

EXPENDITURE PLAN EARLY INTERVENTION PROGRAM

2009-2010 State Fiscal Year
American Recovery and Reinvestment Act (ARRA) of 2009
Stimulus Funding Expenditures
Infants and Families with Disabilities
\$26,406,499

A. PROGRAM PROPOSAL

Summary

The American Recovery and Reinvestment Act of 2009 (ARRA) appropriates significant new funding for programs under the Individuals with Disabilities Education Act (IDEA). Part C of the IDEA provides funds to each state to implement statewide systems of early intervention services for infants and toddlers with disabilities and their families. The IDEA funds under ARRA provide an unprecedented opportunity for states to implement innovative strategies to improve outcomes for infants and toddlers with disabilities while stimulating the economy.

As lead agency for Part C of the IDEA, New York State Department of Health has been appropriated ARRA funds in the amount of \$26,406,499. The funds are being provided as a supplemental appropriation to the annual FY 2009 -10 IDEA Part C Grants to Infants and Families Program. The U.S. Department of Education distributes the funds to states pursuant to a formula in 20 USCA 1443. The first half of the funds became available in March 2009 and the second half became available in October 2009. All \$26.4 million is required to be obligated by September 30, 2011 and expended by December 31, 2011. Federal regulations governing the use of Part C grant funds prohibit supplanting (34 CFR 303.124). The regulations specify that the maintenance of effort requirement is defined as follows:

“the total amount of state and local funds budgeted for expenditures in the current fiscal year... must be at least equal to the total amount of State and local funds actually expended...in the most recent preceding fiscal year.”

The U.S. Department of Education has clarified that the transfer of expenses from a State’s base federal grant to the ARRA supplemental federal grant is an appropriate use of recovery funds and is not supplanting since it has not resulted in a reduction in State or local funding for the program. Documentation from the U.S. Department of Education’s Office of the General Counsel supporting this decision is attached.

Purpose

The purpose of the Early Intervention Program is to assure high quality, family-centered services for infants and toddlers with disabilities and their families and to ensure equity in the availability of resources and program standards. The program provides for:

- screening and tracking of children at risk for developmental delays and/or disability
- initial service coordination services for children referred as potentially eligible
- multidisciplinary evaluation to determine children's eligibility
- development of Individualized Family Service Plans for eligible children
- ongoing service coordination services for eligible children
- delivery of early intervention services at no cost to families and use of Medicaid and commercial third party insurance, whenever possible, to offset state and local costs.

Early intervention services include assistive technology devices; assistive technology services; audiology; family training, counseling, home visits and parent support groups; medical services for diagnostic or evaluation purposes; nursing services; nutrition services; occupational therapy, physical therapy, psychological services; service coordination; social work services; special instruction; speech-language pathology; vision services; health services; and, transportation and related costs.

Over the past two years, New York's Part C base funding has been reduced. There are two main reasons for the reduction: (1) the number of children under age three in NYS is declining, and (2) the allocation methodology in federal statute is flawed since it is based on population rather than program enrollment. As a result of these reductions, along with NYS's austerity budget cost control measures, many initiatives and ongoing activities that are required to ensure compliance with federal regulations and to ensure the health and safety of children and their families receiving services were unable to occur. County and miscellaneous service contracts had to be reduced, vacancies have not been filled, limitations and restrictions on travel and attendance at off-site conferences were implemented, and purchases of needed hardware, software, office equipment and supplies have been severely reduced or have not occurred at all.

With ARRA funding, not only will reductions in services be avoided, but initiatives that were put off can now be undertaken such as the development and implementation of a revised rate reimbursement methodology; enhanced training and technical assistance for municipalities; conversion of existing curriculum to on-line web-based training; update Clinical Practice Guidelines; development and implementation of a preferred list of evaluation tools; translation and printing of publications; and conducting the two day annual conference for county staff. New contracts will be initiated for the evolution and maintenance of the NYEIS system; implementation of a disaster recovery center; provision of enhanced training on NYEIS for providers and municipalities; and expansion of family initiatives to create a web site and blog for families in NYS. New contracts will be awarded for utilization review and other data mining and analysis projects in support of cost saving proposals. It is also proposed to provide a one-time enhancement for reimbursement to municipalities for administrative costs of the Early Intervention Program; nine NYEIS project positions will be able to continue to be funded for a 21-month period; services of a firm to conduct audits of selected early intervention providers; a loan repayment/recruitment/retention program to expand the capacity of service providers in shortage areas will be implemented; and hiring of temporary staff to assist with the increased workload created by the proposed ARRA initiatives.

Background

The New York State Early Intervention Program has been fully operational since July 1, 1993, and is established in State Public Health Law (PHL) as Title II-A of Article 25 and in federal law as Part C of the Individuals with Disabilities Education Act (IDEA). The Department is designated as the lead agency for this program in PHL Section 2550 and is responsible for the general administration and supervision of programs and activities receiving assistance under the title (including approval of early intervention evaluators, service coordinators, and service providers; monitoring of municipalities and service providers and correcting deficiencies identified through monitoring; enforcement of federal requirements pertaining to the provision of early intervention services, and, provision of training and technical assistance to municipalities and service providers).

The Early Intervention Program is administered and implemented at the local level by an early intervention official designated by the chief executive officer of the municipality (PHL Section 2541). Municipalities are responsible for ensuring that needed early intervention services identified in Individualized Family Service Plans are provided to eligible children and their families who reside in the municipality and may contract with approved providers of early intervention services for such purposes (PHL Section 2552).

Program Plan

ARRA funds are proposed to be used for the following initiatives.

