

MODEL MUNICIPAL CONTRACT FOR THE EARLY INTERVENTION PROGRAM UNDER TITLE II-A OF ARTICLE 25 OF THE PUBLIC HEALTH LAW

GENERAL INFORMATION AND INSTRUCTIONS FOR MUNICIPALITIES

INTRODUCTION

The Model Municipal Contract for the Early Intervention Program Under Title II-A of Article 25 of the Public Health Law was developed for use by municipalities when establishing an agreement with a service provider for the provision of services to infants/toddlers and their families under the Early Intervention Program.

The Model Municipal Contract was developed to provide consistency in contracting for early intervention services, to ensure that federal and state laws and regulations related to the Early Intervention Program are uniformly implemented across New York State, and to help ensure that contractors are fully aware of their contractual responsibilities.

PROVISIONS OF THE MODEL MUNICIPAL CONTRACT

The Model Municipal Contract consists of the following components and provisions:

- ***Early Intervention Services Agreement***

The Early Intervention Services Agreement is the contract between the municipality and the service provider for the provision of specific early intervention services and, in conjunction with all attached exhibits, sets forth all terms and conditions of the agreement.

- ***Exhibit A: General Terms and Conditions***

Exhibit A provides definitions, general terms and conditions of the contract, including:

- contractor responsibilities and requirements
- conditions governing renewal and termination of the agreement
- procedures for temporary suspension of provider enrollment of children
- provider qualifications and licenses
- maintenance, retention, and confidentiality of early intervention records
- procurement and maintenance of liability insurance
- nondiscrimination in employment and provision of early intervention services
- subcontracting requirements
- publication of brochures or other informational materials to inform public about the contractor's early intervention services
- contacts and addresses for communication and notices

- ***Exhibit B: Financial Terms and Conditions***

Exhibit B lists the terms and conditions governing:

- submission of bills, payments for services, fiscal audits
- prohibition against soliciting payments for early intervention services from other than the county
- maintenance of any required license for compensation of services
- retention of fiscal records
- required participation in financial audits and programmatic and quality improvement monitoring

- ***Exhibit C: Variable Terms Specific to the County***

Exhibit C is optional and is used to describe any county-specific provisions added to the contract that are agreeable to both the provider and the county.

- ***Exhibit D: Description of Services***

Exhibit D describes all services available under the Early Intervention Program, provider requirements, and the responsibilities of both providers and municipalities, including:

- completion of NYSDOH or NYSED provider approval process
- contractual requirements for immunizations and physical exams
- provision of approved services consistent with regulations, program policies and procedures, and generally acceptable standards of professional quality, with services provided on a 12-month basis by qualified personnel
- attendance at and maintenance of documentation for completion of continuing education and training
- maintenance of appropriately equipped and supplied sites and physical plant that meet the needs of children and that are in compliance with all applicable State and local requirements
- requirements for the provision of early intervention services in conformity with the Individual Family Service Plan (IFSP), completion of screenings and initial multidisciplinary evaluations, preparation of evaluation reports and written summaries, attendance at IFSP meetings, and participation in the IFSP process and in development and implementation of transition plans for children transitioning from the Early Intervention Program
- attendance at mediations and impartial hearings
- cooperation and participation in quality assurance reviews
- adherence to Early Intervention Program record maintenance and record retention requirements with respect to confidentiality, content of records, session notes, progress reports, and disclosure, inspection, review and amendment of records
- cooperation with service coordinators in monitoring the delivery of services
- requirements for provision of documentation and information on third party insurance and Medicaid and completion of Exhibits H (provider agreement for Medicaid) and I (reassignment of Medicaid reimbursements for early intervention services to the municipality)

- ***Exhibit E: Agency Provider Information Form***

Exhibit E is to be completed by agency providers only, and includes:

- legal name of the agency and business address
- tax identification number
- agency's licensures
- date of approval as an Early Intervention Provider and approved early intervention services
- insurance plans
- names, titles, addresses, and telephone numbers of administrative, fiscal, program, and compliance contacts

- ***Exhibit F: Individual Provider Information Form***

Exhibit F is to be completed by individual providers only, and includes:

- name, title, telephone number, and mailing address of the contractor
- name, address, and telephone number of individual responsible for billing and payment information
- early intervention services to be provided and specialty areas served
- social security number
- NYS license/certification/registration number
- list of all insurance plans

- ***Exhibit G: Site Information Form***

Exhibit G is to be completed by only those contractors/providers approved by the New York State Early Intervention Program to provide early intervention services at one or more sites under the provider's control (e.g., own and/or operate). A separate Exhibit G must be completed for each site where services may be provided and is to include for each site:

- name, address, telephone/fax numbers
- address where fiscal and clinical books and records are maintained
- name, address, and telephone/fax numbers of person responsible for establishing the availability of services
- all applicable contractor licensures

- ***Exhibit H: Provider Agreement Between the New York State Department of Health and Service Providers in the New York State Early Intervention Program***

Exhibit H sets forth all provider requirements for participation in the New York State Medicaid Program, including maintenance of service records, information on Medicaid claims reassigned to the municipality, nondiscrimination, and compliance with all applicable laws, rules and regulations.

