



Marie B. Casalino, MD, MPH
Assistant Commissioner

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Bureau of Early Intervention
Gotham Center, CN #12
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Dear Early Intervention Provider Agency,

The New York City (NYC) Department of Health and Mental Hygiene, Division of Family and Child Health, Bureau of Early Intervention (NYC BEI) would like to ensure that Early Intervention (EI) Provider Agencies are aware of recent changes to Article 47 of the NYC Health Code, which governs child care providers. The documents attached to this letter describe the responsibilities of EI Provider Agencies when assigning an EI professional to deliver EI services authorized as part of the child’s Individualized Family Service Plan (IFSP) in a child care setting.

- EI professionals (therapist and teachers) are referred to as *Professional Consultants* in Article 47 of the NYC Health Code.
- The attached document titled *Article 47 Guidance: Professional Consultant in Child Care – Summary of Changes to Child Care Regulations* should be reviewed and implemented by all EI Provider Agencies in NYC.
- The attached form titled **Notification of Assignment of Professional Consultant** must be completed and presented to child care providers upon initiation of EI service delivery in child care settings.

The amendment to §47.19 of the NYC Health Code is designed to ensure that EI professionals are able to meet an important mandate of Part C of the Individuals with Disabilities Education Act (IDEA): to the maximum extent appropriate to meet the needs of the child, EI services are provided in natural environments, including in the home and in community settings in which children without disabilities participate.¹ This amendment facilitates delivery of EI services in natural environments by permitting EI professionals to provide EI services in child care settings without requiring redundant proof of the EI professional’s SCR clearance, background or references.

EI professionals receive multiple verifications and clearances in order to provide services in the EI Program, including:

- Verifications conducted as part of their New York State Department of Health (SDOH) approval
- Background checks conducted as part of their license or credentialing
- Justice Center Staff Exclusion List checks
- New York State Central Registry clearance
- Reference checks conducted by EI Provider Agencies

The **Notification of Assignment of Professional Consultant Form** (attached to this letter) must be completed by the EI Provider Agency and given to the EI professional to

present to the child care provider on the first day of service. This form should not replace routine communication with the child care provider.

- A copy of the form should be maintained in the child's EI file by the EI Provider Agency, and should also be attached in NYEIS.
- This form is specific to the child and the EI professional rendering services, so a new form must be completed and provided to the child care center whenever a new assignment is made.

A copy of the Article 47 Guidance (*Professional Consultants in Child Care – Summary of Changes to Child Care Regulations*) must be given to all EI professionals prior to the first day of service in a child care settings. This guidance document outlines the NYC Bureau of Child Care and NYC BEI requirements for EI professionals who provide services in a child care facility, including:

- Contacting the child care agency prior to the first visit to arrange a schedule,
- Following the visitor policies of the child care program, which include signing in and out of the center,
- Consistently communicating with the child's teachers on integrating therapy for the EI child into the routine activities of the center, and
- Communicating regularly with the child's family.

Questions regarding the assignment or responsibilities of EI professionals in child care settings should be directed to: EIConsumerAffairs@Health.nyc.gov

¹ 20 U.S.C. §§ 1431-1444 (2015); N.Y. COMP. CODES R. & REGS. tit.10, §69-4.9 (h) (2015).

Sincerely,



Marie B. Casalino, MD, MPH
Assistant Commissioner

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