#1. EI Admin Contracts **\$7,880,700** **10/1/09-9/30/11**

#1a. County Contracts **\$7,880,700**

BEI has implemented contracts through a noncompetitive procurement with 53 counties and New York City. The contracts provide enhanced funding for local administration of the EIP. Enhanced funding will be used to offset administrative expenses at the local level for the operation of the program in light of increasing requirements and decreased federal funding. The same distribution formula approved by the Office of the State Comptroller for the current contract period will be used for this one-time enhancement. It is an equitable distribution of available federal funds to all counties and New York City. In accordance with guidance from the Office of Management and Budget's April 3, 2009 memo, "departments and agencies 'shall develop transparent, merit-based selection criteria that will guide their available discretion in committing, obligating, or expending funds under the Recovery Act for grants and other forms of Federal financial assistance". Allowable uses of ARRA funding under this initiative will include temporary staff, OTPS expenses such as equipment needed for the new New York Early Intervention System, and contracts and consultant agreements that will help support the range of administration and management activities of the EIP in each county.

#1b. Provider Capacity Initiative **\$0**

This initiative would have addressed the shortage of Early Intervention (EI) service providers in certain geographical areas of New York State by amending existing ARRA funded Early Intervention Administrative Contracts. Amendments to the EI Contracts would have allowed counties to offer a financial incentive to expand/maintain capacity of providers in areas that are underserved or experiencing a critical shortage. Given the September 30, 2011 deadline for expending ARRA funds, there is not enough time for BEI to implement the Provider Capacity Initiative, which is only in the developmental phase. In order to fully expend ARRA dollars within the Federal timeframes imposed on the use of ARRA funds, BEI is redirecting Stimulus funding from this initiative to ARRA initiatives already in progress.

#2. NYEIS Modifications **\$6,370,024** **10/1/09-9/30/11**

#2a. NYEIS System Evolution and Maintenance (SEM) **\$5,570,024**

Option 1 and 2 ARRA Initiative

SEM Option 1 and 2 were part of the original NYEIS fully-competitive procurement. This initiative provides for the on-going evolution and maintenance of NYEIS, a complex web-based statewide data system that captures federally required data for over 70,000 children served annually by the EIP. The evolution provides new/expanded/modified application capabilities while maintenance provides repairs for software problems. Activities include the requirement and design definition of new/expanded/modified application capabilities; software development; integration testing and software builds for production use; analysis and correction of NYEIS software problems; support of the Configuration Control Board; analysis of NYEIS performance and help desk staff to support NYEIS implementation. Deliverables include: analysis reports, requirements and design documentation, and developed software. An additional \$1,100,00 has been added to this initiative for expanded enhancements to NYEIS identified during the launch, which includes additional training sessions, expanded labor for provider invoicing testing, addition of a business analyst, and a marketing material developer.

#2b. Enhanced NYEIS training and launch **\$800,000**

Included in the plan for NYEIS modifications is the development and delivery of enhanced training on NYEIS. ARRA funding will be used to provide the enhanced training to an estimated 1,200 additional

EIP staff from 58 municipalities and approximately 2,000 approved and contracted EI service providers who have contracts with municipalities. This is consistent with guidance from the Office of Management and Budget, which state the use of ARRA funds must “achieve long term public benefits by investing in science and health to improve economic efficiency and improve quality of life”. Enhanced NYEIS launch activities include support for migrating municipal early intervention data, making adjustments/corrections to the NYEIS application, pilot-testing the application among three municipal Early Intervention Programs, updating the user manual, and launching the application statewide. Deliverables from this initiative include: instructional webinars, online self-paced tutorials, face-to-face classroom training, a training environment for practice, train-the-trainer methodologies provided to EIP municipal staff and their service providers, and user manual updates and training materials.

#3. PERSONNEL **\$3,077,838** **9/1/09 – 8/22/11**

(NYEIS Project Positions/Temporary Agency Staff /Temporary Civil Service Items)

NYEIS project positions **\$1,974,269** **11/12/09– 8/22/11**

BEI realigned nine NYEIS temporary project item positions from Part C base funding to Part C ARRA funding in order to retain the positions for the period of 11/12/09 to 9/30/10. The September 2010 retirement of two NYEIS project staff resulted in only seven of the nine positions being funded from 10/1/10 – 8/22/11. It was anticipated NYEIS would be completed by fall 2009, however, as a result of the DOH pretest of NYEIS, numerous issues were identified for redesign or fixes. This has resulted in an overall delay to the rollout of NYEIS. The pilot resumed in November 2009, and launch of the system began in September 2010. With ARRA funding, BEI will be able to continue to support these NYEIS positions for 21 months until the NYEIS project is completed.

Supporting temporary positions using ARRA funds is consistent with guidance issued from the Office of Management and Budget on April 3, 2009 that specifies: “Long-term public benefits, optimizing economic and programmatic result. ...departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to delivery programmatic results; optimize economic activity and the number of jobs created or saved in relation to the Federal dollars obligated; and achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life; investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; fostering energy independence; or improving educational quality.”

These positions support the NYEIS project which is a long-term investment in the technology that supports the EIP. NYEIS will support the full range of management and administration activities of the EIP including initial referral and intake, evaluation, eligibility determination, IFSP development, service authorization and delivery, all financial aspects (provider invoicing, insurance claiming (commercial and Medicaid), and state voucher reimbursement, as well as management and reporting tools to assist both county and state EIP personnel in the program’s administration. Additionally, NYEIS will have provider application and approval capabilities and will replace the current EI Fiscal system.

#5. Revised Reimbursement Methodology**\$744,163****7/1/10-9/30/11**

The BEI will implement a time-limited project to support the Department's comprehensive review of the current reimbursement methodology used to set rates for early intervention services delivered under the EIP. Use of ARRA funds to support this project is consistent with the Office of Management and Budget's April 3, 2009 guidance which states that "departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to deliver programmatic results". The current reimbursement methodology has been in place since the program's implementation on July 1, 1993. The current fiscal climate within New York State, the recent repeal of the COLAs, concerns by the provider community about the adequacy of EI rates and inequities in reimbursement across provider types, ongoing redesign of Medicaid rate methodologies, concerns identified by the BEI related to the EIP reimbursement methodology, and changing federal CMS policies make it timely to complete a review of the EIP reimbursement methodology. The Department, as directed in Section 2553.2 of the PHL and in conjunction with the Early Intervention Coordinating Council (EICC), has convened a reimbursement advisory panel (RAP) to assist in advising the Department regarding payment methodologies "to promote the efficient, economical, productive and stable delivery of early intervention services". The RAP has been meeting monthly since February 2009 with Department staff to initiate a review of the reimbursement methodology.

