

**TESTIMONY TO  
JOINT LEGISLATIVE BUDGET HEARING  
ON HEALTH  
FEBRUARY 28, 2023**

**Submitted by: Steven Sanders, Executive Director  
ACTS (Agencies for Children's Therapy Services)**

Thank you for the opportunity to testify today. I am Steven Sanders, Executive Director of Agencies for Children's Therapy Services (ACTS). My statewide association of providers delivers the majority of Early Intervention Services every year.

The New York State Early Intervention Program which serves 70,000 disabled and at-risk infants and toddlers from birth to age three is in SERIOUS PERIL. Ours was the first such program in the fifty states and was once the envy of the nation. Nearly 30 years later it is in deep jeopardy because of what Senator Daniel Patrick Moynihan once described as "benign neglect".

Simply put this governor for two years has refused to properly fund the Early Intervention Program. That followed a pattern of similar neglect by her predecessor.

While this governor has proposed increases ranging from 5.4% to 11% (and even more) in the past two budgets for most human service and health programs, NOTHING for the Early Intervention Program and the tens of thousands of families, (many low-income), that it serves. NO COLA, NO trend. NO nothing. Why? The answer is a mystery. While the governor has lavished hundreds of millions of dollars on sports stadiums and all manner of pet projects, not a dime for services that support these very young at-risk children and the providers who serve them.

The result has been devastating although not surprising. According to the Department of Health, hundreds of therapists are leaving the program, over 1,800 in the last four years alone. They are now employed in work venues that can provide an adequate salary. Scores of service agencies have closed because the rates of reimbursement by the state have not nearly kept up with rising costs and galloping inflation.

In point of fact the rates in the Early Intervention Program are LOWER today than they were in 2009. The ratio of children served per provider is at an all-time high. Even the official DOH website declares that there is a "SHORTAGE OF E.I. PROVIDERS". Counties regularly send out messages to the therapy field in search of therapists because they no longer have enough professionals to serve all the needs of the children in their jurisdictions.

The biggest losers are the kids and their families who are being shortchanged. The waiting lists for services is growing and there are often not enough providers to render all the services that these special kids need.

All of this traces back to a history of insufficient rates by the state...but we are now at the tipping point. Another year of ZERO increase for this program will likely cause an accelerated degrading of the program which is nearing the point of no return.

The Department of Health and its Early Intervention Coordinating Council (EICC) URGED the governor to increase rates by 11% in her budget for the next Fiscal Year. This request fell on deaf ears again this year.

The good news is that this year there is previously unallocated monies in the budget for the first time. It originated from the Early Intervention Program as a result of the \$40M assessment on commercial insurance companies that were not paying nearly their fair share of the cost of Early Intervention services for their insured. This \$40 Million assessment replaces direct billing of commercial insurance and is now an addition to the Covered Lives fund. Most of that assessment should be reinvested back into the Early Intervention Program to help underwrite an 11% rate increase as the EICC called for.

So, it is now up to the Legislature to do what the Governor seems unwilling or unable to do which is to come to the rescue of these tens of thousands of young children and their families before it's too late. If the State fails to act, these kids will soon need pre-school and school age special education services which is far more expensive both in dollars to the State and counties and to the families.

After all these many years of neglect, and inadequate rates the Legislature needs to finally tell the Governor that the lives of these kids matter... maybe even as much as her beloved Buffalo Bills.