



## New York State Department of Health Guidance to Early Intervention Providers Regarding Novel Coronavirus (COVID-19)

### Reopening New York: Resuming In-Person Early Intervention Program Services

June 18, 2020

#### Background

Early Intervention (EI) services are an essential service during the state of emergency declared in response to COVID-19. As such, they have remained open and operational, 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 is intended to address inquiries that the New York State Department of Health (Department) has received related to resuming in-person EI Program services in New York, as the State progresses through the phases of NY Forward.

The four phases of [NY Forward](#) refers to the reopening of non-essential businesses and business activities; essential businesses and business activities that continued through NY on Pause remain open during the State's data-driven phased re-opening in NY Forward. The industry guidelines on reopening, which are determined by health metrics for each region, apply to both non-essential businesses and to essential businesses and services, such as EI service delivery.

#### Early Intervention Service Delivery

The guidance issued April 1, 2020, "New York State Department of Health Bureau of Early Intervention Guidance to Early Intervention Providers Regarding Novel Coronavirus (COVID-19" is still in effect and allows for reimbursement of telehealth visits under the Early Intervention Program (EIP). Please refer to the Department's website for additional information:

[https://www.health.ny.gov/community/infants\\_children/early\\_intervention/docs/doh\\_covid19\\_eiproviders\\_04.01.20](https://www.health.ny.gov/community/infants_children/early_intervention/docs/doh_covid19_eiproviders_04.01.20).

#### **Home and Community-Based Early Intervention Services: Individual Services**

EI services **should continue** to be provided **via telehealth, to the greatest extent possible. However, if the applicable LHD has suspended** EI service provision in the county, **or only allows for virtual services, providers must comply with the current directive from their LHD.**

If counties or municipalities have met criteria for Phase 2 reopening, and are considering a return to in-person, home, and community-based service delivery for families and EI service providers currently participating in EI services via telehealth, or for new evaluations for children newly referred to the EIP, the **county or municipality must follow all applicable guidance** to resume in-person services. This guidance includes **Health and Safety Standards for the Early Intervention Program**, available at [https://www.health.ny.gov/community/infants\\_children/early\\_intervention/service\\_providers/health\\_and\\_safety\\_standards.htm](https://www.health.ny.gov/community/infants_children/early_intervention/service_providers/health_and_safety_standards.htm), **“Interim Guidance for Home Care Services Regarding COVID-19,”** which serves as a companion to this information, available at [https://coronavirus.health.ny.gov/system/files/documents/2020/03/03-16-20\\_home\\_care\\_services.pdf](https://coronavirus.health.ny.gov/system/files/documents/2020/03/03-16-20_home_care_services.pdf), and **all Child Day Care Center requirements, if the agency is also a licensed child day care.**

Please note, the practice of bringing the same toys or other materials into multiple homes and community-based settings during in-person EI service delivery has the potential to transmit COVID-19 or other viral or bacterial infections. Therefore, **until further notice, bringing materials and toys from outside into home and community-based settings is strictly prohibited.**

Please further note that 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.** EI services, including the method of provision, are determined through the individualized family service plan (IFSP) process. **Changes to the service delivery method (from virtual to in-person) must be carefully considered by the IFSP team, accounting for LHD guidance, as well as family and provider input.**

### **Facility-Based Early Intervention Service Delivery: Individual Services**

Approved facility-based EI providers that furnish **individual** EI services, who remained open as an essential business throughout the state of emergency, may continue to provide individual services to children in accordance with their IFSPs. **EI services should continue to be delivered virtually, to the greatest extent possible.** Individual, in-person EI service delivery may only resume following county guidance and based on **local health metrics.**

**Facility-based practitioners that furnish individual EI services at their site,** who were not permitted to remain open throughout the state of emergency (for example, physical therapy, occupational therapy, speech language pathology, and audiology providers), will **need to review and consider several factors** before resuming in-person EI services. Consideration must be given to: **the reopening guidance on the Empire State Development website and the Phase in which their business falls; whether their region has met the health metrics for reopening; the current allowable Phase of reopening in**

their region; and any direction of the county or municipality in its capacity as local administrator of the EIP. The Regional Dashboard, which monitors the health metrics of each New York State region, can be found at <https://forward.ny.gov/regional-monitoring-dashboard>.

### **Facility-Based Early Intervention Service Delivery: Group Services**

Facility-based EI providers that furnish **group** EI services at their site must follow all applicable guidelines when reopening is allowed. **Group 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** (other than special education services and instruction, as permitted to reopen under Executive Order 202.37). Accordingly, **group EI services, including group EI services provided in a day care setting, are not permitted at this time.**

Furthermore, in order to resume EI services upon the reopening of schools, **providers furnishing group EI services in a child day care setting must also adhere to the requirements of the child day care regarding health and safety.** 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**

Please refer to <https://forward.ny.gov/> for up-to-date reopening information.

For questions regarding this information, please contact the Department at [beipub@health.ny.gov](mailto:beipub@health.ny.gov) or 518-473-7016.