An RFP was issued to establish a contract to collect, analyze, and present reimbursement information and options for the Department's consideration, with advice and assistance from the EICC and RAP. A contract was awarded to Public Consulting Group, Inc. (PCG) to work with the Department to identify information and data needs required to complete this review and propose revisions to the existing methodology or propose new reimbursement methodologies for the Department's consideration. PCG will conduct data collection techniques such as interested party surveys, discussions with other state EI programs, and identifying information that can be used from within the NYS Early Intervention KIDS/NYEIS system. Comprehensive analysis will be conducted of all data collected and reports will be provided to the Department on a regular basis. PCG will be required to solicit input from the EICC and the RAP. An additional \$250,000 will be allocated to PCG to add deliverables, consistent with its current scope of work, to assist the Department in completing its review and evaluation of the current methodology for reimbursement of early intervention services. This includes identifying potential areas of cost savings, cost reporting by EIP providers, and administrative activities to support revisions to the EI reimbursement methodology, such as assisting with State Medicaid Plan amendments.

#6. Training and Technical Assistance**\$0**

This project would have converted 23 training courses and ancillary training material into courses hosted on the Web and tracked using the Department's existing tracking system NYLearnsPH.com Learner Management System. Also included under this initiative was the enhancement for the Learner Management System, a web-based tool designed to facilitate the registration and tracking of learners in competency-based courses. Given the September 30, 2011 deadline for which ARRA funding must be expended, there is not enough time to obtain approvals, execute a contract, and commence work on the Training and Technical Assistance Initiative. In order to fully expend ARRA dollars within the Federal timeframes imposed, BEI is redirecting Stimulus funding from this initiative to ARRA projects already in progress.

#7. Clinical Program Initiatives**\$0**

This initiative would have awarded funding to a contractor to develop a list of preferred valid and reliable developmental and diagnostic assessment instruments and accompanying guidelines for use in multidisciplinary evaluations to determine children's initial and ongoing eligibility for the EIP. The

contractor would have also revised, updated and prepared for publication, the autism/pervasive developmental disorders and communication disorders guidelines, which are the two earliest issued clinical practice guidelines developed by the Department. Given the September 30, 2011 deadline for which ARRA funding must be expended, there is not enough time to execute a contract and commence work on the Clinical Programs Initiative. In order to fully expend ARRA dollars within the Federal timeframes imposed, BEI is redirecting Stimulus funding from this initiative to ARRA projects already in progress.

#8. Expansion of Family Initiatives **\$775,000** **4/1/10 – 9/30/11**

Part C of IDEA and PHL require the Department to provide support and training to parents involved in the EIP. States receiving federal Early Intervention funding are required to assist families in working with their infants and toddlers with disabilities to enhance the effective communication of their children's needs. ARRA funds provide an opportunity for the Department to further develop initiatives to train and support parents, including parents whose primary language is not English. The Bureau has implemented a single source procurement with Just Kids Foundation, Inc. to expand the Family Initiative Coordination Services Project offering parents involved in the EIP additional skill-building activities designed to increase their advocacy and leadership skills. This enhancement will be used to expand family activities under the Family Initiative Coordination Services Project. This one-time funding will expand parent activities by: further developing the Family Initiative Contract's www.eifamilies.com Web site; expanding the Early Intervention Partners Training Project; providing additional skill-building training opportunities to parents through round table discussions or workshops; working with SDOH to improve Department-issued publications and training materials; developing low literacy family-friendly information translated into other languages; adding temporary staff or interns to assist with this two year initiative; providing EIP outreach to community centers, churches/synagogues, recreational facilities, etc., to increase public awareness of the EIP; strengthening and coordinating relationships with other existing resources- parent training centers, advocacy centers, Families Together in NYS, Parent to Parent of NYS, and NYS Resources for Disabilities. This will help foster a relationship between the EIP and other resources during and after the two year ARRA enhancement. Consistent with the Office of Management and Budget's April 3, 2009 guidance "Long -term public benefits, optimizing economic and programmatic results" and "Targeting assistance consistent with other policy goals"; funding of this project will "achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life.....or improving educational quality" and will ".....engage with community-based organizations".

#9. Utilization Review **\$1,008,996** **8/1/10-9/30/11**

The purpose of this initiative is to obtain an understanding of utilization patterns and underlying factors that impact utilization of program resources within the NYS Early Intervention Program. As a result of a competitive bid process, the Department has awarded a contract to Island Peer Review Organization (IPRO) to perform retrospective utilization reviews of Early Intervention services processed through the Bureau's KIDS and NYEIS data systems. Use of ARRA funds to support this project is consistent with the Office of Management and Budget's April 3, 2009 guidance which states that "departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to deliver programmatic results". IPRO will subcontract with The Lewin Group to perform data aggregation and analysis of EI service data from multiple sources; perform research on national EI utilization patterns; and assist with developing service delivery performance measures and reporting. Deliverables will include:

- Develop and obtain Department approval for the methodology to be used in utilization review, establishing benchmarks, and service delivery performance measures. Development of survey tools to be used in soliciting information from program stakeholders.

- Completion of data exchange and preliminary data analysis of utilization patterns. This will include the creation of preliminary reports to be presented to the Department and obtaining Department input on specific analysis to be conducted based on preliminary analysis results
- Presentation to the department on the factors impacting service utilization patterns within the program. This will include information obtained from service claims data, surveys of interested parties, and relevant information obtained from national sources
- Presentation to the Department of a final comprehensive report on the utilization of services within the EIP. The report will detail utilization patterns and trends including Department approved benchmarks, identify key factors impacting utilization, and recommend possible actions that can be taken by the Department to address inappropriate utilization within the program. The report should be accompanied by a set of performance measures for service utilization that have been created by the contractor to be used by the Department in future Utilization Review efforts.

