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Resuming Facility-Based Early Intervention Service Delivery: Group Services

Background

Guidance issued by the Department on June 18, 2020 indicated that group early intervention (EI) services must not resume until the county in which the facility-based EI provider is located has entered Phase 4 of reopening and upon the reopening of **all** education services in such county. Group EI services, including group EI services provided in a day care setting (under a day care license) were also not permitted. The following frequently asked questions (FAQs) address timing and requirements for resuming group EI services.

58. When can group early intervention (EI) services resume?

Response: Group EI services are permitted to resume 30 days after the first day schools have reopened in the municipality or county. This will afford the necessary time to amend individualized family service plans (IFSPs), prepare provider sites, train providers on updated health and safety protocols, communicate with families, and arrange transportation services as needed.

59. How many children can participate in a group EI session?

Response: While current EI policy guidance permits up to twelve (12) children in a group, upon resuming group EI services during the declared state of emergency for COVID-19, the recommended minimum group size is two (2) children and the maximum recommended group size is eight (8) children, which is consistent with the basic group developmental group size. If enhanced group services are included in the child's individualized family service plan (IFSP), the maximum group size is six (6). Existing ratios of children to staff apply. Group Developmental Intervention Services Standards can be found here:

https://www.health.ny.gov/community/infants_children/early_intervention/docs/2013_11_grp_dev_inter_serv_standards.pdf.

Additionally, facility-based providers that furnish group EI services at their site must follow all applicable health and safety and other guidelines upon resuming group EI services. These include the Health and Safety Standards for the Early Intervention Program guidance, provisions set forth in the EIP Provider Agreement, and Department-issued guidance regarding COVID-19.

60. Are group EI services permitted to resume in child day care settings?

Response: Group EI services may resume in child day care settings. Providers furnishing group EI services in a child day care setting must adhere to requirements of the child day care regarding health and safety and group size. Requirements include regulations applicable to Child Day Care Centers in 18 NYCRR Subpart 418-1, available at <https://www.ocfs.ny.gov/programs/childcare/regulations/418-1-DCC.pdf>, the Health and Safety Standards for the Early Intervention Program guidance, provisions set forth in the EIP Provider Agreement, and any county requirements regarding service delivery in child day care settings.

Additional Information:

Group EI services may be discontinued depending on health metrics and community spread of COVID-19.

Use of Waiver of Liability

61. Is it permissible for counties to require parents to sign waivers of liability prior to delivery of in-person early intervention services during the declared state of emergency for COVID-19?

Response: No, waivers of liability are not to be used and are not required in connection with the delivery of early intervention (EI) services during the declared state of emergency for COVID-19. Under the Early Intervention Program, counties, early intervention service providers, and families work together to make decisions about delivery of early intervention (EI) services. As *Reopening New York: Resuming In-Person Early Intervention Program Services* guidance states, early intervention services have remained open and operational during the COVID-19 pandemic, providing services and evaluations via telehealth to the maximum extent possible, unless more stringent restrictions were implemented by the service provider's Local Health Department (LHD). This guidance further provides, although LHDs may permit previously suspended in-person services to resume at Phase 2 or a later Phase, telehealth services remain an option, unless and until the Department revokes or limits its April 1, 2020 guidance permitting reimbursement for telehealth visits.

During the declared state of emergency for COVID-19, public health concerns are necessary and important considerations as EI service delivery decisions are made. If the individualized family service plan (IFSP) team, which includes parents and county EI officials, determines that in-person services are necessary for a child and family, and that in-person services can be provided safely, such services may be provided in accordance with the child's IFSP. When in-person EI services are delivered, all applicable guidance and precautions related to COVID-19 must be followed.

If there is any doubt about the ability to provide EI services included in the child's IFSP safely in person, teletherapy should be used. Teletherapy services fulfill the service

mandate in the IFSP and are not delivered in addition to the home/community-based services that a child is authorized to receive. There is a separate consent form for each EI service delivered via telehealth during the declared state of emergency for COVID-19, available on the Department's website at https://www.health.ny.gov/community/infants_children/early_intervention/docs/doh_cov19_beiconsent_telehealth_04.01.20.pdf

Resources/Additional Information:

For updates, please refer to:
COVID-19 Guidance at

https://www.health.ny.gov/community/infants_children/early_intervention/memoranda.htm

NYS DOH Information on Novel Coronavirus
<https://coronavirus.health.ny.gov/home>

For questions regarding this information, please contact the Department at beipub@health.ny.gov or 518-473-7016.