its proficiency in facetime and delegating their responsibility. From 2010 to the present, providers took the hit for a State in fiscal crisis with an average of 20% reduction in their reimbursement rates. With the inception of the SFA, they have taken another implicit rate reduction as administrative time has dominated and serious lags in payment persist that are both unaddressed and seemingly not able to be addressed.

It's time to give back to Early Intervention, to value its providers, and ultimately, the state's most vulnerable children.

III. Forgive But Don't Forget. After voting down the Executive's proposal to force providers into insurance networks, our legislature, YOU, passed the following budget legislation in April of 2012: "*Municipalities shall grant sufficient authority to the fiscal agent to act on their behalf. Municipalities, and individual and agency providers as defined by the commissioner in regulation shall utilize such fiscal agent for payment of early intervention claims as determined by the department and shall provide such information and documentation as required by the department and necessary for the fiscal agent to carry out its duties.*"

The language was simple. The fiscal agent would need the assistance of providers to carry out *its duties*; **YET ultimately**, the scope of the providers' work skyrocketed, defined by the DOH in regulation *and contrary to* what YOU, our legislature, had agreed to.

THIS BECAME....



IV. INACCURACIES IN DOH DATA INTENDED TO MAINTAIN THE STATUS QUO AND FURTHER REDUCE THE EXPENSE OF EARLY INTERVENTION

- The preliminary results of the UNYEIP Parent Survey reflecting responses from 26 counties follows:

PRELIMINARY DATA FROM UNYEIP PARENT SURVEY
<p>ON INCOMPLETE IFSPs</p> <ul style="list-style-type: none"> • 24% of parents report that their child is NOT receiving services that appear on their child's IFSP. • Ranking in order of missing services: Speech & PT, OT, Special Instruction
<p>ON WAIT TIME FOR SERVICE INITIATION OF THOSE CHILDREN WITH AN INCOMPLETE IFSP</p> <ul style="list-style-type: none"> • 54% of parents have been waiting 1-3 months • 33% of parents have been waiting less than one month • 13% of parents have been waiting 4-6 months
<p>ON COMMUNICATIONS WITH SC/COUNTY REGARDING WAIT TIME</p> <ul style="list-style-type: none"> • 54% of parents indicated that neither the County nor the Service Coordinator have contacted them to advise them of when their child's services would begin.
<p>ON WAITING LISTS</p> <ul style="list-style-type: none"> • 84% of parents indicated that they have NOT been advised that there is a waiting list for services in their county.
<p>PARENTS RECEIVING INSURER CHECKS MEANT FOR PROVIDERS</p> <ul style="list-style-type: none"> • 29% of parents have received checks directly from their insurers meant for their providers. • 17% of parents have been asked to return these checks to the insurers. • 10% of parents have been asked to cash the checks and pay their providers. • 2% of parents have not been contacted by the county, the insurer, or the providers.
<p>STABILITY OF PROVIDER WORK FORCE</p> <ul style="list-style-type: none"> • 39% of parents report that their providers have changed since the inception of their child's IFSP. • 17% of parents have reported that their providers have left the field. • 3% of parents reported that agencies they had engaged with have closed their doors. • 19% of parents indicated that they are aware that their therapists are not being paid for services rendered but these therapists continue to work with their child.

V. CONTINUED MISCELLANEOUS CONCERNS ON THE MANAGEMENT and INTENT OF THIS TRANSITION

- Therapists are doing their job and **NOT** getting paid and the SFA, while generating a great many reports that consistently appear to reflect on the incompetence of our providers, collecting data that both providers and parents do not agree with, conducting trainings, and repetitively asking stakeholders “what can we do better,” are contributing little to enable our providers to get paid but, they **ARE** getting paid.
- At the 1/27 Steering Committee Meeting, Stephen Greene of PCG reported that January has the highest level of “unadjudicated claims.” Why are we surprised? But most importantly what steps were taken to advise and remind Counties/Service Coordinators to check with parents (which is systemically what should occur) to determine if their health insurer changed OR if they **NOW** have health insurance during this most significant open enrollment period?