- ***Exhibit I: Statement of Reassignment***

Exhibit I constitutes the provider's agreement to reassign all Medicaid reimbursements for early intervention services to the municipality, to accept as payment in full the established payment levels for covered early intervention services, not to bill Medicaid for early intervention services, and to comply with all of the rules and policies described in the provider's contract with the municipality.

- ***Exhibit J: New York State Approval Letter and/or Amended Approval Letters***

Exhibit J is a copy of the provider's approval letter from the New York State Department of Health Early Intervention Program.

INSTRUCTIONS FOR COMPLETION OF THE PROVIDER AGREEMENT BY MUNICIPALITIES

EARLY INTERVENTION SERVICES AGREEMENT - page 4

- Line 1: enter the name of the county
- Line 3: enter the name of the local lead agency
- Line 4: enter the address of the local lead agency
- Line 5: fill in the name of the contractor/provider
- Line 9: enter the principal place of business of the contractor/provider
- Line 14: enter the name of the county
- Line 19: insert time frame covered by the agreement (usually 12 months)

- Fill in the name of the contractor/provider and county
- Fill in the name of the local lead agency and have the County Attorney sign and date the Agreement

EXHIBIT A: GENERAL TERMS AND CONDITIONS - pages 5 to 25

- Read all of Exhibit A

- Page 11, Section 4
 - Paragraph g (i) Line 2: enter the date the current Agreement ends
Line 4: enter the date that is 30 days prior to date the current Agreement ends
 - Paragraph g (ii) Line 2: enter the date the current Agreement ends
Line 4: enter the date that is 90 days prior to date the current Agreement ends

- Page 18, Section 9, Line 9: enter the name of the county

- Page 19, Section 10, Lines 9 and 11: enter the name of the county

- Page 19, Section 12
 - ◆ Paragraph a (i): enter the dollar amount of commercial coverage for bodily injury and property damage

- Page 20, Section 12
 - ◆ Paragraph a (ii): enter the dollar amount of automobile coverage for bodily injury and property damage (if vehicles used in performance of Agreement)
 - ◆ Paragraph a (iii): enter the dollar amount of coverage for professional

liability and the dollar amount of liability coverage for
Special Education Teachers and Teachers of the Deaf and
Hearing Impaired and Visually Impaired

- ◆ Paragraph c: Lines 5 and 7: enter the name of the county
- Page 24, Section 22
 - ◆ Paragraph (a) Line 2: enter the name of the county
Line 3: enter the name of the local lead agency
- Page 25, Section 23
 - ◆ Paragraph a: enter the name and address of the local lead agency and the name of the person to whom correspondence and reports are to be sent

enter the name and address of the individual to whom notices and other submissions are to be sent

enter the name and address of the individual to whom bills for payment are to be sent
 - ◆ Paragraph c: enter the name and address of the individual to whom notices on indemnification, termination, or litigation are to be sent

EXHIBIT B: FINANCIAL TERMS AND CONDITIONS - pages 26 to 29

- Read all of Exhibit B
- Page 26, Section 1: enter the name of the county
- Page 28, Section 6: enter the name of the county
- Page 28, Section 8
 - ◆ Paragraph a: fill in the name of the county

EXHIBIT C: VARIABLE TERMS SPECIFIC TO THE COUNTY - page 30

- If an attachment is used, indicate the number of pages in the attachment
- Describe all applicable county-specific provisions included in the Agreement
- Enter the name of the County and have the County's Attorney sign and date form

EXHIBIT D: DESCRIPTION OF SERVICES - pages 31 to 43

- Read all of Exhibit D
- Page 31, Section 2
 - ◆ Paragraph b: enter the name of the local lead agency

- Page 32, Section 3
 - ◆ Paragraph e: insert a date that is no more than 2 months after the start of the next contract year

COMPONENTS OF A COMPLETED CONTRACT

- Early Intervention Services Agreement
- Exhibit **A**
- Exhibit **B**
- Exhibit **C**, if applicable
- Exhibit **D**
- Exhibit **E** for **Agency Providers**, plus:
 - Certificates of Insurance
 - ◆ Commercial General Liability
 - ◆ Automobile Liability, if applicable
 - ◆ Professional Liability
 - Documentation of coverage or exemption required by New York State Worker's Compensation Board
 - Certificate of Incorporation
 - Day Care permit (if applicable)
 - By-Laws
 - Operating Certificate or License
 - Signature samples of document signers
 - Fidelity Bonds
 - Names, addresses, and professional titles of Board of Directors (if applicable)
 - Documentation of annual physical examinations for any provider of services, if so requested by the municipality
- Exhibit **F** for **Individual Providers**, plus
 - Certificates of Insurance
 - ◆ Commercial General Liability
 - ◆ Automobile Liability, if applicable
 - ◆ Professional Liability
 - Day Care permit (if applicable)
 - License or Operating Certificate
 - Signature samples of document signers
 - Fidelity Bonds
 - Documentation of annual physical examination, if so requested by the municipality
- Exhibit **G**, if applicable
- Exhibit **H**
- Exhibit **I**
- Exhibit **J**