#10. EI Annual Meeting

\$25,650

Fall 2010

Under the IDEA PHL, the Department is responsible for ensuring implementation of the EIP that is consistent with statute, regulation and program guidance in each county. BEI is required to ensure consistent quality training of the EIP participants, including municipal Early Intervention Officials/Managers and their designees. As part of this requirement, Early Intervention annual meetings have taken place every 12-18 months for the past 13 years. The EI annual meeting provides an opportunity to disseminate technical information, increase knowledge and understanding relative to significant legislative changes, fiscal, administrative, and clinical updates to the EIP. It also enhances communication between Early Intervention Officials/Managers and Department staff. This meeting is an opportunity to provide information on federal and state initiatives/topics and current policy and practices at the national and state levels.

BEI issued an Invitation for Bid and selected The Best Western Albany Airport Inn as the meeting venue for 150 attendees, lodging, food and AV equipment. Dream Catcher Communications was selected through a competitive bid process as an event planner to plan and coordinate meeting logistics. The use of ARRA funds to support the EI annual meeting is consistent with the April 3, 2009 Office of Management and Budget Guidance memo which states “Departments and agencies should seek to maximize the economic benefits of a Recovery Act-funded investment in a particular community by supporting projects that seek to ensure that the people who live in the local community get the job opportunities that accompany the investment” and “small businesses play a critical role in stimulating economic growth and creating jobs. Because support of small businesses furthers the economic growth and job creation purposes of the Recovery Act, agencies should support projects that provide maximum practicable opportunities for small businesses. In the sphere of government contracting, agencies should provide maximum opportunities for small businesses to compete and participate as prime and subcontractors in contracts awarded by agencies, while ensuring that the government procures services at fair market prices. Accordingly, agencies are strongly encouraged to take advantage of authorized small business contracting programs to create opportunities for small businesses”.

#11. DOH software training, licenses, technical support, hardware purchase

\$2,195,962

10/1/09-9/30/11

BEI has procured with vendors who are currently on contract with OGS for the following items:

- New Sharepoint/SQL Server to support various systems for the EIP
- New equipment to provide support to the new Early Intervention application NYEIS. Staff are currently using equipment that is obsolete and cannot be repaired or upgraded to support NYEIS.
- Disk attachments for the Early Intervention Fiscal System. This system is out of server space and must continue to operate until all the data are migrated into NYEIS.

- Software licenses for Visual Studio .NET, SQL Server and SharePoint Server. The licenses are required to upgrade numerous EI legacy systems so they are compatible with new network operating systems and related security packages.
- ProjectPro 2007 and VisioPro 2007 software for staff preparing the documentation of how NYEIS data might be used in conjunction with other child health information.
- IBM Power 520 Server and Installation to support the New York Early Intervention System.
- User Licenses for ASP.NET Maker 7.1 to develop the various browser applications
- Thirteen desk top computers, three laptop computers for BEI staff whose equipment is obsolete and does not have the capacity to support newer software applications.
- Software training for staff in specific applications necessary to support and continue development on the New York Early Intervention System (NYEIS) project.
- IBM Maintenance for hardware and software on the new server supporting the New York Early Intervention System.
- Microsoft Services for Premier Support to assist on software problems and review server configurations to help maintain a healthy operating system in supporting EI applications.
- UPS for IBM server to provide backup to the NYEIS server in the event of power outages.
- Three black and white network printers to replace BEI printers that are outdated and off warranty.
- Laptop for DOH vendor Mythics to provide support to Oracle Environment.
- Uninterrupted Power Supply for the New York State Early Intervention System server.
- Additional RAM for laptops purchased to support all of the software required for the various applications Office of Information Technology and Project Management develops and maintains.
- Scanners for use in the Bureau to maintain records and documentation for ARRA initiatives and ARRA reporting requirements.
- Adobe Licenses for Bureau staff
- TOAD SQL Licenses
- Winzip Upgrades necessary to support the current KIDS application and transition to NYEIS
- USB Floppy Disks necessary to support the current KIDS application and transition to NYEIS
- IBM P770 server which increases core processing and quadruples memory
- IBI WebFocus Reporting Licenses expands number of users from 500 to 2,000
- Curam software licenses
- Dell Disk Array
- Software maintenance fees

#12. Disaster Recovery Center

\$808,000

Fall 2009

NYEIS is currently located in the Office for Technology State Data Center. This initiative provides an alternate backup site for NYEIS. In the event that a disaster /catastrophic incident disables the NYEIS primary site, the backup system has the capability to resume processing within 2-4 days. \$208,000 in additional funds has been added to the Disaster Recovery initiative for purchase of Oracle licenses and the IBM Websphere ND license required for NYEIS. Use of ARRA funds for this initiative is consistent with OMB guidance that specifies “merit-based selection criteria shall be designed to support particular projects, applications, or applicants for funding that have, to the greatest extent, a demonstrated or potential ability to: deliver programmatic results,achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life; investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.”

#13. Publications**\$470,000****10/1/09-9/30/11**

Early Intervention Program publications are produced by the DOH's Bureau of Early Intervention (BEI). New publications undergo a thorough approval process before being printed and disseminated. Existing publications are reviewed periodically for correctness, updated and revised if necessary, then reprinted. Selected publications are translated into other languages to comply with the federal mandate for the Department to provide a wide-reaching public awareness program.

