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**Reissued**  
**Early Intervention Memorandum 95-3**

**To:** Early Intervention Officials  
Interested Parties

**From:** Donna M. Noyes, Ph.D., Director  
Early Intervention Program

**Reissue Date:** January, 2000

**Subject:** Contracts between Municipalities and Approved Evaluators,  
Providers, and Service Coordinators

The purpose of this memorandum is to clarify policies and procedures for contracts between municipalities and public and private early intervention service providers. The memorandum also addresses the relationship of these contractual requirements to the option of parents to select evaluators and ongoing service coordinators.

The statute establishing the Early Intervention Program requires each municipality (i.e., each of the state's 57 counties and New York City) to be responsible for ensuring eligible children are evaluated, and the early intervention services contained in an Individualized Family Service Plan (IFSP) are provided to eligible children and their families within the municipality. The Department of Health is responsible to provide early intervention officials with lists of evaluators, service providers and service coordinators with whom they may contract for these purposes. Each early intervention official has the option to contract with any or all of those agencies and individuals as needed to ensure appropriate services in the municipality.

**1. Question:** What is the process for becoming an approved evaluator, provider, or service coordinator?

**Response:** Agencies and individuals seeking to be approved as evaluators, service providers, or service coordinators must file a standard application with the State. Agencies already approved or licensed for another purpose by the Office of Mental Health or the State Education Department may apply to the Department of Health or either of these state agencies.

In the application, an agency or individual describes their qualifications, services they are able to provide and municipalities they are able to serve, and assures they will follow applicable federal and state regulations, including the use of qualified personnel and accepting the DOH

prices as payment in full for all early intervention services provided. When one of the above state agencies approves the application, the applicant receives a written notice to that effect, as does the municipality in which the applicant plans to serve children. The DOH approval letter reiterates reimbursement for services is contingent on entering into a contract with the municipality.

**2. Question:** Must municipal agencies wishing to provide services follow the above process?

**Response:** Yes. The state approval process and state standards that must be met are the same for public and private agencies.

**3. Question:** Under state law and regulations, parents may select the evaluator, and the service coordinator responsible for implementation of the IFSP (the "ongoing service coordinator"). From which providers may parents choose?

**Response:** Parents may choose from those approved evaluators or service coordinators who meet the following conditions:

- 1) The agency or individual provider has been approved by the state, *and*
- 2) The agency or individual provider has entered into a contract with the municipality in which the child resides, *and*
- 3) For evaluations: the agency can perform the evaluation in a timely manner, so that the requirement to hold an IFSP meeting within 45 days of referral is met.

A parent may not select an evaluator or ongoing service coordinator which has not been approved by one of the above state agencies or does not have a contract with the municipality. To avoid confusion, DOH will annually issue lists to each municipality of those approved evaluators, service providers and service coordinators with whom the municipality has advised DOH it has contracted.

**4. Question:** Is the municipality required to contract with every agency and individual on the lists of state-approved providers maintained by DOH?

**Response:** No. The municipality must contract with enough evaluators, service providers, and service coordinators to provide sufficient capacity to appropriately meet the individual needs of eligible children and their families. Most municipalities do contract with a number of agencies and individuals, thereby providing a variety of options that enable flexibility in geographic locations and a range of areas of special expertise.

**5. Question:** What provisions may a municipality put in a contract?

**Response:** Municipalities may include any reasonable provisions, and may include provisions that enhance programmatic and fiscal accountability. A municipality may not include any contract provisions that violate applicable laws or regulations, or are arbitrary or capricious.

**6. Question:** How will DOH determine if municipalities have sufficient capacity to appropriately evaluate and serve eligible children?

**Response:** As part of ongoing program monitoring, DOH will assess the capacity of each municipality to provide appropriate early intervention services to eligible children and their families, either through municipal employees, contracts with agencies and/or individuals, or a combination of both. Sufficient capacity will be demonstrated by availability of a full range of service options, compliance with the 45-day timeline from referral to IFSP, and by indication that services are beginning promptly after the IFSP meeting.

Questions or requests for further clarification about contracting issues may be directed to the Early Intervention Program at 518-473-7016.