



Department of Health

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Reissued 2023 w/ Attachment A Early Intervention Memorandum 94-2

To: Early Intervention Officials, Early Intervention Managers, Early Intervention Billing Providers, Rendering Providers, Service Coordinators and Other Interested Parties

From: Raymond Pierce, Director
New York State Early Intervention Program

Date: May 2023

Subject: Waiver of Billing Limitations

Early Intervention Program (EIP) regulations *Section 69-4.30 - Computation of rates for early intervention services provided to infants and children ages birth to three years old and their families or caregivers* establishes billing limitations (see Attachment A) to early intervention services unless there is prior approval by the Early Intervention Official (EIO). The EIO is permitted to waive certain billing limitations for early intervention services when additional services are warranted in order to provide appropriate services to eligible children and their families. A decision to authorize a waiver should be discussed with the Individualized Family Service Plan (IFSP) team and should be based on the child's evaluation as well as the family's priorities, resources, and concerns.

The child and family's IFSP should be viewed as the document which clarifies service provision (including the frequency, intensity, and duration) needed to meet the outcomes established in the IFSP. Services that will be provided above and beyond the billing limitations described in *69-4.30* require prior approval by the EIO in order for the billing limitation to be waived.

Waivers of billing limitations are required to be reported to the Department. Historically, this was completed on a monthly basis using a form developed by the Department and more recently via the Department's EIP data system, NYEIS.

With the implementation of the Department's successor EIP data system (EI-Hub), the IFSP workflow will allow the EIO to approve waivers for services that will require billing limitation waivers. Should there be a subsequent child need or anticipated excess of service frequency (e.g., make up session) that would result in a billing limitation, **the provider must submit through EI-Hub a waiver request to the EIO no later than the anticipated service delivery date.**

EIP service providers and municipalities, including EIOs and their Designees, will utilize the Department's data system to enter the IFSP team decision on services and needed amendments; additionally, if any billing limitations are being waived, including but not limited to the reason for waiver, the number authorized, etc., those changes must be completed prior to claim entry.

Questions about this memorandum can be directed to the Bureau of Early Intervention at beipub@health.ny.gov or by calling 518-473-7016.

Attachment A - Billing Limitation without Prior Approval from EIO/D

- No more than 3 Basic Home and Community Based Visits per Day
- No more than 3 Extended Home and Community Based Visits per Day
- No more than 1 Basic Home and Community Based Visit per Discipline per Day
- No more than 1 Extended Home and Community Based Visit per Discipline per Day
- No more than 3 Basic and Extended Home and Community Based Visits per Day
- No Basic and Extended Home and Community Based Visits within the Same Discipline per Day
- No more than 1 Office/Facility Visit per Discipline per Day
- No more than 3 Office/Facility Based Visits per Day
- No more than 1 Parent/Child Group Visit per Day
- No more than 2 Family/Caregiver Support Group Visits per Day
- No more than 1 Group Developmental Visit per Day (Group Developmental includes Basic Group Developmental, Enhanced Group Developmental, Basic Group Developmental w/ 1:1 Aide and Enhanced Group Developmental w/ 1:1 Aide)
- No more than 2 Additional Supplemental Evaluations during a 1 Year Period