When a new or existing publication is approved for printing or reprinting, or when a publication has been selected for translation, procurement requests are submitted to Division and Center staff for approval. When a procurement request has been approved, Public Affairs Group staff solicits two Invitations for Bids. One Invitation for Bid has been issued for printing services and another for translation services. Program deliverables include the translation and printing of informational brochures, booklets, guidance documents, training materials, and other types of publications to parents and EIP stakeholders. \$220,000 additional ARRA funding has been allocated to this initiative for publication development, printing, and translation costs for BEI's Quick Reference Guides and Parent's Guide because the supply of these EI publications is nearly depleted. The six Quick Reference Guides were developed to provide information on Autism, Communication Disorders, Down Syndrome, Hearing Loss, Motor Disorders, and Vision Impairment, and to assist families with developmentally delayed children from birth to age 3 in making informed choices regarding early intervention services. All six Quick Reference Guides will be printed in Spanish and the Autism and Communication Disorders Quick Reference Guides will also be printed in English. The Autism Report of Recommendations, which contains updated scientific information geared to local early intervention programs and service providers, will be printed in English.

The Early Intervention Program Parent's Guide is a handbook for families with developmentally delayed children from birth to age 3 which provides basic facts about the Early Intervention Program (EIP) and guides parents through the EIP process. EIP regulations require that parents receive a copy of the parent handbook to ensure they get complete information regarding their rights and entitlements under the Early Intervention program. In addition, federal and state regulations require that parents receive information in the "...dominant language or mode of communication normally used by the parent of an eligible or potentially eligible child, including Braille, sign language, or other mode of communication." The Parent's Guide will be printed in the following languages; Spanish, Chinese, French, Russian, Arabic, Polish, and Haitian/Creole.

By providing printed copies of EI publications to parents and EIP stakeholders, in various languages, using ARRA funds for this project meets the Recovery Act's objective to "support particular projects, applications, or applicants for funding that have, to the greatest extent, a demonstrated or potential ability to: deliver programmatic results; achieve economic stimulus by optimizing economic activity and achieve long-term public benefits".

#14. Audit of Early Intervention Providers**\$125,055****4/1/11 -9/30/11**

On October 15, 2010 a mini bid was issued to audit firms on a backdrop contract with the Office of General Services (OGS) to conduct audits of Early Intervention Service providers considered to be of potential high-risk. The chosen contractor, The Bonadio Group, will conduct field audits of three New York City agencies which have submitted the greatest number of service claims for reimbursement. These agencies will be selected by the Department of Health (DOH) based on criteria developed by the department. The amount of funds allocated to this initiative was reduced by \$174,855 based on the bids received and a later start date.

The Department has existing authority to conduct audits of providers to identify disallowances such as overlapping visits, inadequate travel time between visits, missing session notes or other instances of inappropriate billing. As a result of this initiative it is projected that \$1 million in State General fund and

Medicaid funding will be recovered in SFY 2010-11 and an additional \$2 million from the combined sources in SFY 2011-12. The use of ARRA funds to support this initiative is consistent with the U.S. Office of Management and Budget guidance that “departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to deliver programmatic results, achieve long-term public benefits and increase economic efficiency”.

#15. Temporary Programmer/Data Analyst Support for Early Intervention \$286,960 2/15/11-9/30/11

The Program Services (PSU) Unit within the Bureau of Early Intervention (BEI) conducts ongoing research and analysis to ensure the efficient, economical, productive and stable delivery of early intervention services. Staff within the unit are involved in projects supported with ARRA funding. Within the ARRA funded initiatives, the BEI proposes to examine program enrollee utilization based on both the quality of service provided to children and families according to evidence based standards and the appropriate level of resources expended on these services. In-depth data analysis conducted by outside contractors of utilization of services, identifying trends and outlying data will require oversight and collaboration with the staff within the PSU that are familiar with programmatic and fiscal data. In addition to service utilization analysis, the BEI is proposing to use ARRA funding to support restructuring the reimbursement methodology for services within the program.

Current ongoing workload within the PSU does not allow sufficient support for these critically added ARRA initiatives. The BEI plans to use ARRA funding to add temporary Programmer/Data Analyst positions to its PSU in order to address the increase in current workload. A Fast Track Procurement was issued on October 8, 2010 to information technology firms identified from the OGS backdrop contract. Contracts were awarded to Genesys Consulting Services, ITT, Inc., and TEJ Technologies, Inc. to hire one Data Specialist II from each contractor. These three temporary employees will assist the Manager of the PSU in meeting the research and data analysis requirements within each of the above described specific projects. The amount of funds allocated to this initiative was reduced by \$120,155 based on the bids received and a later than anticipated start date. Hiring temporary staff is consistent with ARRA guidance which states “departments and agencies should seek to maximize the economic benefits of a Recovery Act-funded investment in a particular community by supporting projects that seek to ensure that the people who live in the local community get the job opportunities that accompany the investment”.

#16. New York Early Intervention System (NYEIS) Training \$288,000 1/1/11-9/30/11

The New York State Department of Health has developed the New York Early Intervention System (NYEIS) to electronically manage all Early Intervention Program functions at the state and local levels. NYEIS, a state-of-the-art web-based application, will replace the Kids Integrated Data System (KIDS), an obsolete software system with many limitations. Training of municipal staff and selected approved contracted providers is essential to ensure that NYEIS is used appropriately and that accurate and reliable data is entered into the system.

The NYS Department of Health issued an Invitation for Bid (IFB) on November 19, 2010 to procure a contractor to coordinate the classroom-style training of municipalities and selected early intervention providers during the statewide roll out of NYEIS. One bid was received in response to the IFB and a contract will soon be awarded. The chosen contractor will coordinate training activities, including identifying training venues, provision and maintenance of laptops and all related equipment, provision of technical support, and other activities as required. The training plan includes multiple training days at 45 locations throughout the state. The amount of funds originally allocated to this initiative is reduced by \$137,000 based on the only bid received and a revised start date.

The use of ARRA funds to support this initiative is consistent with the U.S. Office of Management and Budget guidance that “departments and agencies should support projects that have, among other things

and to the greatest extent, a demonstrated or potential ability to deliver programmatic results, achieve long-term public benefits and increase economic efficiency”.

