



Department of Health
145 Huguenot Street – 8th Floor
New Rochelle, N.Y. 10801

18633

DATE: April 13, 2011

TO: Board of Acquisition and Contract

FROM: Cheryl Archbald, MD MPH
Acting Commissioner of Health

RE: Authorization to amend Agreements with Various Providers for 4410 Preschool Special Education Itinerant Teacher (“SEIT”) and Multidisciplinary Evaluation (“MDE”) Services pursuant to Section 4410, Part 200 of the New York State Education Law, by extending the term for the period from July 1, 2011 through June 30, 2012, payable at the Reimbursement Rates established and approved by the New York State Education Department

On June 26, 2008, your Board approved a resolution (the “June 26, 2008 Resolution”) authorizing the County to enter into Agreements with the listed providers, with the County having the sole option to extend the Agreements under the same terms and conditions for four (4) additional one (1) year terms. These providers have been approved by the New York State Education Department (“SED”) and New York State Department of Health (“NYSDOH”) and may provide 4410 Preschool Special Education Itinerant Teacher (SEIT) and Multidisciplinary Evaluation (“MDE”) services pursuant to Section 4410, Part 200 of the New York State Education Law for children with special needs.

On April 23, 2009, your Board approved a resolution (the “April 23, 2009 Resolution”) authorizing the County to exercise its option for the First Extension for the period from July 1, 2009 through June 30, 2010. These Agreements have been executed.

On May 13, 2010, your Board approved a resolution (the “May 13, 2010 Resolution”) authorizing the County to exercise its option for the Second Extension for the period from July 1, 2010 through June 30, 2011. These Agreements have been executed.

Authority is now requested for the County of Westchester to exercise its respective renewal option under the same terms and conditions for these agreements with the same providers listed on the Attachment, by extending the term thereof for the third extension, for the period from July 1, 2011 through June 30, 2012, for a total aggregate amount not to exceed \$950,000, payable at reimbursement rates established and approved by the SED.

Agreements with these approved providers are exempt from the Westchester County Procurement Policy per Section 3(a) viii, 3(a) ix, and 3(a) xvii.

The Westchester County Department of Health (“WCDH”) has been advised by the SED that the “subject to County appropriations” language and the New York State budget language are “impermissible” in these agreements authorized pursuant to Section 4410, Part 200 of New York State Education Law. As stated by the SED, “...Education Law Section 4410 (5)(f) mandates that the counties contract and pay for preschool special education services in the first instance with reimbursements by the State”.

These agreements will promote the public health, safety and welfare of Westchester County's children with special needs by enabling their daily participation in special needs programs and other community settings that typically developing children attend. On an annual basis, approximately 300 children are served by the program. For the 2010 through 2011 period, 285 children have been served thus far.

