

NEW YORK STATE DEPARTMENT OF HEALTH BUREAU OF EARLY INTERVENTION

PARENT NOTICE REGARDING INSURANCE

In New York State, Early Intervention (EI) services must be provided at no cost to families. However, New York State's system of payments for the Early Intervention Program (EIP) includes the use of public insurance (such as Medicaid and Child Health Plus) and private insurance (such as CDPHP, UHC, and others) for reimbursement of early intervention services. These important sources of funding help to secure the availability of early intervention services for future generations.

Under Public Health Law, providers of EI services are required to bill public and private insurance for early intervention services first, before submitting bills for payment by your municipality. Private insurance will only be billed if your insurance policy is subject to New York State law (regulated). Non-regulated insurance is not billed for EIP services.

Medicaid and Private Insurance:

If your family has both private insurance and public insurance (Medicaid) coverage, claims for payment of early intervention services will first be billed to your private insurance and only the remaining balance will be billed to public insurance (Medicaid) for payment. Your child's insurance plan will be billed for early intervention services if your child's insurance is subject to New York State Insurance Law.

Collection of Insurance and Social Security Numbers:

Under New York State Public Health Law (PHL):

- Your service coordinator must collect, and you must provide, information and documentation about your child's insurance coverage, including public and private insurance. This information includes: the type of insurance policy or health benefits plan, the name of the insurer or plan administrator, the policy or plan identification number, the type of coverage in the policy and any other information needed to bill your insurance. Your service coordinator will explain your rights and responsibilities, and the protections that the law provides for families. [PHL§2543(3); PHL§2559(3)(a)(i)]
- Your Early Intervention Official must collect, and you must provide, your social security number and your child's social security number. This information will be maintained in a secure and confidential manner. [PHL§2552(2)]

Insurance Policies Regulated by New York State:

The following protections are ensured under New York State Public Health Law (PHL) and New York State Insurance Law (SIL) for insurance plans that are regulated by New York State, when public and private insurance is used to pay for early intervention services.

1. **The early intervention services your child needs will be provided at no cost to your family.** You cannot be asked to pay any out-of-pocket costs, such as deductibles or co-payments, for any services your child and family receive in the Early Intervention Program (EIP). The Early Intervention Official (EIO) will arrange for payment of all co-payments and deductibles. [PHL§2557(1); PHL§2559(3)(b)]
2. **Insurers are prohibited from charging any benefits paid for early intervention services against any maximum annual or lifetime policy limits ("caps").** This means that any payment made by your insurance company for early intervention services will not decrease your family's total insurance coverage. [PHL§2559(3)(c); SIL§3235-a(b)]
3. **Insurers are prohibited from charging any early intervention services paid against visit limits in your policy.** This means that early Intervention visits reimbursed by the insurer cannot reduce the number of visits otherwise available to your child and family for health care. [SIL§3235-a(b)]
4. **The early intervention services available to your child and family will not be limited to what is covered by your insurance.** Your EIO has to make sure that appropriate early intervention services are provided to your child, even if your insurance does not cover these services or if you have no insurance. [PHL§2552(1)]
5. **Your health insurance company cannot discontinue or fail to renew your insurance coverage solely because your child is receiving services through the EIP.** [SIL§3235-a(d)]
6. **Your health insurance company cannot increase your health insurance premiums solely because your child and family are receiving services through the EIP.**
7. **Your child's eligibility for home and community-based waiver programs will not be affected** by use of public health insurance (i.e., Medicaid) to pay for early intervention services. Receiving early intervention services does not preclude participation in the Medicaid 1915(c) Children's Waiver Program
8. **Early intervention services in your IFSP must still be provided even if you do not have private or public insurance coverage.** You cannot be required to obtain health insurance coverage as a condition of participating in the EIP, although your service coordinator can assist you with referral and application for public benefits if you choose. [PHL§2552(1); PHL§2559(1)]

Insurance Policies Not Regulated by New York State Are Not Billed for EIP Services:

If your insurance plan is not regulated by New York State, the protections in State Insurance or Public Health Law would not apply to your insurance plan. Under these circumstances:

1. Your insurer may not be prohibited from applying the early intervention services to the policy's lifetime or annual monetary limits or from reducing the number of visits otherwise available.
2. Your insurer may not be prohibited from discontinuing or failing to renew your health insurance coverage because your child is receiving EIP services.

3. Your insurer may not be prohibited from increasing your insurance premiums because your child is receiving EIP services.

Subrogation:

New York State Public Health Law gives the municipality and provider the right of 'subrogation' to reimbursement under your policy, to the extent that the municipality has paid for early intervention services or the provider has delivered services covered by your policy.

[PHL§2559(3)(d); SIL§3235-a(c)] This means that any payment for early intervention services made by private insurance must be made directly to the early intervention provider. Should payment be made to you in error, please contact your early intervention provider(s) and/or service coordinator for direction and assistance. This is important to ensure your provider is paid for early intervention services delivered to your child and family.

Due Process Rights:

Parents have the right to access due process procedures to settle disagreements or complaints about their child's early intervention services. These due process rights include the opportunity for mediation, seek a due process hearing, and/or the opportunity to file a State system complaint. All options are voluntary and at no cost to the parent. [34 CFR §303.431, §303.436, §303.441, §303.434; PHL §2549; 10 NYCRR Section 69-4.17]

- Mediation is a process conducted by a trained mediator from a Community Dispute Resolution Center who assists parents and Early Intervention Officials (EIOs) to reach an agreement about early intervention services.
- Impartial Hearings are conducted by hearing officers (administrative law judges assigned by the Commissioner of Health or designee) and are also used to settle disputes between a parent and an EIO. Parents can ask for an impartial hearing if their child is found ineligible for services by an evaluator as long as the request is made within 6 months of the date the child was found ineligible.
- A system complaint can be filed if parents believe that their EIO, service coordinator, evaluator or service provider is not doing his or her job under the law, rules, or regulations. This complaint must be made in writing to the New York State Department of Health Director of the Bureau of Early Intervention and must be submitted less than one year from the date of the alleged violation.

If you have any questions about the information in this notice, please ask your service coordinator or EIO, or call or e-mail the New York State Department of Health Bureau of Early Intervention at 518-473-7016 or beipub@health.ny.gov.

Please Note: FORM F- Tool Kit Item 10

New York State Department of Health Bureau of Early Intervention

CONSENT TO BILL NON-REGULATED INSURANCE- has been removed from this Tool Kit
based on changes in regulation which were adopted on 12/5/2018 and implemented in July
2019