#17. Early Intervention Coordinating Council (EICC) and Sub-committee Meetings 6/1/10-9/30/11
\$57,802

The Early Intervention Coordination Council (EICC) was established in Title II-A of Article 25 of the Public Health Law to advise and assist the NYS Department of Health as lead state agency for administration of early intervention programs and services to infants and toddlers with disabilities and their families.

As the designated lead agency and recipient of the State’s federal funds under Part C of the Individuals with Disabilities Education Act (IDEA), the Department, through the BEI, is required by federal law and regulation to convene the EICC on a quarterly basis.

EICC and Revised Reimbursement Two Day Meeting \$17,109 September 14 -15, 2010

An EICC Reimbursement Advisory Panel (RAP) convened in 2009 to examine the effectiveness and efficiency of the reimbursement methodology, and to identify possible alternative reimbursement methodologies that may better promote efficient, economical, productive, and stable delivery of early intervention services. The EICC RAP has spent the last 16 months, discussing the current payment methodology in place for reimbursing providers in the Early Intervention Program (EIP). This discussion is now entering the next phase where possible alternative payment methodologies will be reviewed and discussed.

The Bureau held a presentation and discussion of alternative reimbursement methodologies for Part C EIPs in conjunction with the EICC and EICC Reimbursement Advisory Panel (RAP) meetings held on September 14 and 15, 2010.

Guest speaker Lynda Pletcher from the [National Assistance Center FPG-Child Development Institute at University of North Carolina](#) presented to an audience of EICC and RAP members as well as interested members of the public. In addition to this presentation, a facilitated discussion was held to openly discuss ideas presented and their possible impact on the NYS EIP if adopted. It is important that EICC members had the opportunity to participate in this discussion as any change to the provider reimbursement methodology could impact the delivery of services within the program. In order to accommodate schedules and control costs, the presentation and discussion occurred between the EICC meeting on September 14 and the RAP meeting on September 15. Use of ARRA funding to support these meetings is consistent with the U. S. Office of Management and Budget guidance that Stimulus funds be used to “achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life; investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; fostering energy independence; or improving educational quality...”

EICC Task Force on Group Developmental Intervention Meetings \$7,296 6/1/10 –9/30/11

Early Intervention Program regulations include group developmental intervention services as a required early intervention service option. Utilization of group developmental intervention visits has substantially declined during the past decade, creating concerns about the viability of this service model. Clearly articulated program standards are needed to assure quality and consistency in the delivery of group developmental interventions and to promote the delivery of group developmental interventions in integrated and inclusive settings.

The charges to the EICC Task Force on Group Developmental Intervention is to assist the Department of Health in developing interim standards for high quality and consistency in the delivery of these services,

and to advise the Department and interagency partners in implementing strategies to promote the delivery of group developmental interventions in integrated and inclusive settings.

The Task Force on Group Developmental Intervention convened meetings on August 30, November 30, 2010 and will convene two additional meetings in 2011 to assist the Department in identifying appropriate interim standards for group developmental intervention services, in identifying “best practice” standards for group developmental intervention, including delivery of services in integrated and inclusive settings, in exploring solutions to identified issues related to implementing high quality group developmental intervention services, including delivery of these services in integrated and inclusive settings, reviewing and commenting on draft interim standards and best practice standards for group developmental intervention services, and identifying strategies and practical solutions for promoting integrated and inclusive group developmental intervention services.

Use of ARRA funds for this initiative is consistent with U.S. Office of Management and Budget guidance that specifies “merit-based selection criteria shall be designed to support particular projects, applications, or applicants for funding that have, to the greatest extent, a demonstrated or potential ability to: deliver programmatic results,achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life...”

EICC Reimbursement Advisory Panel Meetings \$18,398 November 2010 – Sept 2011

Section 2553(2)(iii) of Public Health Law requires the EICC to convene a Reimbursement Advisory Panel (RAP) to advise and assist the commissioner regarding payment methodologies for the Early Intervention Program (EIP), to assure the methodology adequately reimburses the cost of services and to promote the efficient, economical, productive, and stable delivery of early intervention services. Five RAP committee meetings are scheduled between November 1, 2010 and September 30, 2011. The purpose of these meetings is for the RAP to collaborate with Public Consulting Group, the contractor awarded the ARRA funded Revised Reimbursement RFP, to identify actual provider expenses for Early Intervention (EI) service provision, provider capacity, and the possible impact that revisions to rates will have on the provision of services within the EI program. The final meeting scheduled for September 2011, will provide a forum for the RAP and Public Consulting Group to present findings and recommendations to the EICC.

The use of ARRA funds to support this initiative is consistent with the U.S. Office of Management and Budget guidance that “departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to deliver programmatic results, achieve long-term public benefits and increase economic efficiency”.

Group Developmental Task Force Consultant \$14,999 April 1, 2011 – September 30, 2011

The BEI seeks to establish a consulting agreement with Professor Barbara Schwartz, NYU Steinhardt School of Culture, Education, and Human Development, to provide consulting services to the Department and the EICC's Task Force on Group Developmental Intervention in the development of interim standards for delivery of group developmental interventions; a comprehensive set of quality standards for delivery of group developmental intervention services; and a guidance document on strategies and practical solutions to delivery of group developmental interventions in integrated settings. Professor Schwartz will assist staff in planning and preparing agendas, documents, and materials for review at Task Force meetings; participate in Task Force meetings; and prepare initial drafts and final drafts of the three documents (interim standards, quality standards, and guidance document) for Department, Task Force, and EICC review. Deliverables will be final documents for printing and distribution by the Department.

The use of ARRA funds to support this initiative is consistent with the U.S. Office of Management and Budget guidance that “departments and agencies should support projects that have, among other things

and to the greatest extent, a demonstrated or potential ability to deliver programmatic results, achieve long-term public benefits and increase economic efficiency”.