The screenshot shows the New York State Health Marketplace website. At the top, it says "New York State" and "The Official Health Plan Marketplace". Below that, there are navigation links for "ABOUT", "RESOURCES", "FORMS", "GET HELP", "1-800-359-8777", and "LANGUAGES". A search bar is also present. A blue arrow points to the "Individuals & Families" link in the navigation menu. Below the navigation, there is a section titled "As of January 26, 2014" with a checkmark icon and the text "618,339 completed applications". To the right, there is a speech bubble icon and the text "351,605 enrolled". Below this, there is a section titled "Individuals & Families" with a photo of a baby and a woman. The text in this section says: "You and your family have many new low cost, quality health insurance options available through the Individual Marketplaces. You can quickly compare health plan options and apply for assistance that could lower the cost of your health insurance." Below this, there is a green button that says "GET STARTED".

- In the first week of December at the request of PCG, UNYEIP sent an 11-page list of issues currently experienced by our providers. In the second week of December this list was shared with the DOH BEI. This week UNYEIP, made contact with each of the impacted providers from this 11 page document – each indicated that their problems persist, few were contacted by the SFA to rectify.
- This focus on cost savings rather than cost effectiveness will get us little. Saving \$1 NOW will cost up to \$17 in the future during **another** administration.
- There is so much more to report here but it would take another Hearing date.

VI. IS NYS EARLY INTERVENTION OUT OF COMPLIANCE WITH PART C?

- According to OSEP and 76 Fed. Reg. 60140, 60227 of IDEA Part C, (September 28, 2011), “When determining the ‘actual cost’ of providing a particular early intervention service, the State must use a method that ensures a reasonable calculation and may consider all verifiable costs, e.g., travel to provide Part C services and those limited administrative costs directly related to service provision. In 2013, billing became a significantly increased administrative cost directly related to service provision noting that service provision requires service providers who would naturally expect to receive a salary. Additionally, the maintenance of records including billing records is directly related to service provision because it is required by regulation to maintain billing records and produce them upon audit. Additionally, insurers are asking for copies of reports, notes, and miscellaneous documentation at an additional expense to providers (ink, postage, paper, time, fax costs, internet costs). **The increased administrative burden of billing is verifiable; yet, NYS has made no provision to increase the rates of its providers to accommodate this significant increase in work and expense. NOTE:** When the time spent adjudicating a claim for a SINGLE therapy session or a SINGLE evaluation triples or quadruples the time actually spent with the child, the expense associated to cover the cost of completing that claim, then reimbursement rates **MUST** be increased. In NYS with a \$2 billion surplus, NOW is the time.
- While the state has twice reduced the administrative grant of the counties by 25% in 2012 and 25% in October 2013 (as per NYSAC’s October 22nd, 2013 Testimony at the Assembly Hearings), those monies have not been redirected to providers who now bear the administrative burden as noted.

VII. EARLY INTERVENTION A RETROSPECTIVE

- Eligibility standards increased in 2010. Fewer children are deemed eligible.
- In 2010, the structure of agencies has been changed, a costly change. Agencies, small and large were required to hire Q/A Staff.
- In 2010 and 2011, the rates of providers were reduced due to rate reimbursement reductions averaging 15% in addition to other state-imposed reimbursement reductions (WEF/TEF) on the average of 5%. Providers are now making less than they did at the inception of EI in NYS in 1993.
- The Fiscal Agent has come to fruition at the cost of a reported \$42.8 million dollars over 5 years not including incentives – a boon to a bureaucracy – but not to Providers who are delegated their work but NOT receiving a rate reinstatement.

- As per 4/2012 legislation, for the first time in the history of NYS all providers entered into agreements directly with the state effective 4/1/13. The state had and has a golden opportunity to standardize and streamline, reduce paperwork burdens and engage the counties directly in this endeavor but has failed to lead.

SUMMARY

Changes to this budget proposal, integrating the Early Intervention Gottfried/Hannon legislation, must be dictated by what is best for the state's most vulnerable children. With a \$2 billion surplus, monies must be redirected to Early Intervention Providers.

Funding for Early Intervention **MUST** be dedicated and predictable and shielded from the annual changes embedded in a budget process at the whim of the Executive. It's time to say NO. It's time to STOP the chipping away of a program that means EVERYTHING to families, EVERYTHING to the future of these children, and EVERYTHING to OUR society.

Mayor DeBlasio said in his testimony, "We are in the midst of an inequality crisis" in the care of children in our state. Yes, there is much talk about Early Education but **NONE** on Early Intervention.

IN NYS, A commitment to the CHILDREN must include a commitment to the Children with Special Needs, the State's MOST vulnerable children, those of Early Intervention.

Respectfully submitted,



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