

NYSOTA Talking Points

New York State Occupational Therapy Association

Early Intervention Article VII Proposal

I am concerned about the Early Intervention proposal in the Health and Mental Hygiene Article VII bill.

I agree that commercial insurance plans should be held responsible for covering early intervention services.

But the proposed legislation will not succeed in getting insurance to do what is right.

The Governor said that insurance funds LESS than 2% of total Early Intervention costs even though 42% of children in the program have commercial insurance.

The proposed legislation includes payments to providers who are participating in the insurer's provider network, however, the legislation does nothing to address the current lack of providers in networks.

The proposed legislation says that insurance coverage for early intervention services will ultimately hinge on external appeal agent or independent third-party review agent determinations of medical necessity.

The problem with this proposal is that the state does not provide a definition for medically necessary.

And occupational therapy repeatedly experiences inappropriate denials based on determinations that services are not medically necessary when a team of early intervention experts have determined on the Individualized Family Service Plan that the services are necessary.

We recommend that the legislature adopt legislation that recognizes the Individualized Family Service Plan (IFSP) for each child as establishing medical necessity in the early intervention program.

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When insurance doesn't pay the claim than the state and counties get stuck paying. So we recommend that the Assembly and the Senate include the Early Intervention Program in the Covered Lives policy. Covered Lives is an assessment on commercial insurance instead of direct billing of individual claims. This approach will have commercial insurance plans paying their fair share and reduce the costs to the state and counties at a time when we have a large looming deficit.

We think that with the budget problems this year, that maybe the Governor will see this as a big money saver for the state and counties.

Occupational therapy in Early Intervention is based on the belief that purposeful activity, or occupation, may be used to promote healthy development and generate adaptive skills of children with developmental dysfunction.

My profession has a commitment to caring for vulnerable children in need of services. I think that the legislature does too.