#18 Miscellaneous **\$110,893** **4/1/10-9/30/11**

Equipment \$55,291

Equipment and supplies are needed to accommodate Bureau of Early Intervention (BEI) staff, projects, presentations, daily work activities and ARRA initiatives. Additional funding has been allocated to this initiative to purchase office supplies, computers, and equipment to support the daily operation of the BEI. The purchase of equipment and supplies using ARRA funds is consistent with guidance issued from the Office of Management and Budget (OMB) on April 3, 2009 that specifies: “Long-term public benefits, optimizing economic and programmatic result. ...departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to delivery programmatic results; optimize economic activity and the number of jobs created or saved in relation to the Federal dollars obligated; and achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life; investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; fostering energy independence; or improving educational quality.”

ARRA Travel \$55,602

In order to comply with the unprecedented standards for accountability and transparency that must be met by all recipients of ARRA funding, ARRA staff will incur travel costs for regularly scheduled site visits, audits, meetings with contractor/grantee to establish and reinforce documentation and reporting expectations, regularly scheduled meetings with state and local program officials and auditors, a minimum of 33 statewide training sessions of local county early intervention program staff on the New York State Early Intervention System (NYEIS) conducted by four NYEIS staff, and weekly assessment and quality assurance review of the NYEIS system at CMA Consulting by three NYEIS staff. The original amount of funding allocated for ARRA travel was an estimate because the roll out of NYEIS was pending. Now that NYEIS staff are travelling consistently for NYEIS training sessions, the allocation of funding for ARRA travel was decreased based on actual expenses to date and projected expenses to September 30, 2011. The use of Stimulus funds for travel costs is consistent with OMB guidance that states: “.....*Ensuring Responsible Spending of Recovery Act Funds*, departments and agencies should develop transparent, merit-based selection criteria that will guide their available discretion in committing, obligating, or expending funds under the Recovery Act for grants and other forms of Federal financial assistance”.

#19 Monitoring Initiative **\$1,811,514** **2/1/11 – 9/30/11**

The Bureau of Early Intervention (BEI) is responsible for the administration, supervision, and oversight of the New York State’s Early Intervention Program (EIP). Part C of the Individuals with Disabilities Education Act (IDEA) and the New York State Public Health Law requires the Department of Health (Department) to provide supervision and monitoring of the Early Intervention Program (EIP). One way that the Department meets this requirement is through a statewide quality improvement initiative that includes monitoring of providers of early intervention services and municipalities responsible for local implementation of the program.

The Department currently uses Part C funding for a multi-year contract with Island Peer Review Organization (IPRO) to deliver monitoring services. IPRO has been the contractor providing these services since 2001 through a series of competitive procurements. Using ARRA funding will provide a new opportunity to contract with IPRO in the amount of \$1,811,514 for an eight month period of February 1, 2011 through September 30, 2011 to conduct expanded monitoring activities required by the U.S. Department of Education’s Office of Special Education Programs (OSEP). OSEP has required that

the EIP revise its monitoring program to verify correction of every monitoring finding within one year of the report of the findings. This eight-month single source funding procurement will continue monitoring services of the EIP through the use of ARRA funds and will provide on-site monitoring of Early Intervention service providers, issuance of reports detailing regulatory findings from on-site monitoring activities, review of corrective action plans filed in responses to regulatory findings, and verification of correction of non-compliance with federal regulations.

Monitoring helps not only to ensure that required services are being delivered and delivered appropriately, but that the quality of services is maximized. Further, monitoring enables improvement in the quality of services by identifying opportunities for improvement. Use of ARRA funds to support this project is consistent with the Office of Management and Budget's April 3, 2009 guidance which states that "departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to deliver programmatic results" and "targeting assistance consistent with other policy goals".

#20 Direct Services Initiative **\$369,941** **6/15/11 – 9/30/11**

The Bureau of Early Intervention plans to use \$369,941 in ARRA funding to pay for direct early intervention services for infants and toddlers with disabilities and their families on or before September 30, 2011.

Federal regulations require that funds made available under 20 U.S.C. 1443 to the State not be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds. However, an allowance can be made for the Department to be exempted from this requirement in any year in which there is a decrease in the number of children who are eligible to receive early intervention services under this part. The number of children enrolled in the Early Intervention Program declined 5.76% from 2009 to 2010; therefore use of Part C Stimulus funds for direct services is in compliance with federal regulations. The U.S. Department of Education's Office of Special Education Programs has stated that they approve this allowance.

Use of ARRA funds to support this project is consistent with the Office of Management and Budget's April 3, 2009 guidance which states that "departments and agencies should support projects that have, among other things and to the greatest extent, a demonstrated or potential ability to deliver programmatic results" and "targeting assistance consistent with other policy goals".

Reporting, Evaluation and Monitoring

According to Section 1512 of the American Recovery and Reinvestment Act of 2009, each federal agency requires its recipients of grants, cooperative agreements and loans made under the Recovery Act to report a significant amount of information and data electronically through a central federal portal or through an agency information collection process. This reporting is required within 10 days after the close of each calendar quarter.

In addition to meeting the reporting requirements outlined in the ARRA, New York State has been selected by the U.S. Government Accountability Office (GAO) as one of the 16 "core states" to be followed over the next few years to provide an ongoing longitudinal analysis of the use of funds under the Recovery Act. New York was selected on the basis of outlay projections, demographics, and geography. To meet the reporting and evaluation requirements outlined in ARRA BEI has instituted the following measures:

Fraud Prevention

- Monthly meetings with key staff to review and update status of initiatives, discuss concerns; answer questions.
- Work plan deliverables and outcomes detailed in contracts.

