

NYC Early Intervention Provider Update

November 5, 2010

CONTENTS

2011 Contract Renewal

- Conflicts of Interest
 - Family relationships
 - Board of Education employees
- EI Approval of Subcontractors
- Payment to Providers in Cases Where Medicaid Does Not Reimburse EI

NYEIS

- Implementation
- Training

NYC EI Policies and Procedures

2011 CONTRACT RENEWAL

Appendix A, *General Provisions Governing Contracts for Consultants, Professional, Technical, Human and Client Services*, is a set of **Citywide** contract provisions that is included with the Early Intervention (EI) contract for the first time in 2011. While providers need to be familiar with all of the terms of Appendix A, and of the rest of the new contract, a few clauses are of particular note.

Conflicts of Interest

Appendix A, Section 2.02, address two sources of conflicts of interest:

Family Relationships Among Employees or Board Members

Appendix A Sections 2.02 D, E and F specify that:

- The provider's employees may not serve on its Board of Directors or on specified committees unless:
 - the Board has at least five members;
 - employees do not vote on specified matters, such as their own compensation;
 - employees do not serve as Board Chair or Treasurer; and
 - employees do not constitute more than one-third of the board or specified committees.
- Immediate family members of the provider's employees may not serve on the provider's Board of Directors regardless of the size of the Board.
- Immediate family members may not hold positions such that one has direct or indirect supervisory or managerial authority over the other.

Please see Appendix A, Section 2.02, for further detail, including definition of "immediate family member." Waivers of these provisions will not be available. All EI providers must be in compliance with these requirements by the time that their contract is registered.

Employment of Board of Education Employees by the Provider

According to the NYC Conflicts of Interest Board, employees of the Board of Education may provide evaluations, services, and/or service coordination on behalf of an EI provider, as long as the provider and the individual comply with the following requirements:

1. Each individual must obtain a release signed by the parent or guardian of each child s/he is serving, and the provider and the individual must retain a copy of each signed release form.
2. Individuals may work for the provider only at times when they are not required to provide services for the City.
3. Individuals may not:
 - a. use their official City positions to obtain any private advantage for themselves, the provider, or the children served by the provider;
 - b. use City resources in connection with their work for the provider; or
 - c. disclose or use for private advantage any confidential information concerning the City.
4. Before beginning work for a provider, individuals must submit to EI a form containing: their name, their Board of Education file number and work location, and the name and address of the provider for which they will be working.

All referenced forms will be posted within the next few weeks on EI's website:

<http://www.nyc.gov/html/doh/html/earlyint/earlyint.shtml>

EI Approval of Subcontractors

Section 3.02A of Appendix A of the upcoming contract for Early Intervention services stipulates that “the Contractor shall not enter into any subcontract for the performance of its obligations, in whole or in part, under this Agreement without the prior approval by the Department of the subcontractor.” This applies not only to subcontracting organizations, but also to individuals.

In the next few days, EI will release information to all providers regarding the criteria and process for subcontractor approval.

Payment to Providers in Cases Where Medicaid Does Not Reimburse EI

Concern has been expressed as to whether providers would be at financial risk in cases where EI billing errors resulted in a lack of Medicaid reimbursement, or Medicaid recoveries. However, Section 5.01 of the contract creates a general requirement for EI or its fiscal agent to pay the provider for services rendered pursuant to the contract.

The only exception to this general requirement is stated in Section 5.03 of the contract, which allows EI to charge the provider for money not received from the State or Federal government only if **the provider’s** acts, omissions, or negligence have resulted in the State or Federal refusal to pay for those services. Providers cannot be penalized if **EI’s** errors are the reason for such refusal or recovery.

NYEIS

Implementation

The NYS Department of Health’s Bureau of Early Intervention is now implementing a comprehensive information management system, NYEIS (NY EI System), to be used by both municipal EI programs and by providers. NYEIS will support the full range of EI activities, including referral, evaluation, IFSP development, service provision, and billing. Rollout in NYC will begin in June 2011, with one borough implementing NYEIS every two weeks.

Section 5.06 of the 2011 renewal contract requires that all providers use NYEIS for, at a minimum, acceptance or rejection of referrals for service coordination, evaluation, and other services, and to request service authorizations.

NYC Schedule for Training and Implementation

All users will gain access to a version of NYEIS and online trainings 6 weeks before implementation in their borough. Two weeks before implementation, NYC EI staff and approximately 700 providers will receive 2-3 days of classroom training.

Some trainings have already been posted online, and are available under “Recorded Sessions” at:
<https://nysdoh.webex.com/mw03051/mywebex/default.do?siteurl=nysdoh&service=7>

NYC EI POLICIES & PROCEDURES

In the last year, EI has updated many of its policies and procedures. The new Policy and Procedure Manual can be found at <http://www.nyc.gov/html/doh/downloads/pdf/earlyint/earlyint-policy-manual.pdf>.

Some policies are still under development, and contracted providers will be alerted by email as they become available.

Forms and FAQs related to these new policies and procedures, including progress notes and development of functional outcomes, can be found at <http://www.nyc.gov/html/doh/html/earlyint/earlyint.shtml>

SOURCES FOR MORE INFORMATION

- For more information on conflicts of interest, please see the NYC Conflict of Interest Board website, at: <http://www.nyc.gov/html/conflicts/>
- The State Department of Health’s Bureau of Early Intervention posts periodic updates on NYEIS implementation on its website, at: http://www.health.state.ny.us/community/infants_children/early_intervention/system/
- For questions specific to the contents of this update, please send an email to EITraining@health.nyc.gov, with the words “provider update” in the subject line.