- Staff participation in training on fraud prevention.
- Site visits to sub-recipients and contractors.
- Collect and review receipts and invoices from sub-recipients and vendors.
- Collect and review documentation supporting vouchers.
- All vouchers reviewed to confirm proper completion, perform math verifications, signature confirmations, and test for duplicate claims.
- Perform budget to voucher comparisons.
- Evaluate the reasonableness of the budget.
- Data comparisons completed on a regular basis to identify potential problem payments.
- Contractors must sign certification statement attesting to information in grant applications.

Contract Management

- Written policies and procedures for procurements are in place to ensure accountability
- All existing levels of approvals, beginning with BEI's Administrative Services Unit, Bureau Assistant Director and Director, Division of Fiscal staff, Division, Center for Community Health and Fiscal Management, are followed.
- A unique fund code will be developed for ARRA.
- A new ARRA tracking system has been developed to account for expenditures as they occur.
- Staff will attend training on contract management procedures unique to ARRA requirements
- Performance measures for contractors established and posted on the Department's web site.
- Regularly scheduled meetings with state and local program officials and auditors will be held.
- Regular site visits will occur.
- Contractors will be given timeframes for submission of reports documenting deliverables.
- Contract managers will review and monitor deliverables to ensure quality products prior to payment.
- In-office reviews and site visits may be conducted to review payroll records, cancelled checks and invoices.
- Meetings with contractors will be held to reinforce reporting expectations.

Grants Accountability

- Contractors are required to complete a Vendor Responsibility Questionnaire and Department staff will verify information and complete a Vendor Profile
- Boilerplate documents will provide clear terms and conditions based on ARRA requirements in RFPs, RFAs and contracts
- Training sessions scheduled with Bureau of Accounts Management staff
- Regularly scheduled meetings with other units within the Department and bi-weekly meetings scheduled with DFH's Fiscal Unit
- Information/data and statistics will be maintained, reported and will include who is receiving ARRA funds, amounts of awards, type/description of projects or activities, completion status of projects or activities and what impact they've had on job retention or creation.
- Bi-weekly reports on the status of ARRA initiatives to staff in BEI, Division Fiscal, Division, Center for Community Health, Fiscal Management Group
- Weekly report on the status of ARRA initiatives for the Governor's Recovery Cabinet sent to DOH's Administration Division

B. BUDGET PROPOSAL

Summary/Proposed Use of Funds

1. Personal Services

\$ 2,586,595

NYEIS Temporary Project

Funds in the amount of \$1,974,269 will be used to support nine temporary NYEIS positions in the Bureau for a 10 month period beginning in November 2009 and for continued funding of seven out of the nine positions for 11 more months ending in August 2011. ARRA funding is short-term and must be expended by December 31, 2011. It is important to ensure that ARRA funds are invested in ways that do not result in unsustainable commitments after funding expires. The nine temporary positions have been specifically approved to work on the development and implementation of NYEIS. The NYEIS project is time limited, and will result in long term improvements to the EIP and of a duration that is slated to end within the allowable period for ARRA funds. As a result, supporting the project items is an ideal use of the stimulus funding.

The salary, fringe and indirect costs for the NYEIS positions supported by ARRA funding for a 21 month period are as follows:

<u>Title</u>	<u>Grade</u>	<u>Item #</u>	<u>Salary/Fringe/Indirect</u>
Project Coordinator	G-31	24647	\$ 343,292
Project Coordinator	G-29	24648	\$ 283,801
Project Assistant	G-27	24650	\$ 278,957
Project Assistant	G-27	24717	\$ 137,603
Project Assistant	G-25	24719	\$ 124,509
Project Assistant	G-25	24721	\$ 217,598
Project Assistant	G-23	24722	\$ 196,170
Project Assistant	G-23	24723	\$ 196,170
Project Assistant	G-23	24724	\$ 196,170

Temporary Civil Service Items

Funds in the amount of \$612,326 will be used to support five temporary civil service positions in the BEI for an 18 month period beginning in April 2010. ARRA funding is short-term and must be obligated by September 30, 2011 and expended by December 31, 2011.

It is important to ensure that ARRA funds are invested in ways that do not result in unsustainable commitments after funding expires. Work activities related to the new and ongoing initiatives include: data collection, research and analysis; regulations, policies and procedures; training and technical assistance; and fiscal and contract management. Hiring temporary staff is consistent with ARRA guidance which states "departments and agencies should seek to maximize the economic benefits of a Recovery Act-funded investment in a particular community by supporting projects that seek to ensure that the people who live in the local community get the job opportunities that accompany the investment".

The salary, fringe and indirect costs for the temporary civil service positions which will be supported by ARRA funding for an 18 month period are as follows:

Title	Grade	Salary/Fringe/Indirect
Research Scientist 3	G-25	\$158,930
Health Program Administrator 1	G-23	\$146,867
Early Intervention Specialist 1	G-20	\$124,055
Health Program Administrator	G-18	\$91,237
Health Program Administrator	G-18	\$91,237

2. Nonpersonal Services **\$ 23,819,904**

One-time enhanced funding for EI Administrative contracts \$7,880,700

NYEIS Modifications

NYEIS system evolution and maintenance (Two years) \$5,570,024

Enhanced NYEIS training \$800,000

Temporary Agency Positions \$447,243

Temporary Staff Subcontractor OIT \$44,000

Loan repayment/recruitment/retention program \$0

Development/Implement Revised Reimbursement Methodology \$744,163

Training and Technical Assistance Initiatives \$0

Clinical Program Initiatives \$0

Expanded Family Initiatives \$775,000

Utilization review modules and data mining activities \$1,008,996

Two day EI Annual Meeting \$25,650

Software training, licenses, technical support, hardware purchase \$2,195,962

Disaster recovery center \$808,000

Publications printing \$470,000

Audit Early Intervention Providers \$125,055

Temporary Programmer/Data Analyst support \$286,960

NYEIS Training	\$288,000
Early Intervention Coordinating Council and Sub-committee Meetings	\$57,802
Miscellaneous	\$110,893
Monitoring Initiative	\$1,811,514
Direct Services	\$369,941

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