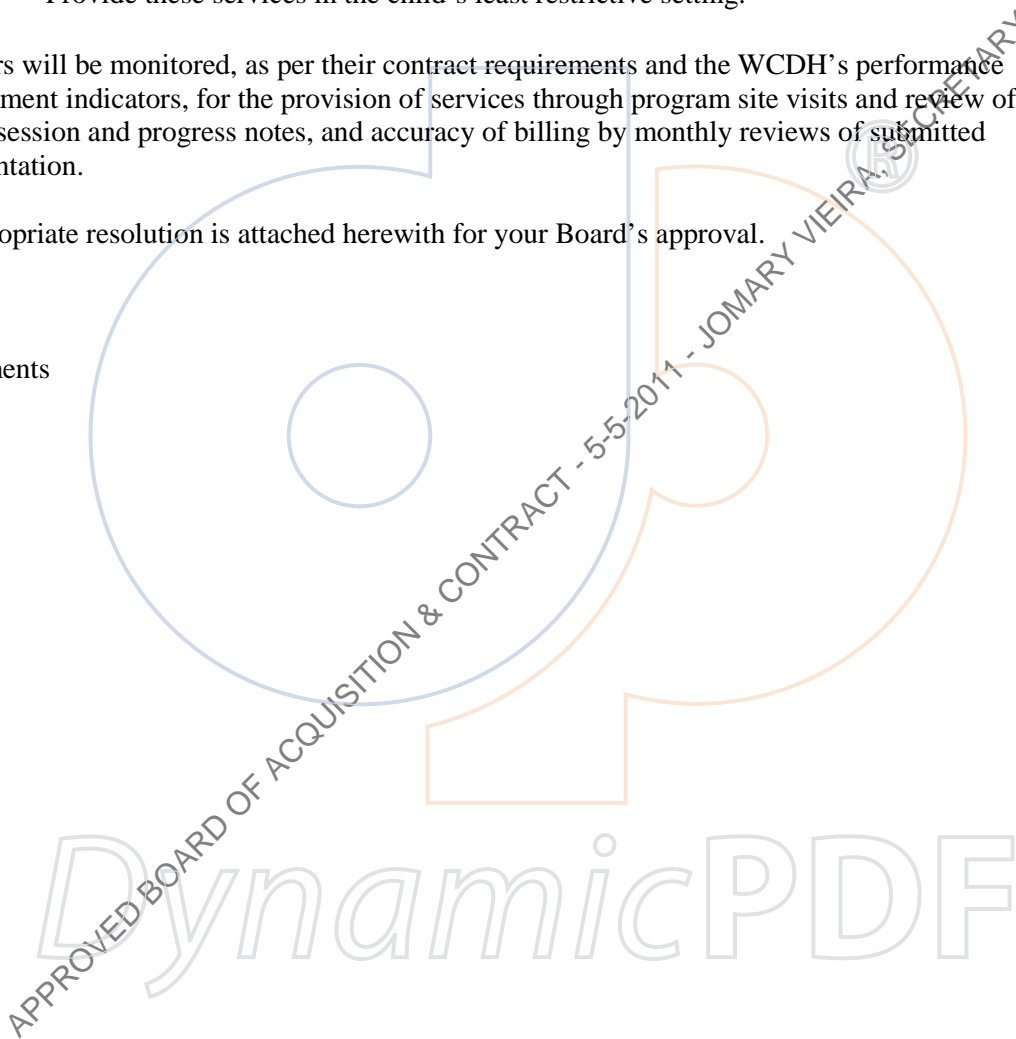
The goals and objectives of these programs are to:

- Provide appropriate services to children from three to five with developmental disabilities in accordance with their approved Individualized Education Plan (IEP).
- Provide these services in the child's least restrictive setting.

Providers will be monitored, as per their contract requirements and the WCDH's performance measurement indicators, for the provision of services through program site visits and review of their clinical session and progress notes, and accuracy of billing by monthly reviews of submitted documentation.

An appropriate resolution is attached herewith for your Board's approval.

CA/my
Attachments



RESOLUTION

Upon a communication from the Acting Commissioner of the Department of Health, be it hereby

RESOLVED, that the County of Westchester, acting by and through its Department of Health, is authorized to amend agreements with various approved providers listed on the Attachment for the provision of 4410 Preschool Special Education Itinerant Teacher (SEIT) and Multidisciplinary Evaluation (“MDE”) services pursuant to Section 4410, Part 200 of the New York State Education Law (the “Agreements”), by extending the term for the period from July 1, 2011 through June 30, 2012, payable at reimbursement rates established and approved by the New York State Education Department; and, be it further

RESOLVED, that the total aggregate amount of the Agreements shall not exceed \$950,000; and, be it further

RESOLVED, that all other terms and conditions of the Agreements shall remain the same; and, be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute and deliver all instruments and to take all actions necessary or appropriate to accomplish the purpose of this resolution.

Department of Health
County of Westchester
April 13, 2011

Original Agreement	\$900,000
First Amendment	\$900,000
Second Amendment	\$950,000
This Amendment	\$950,000
TOTAL	\$3,700,000

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
2011	101	27	2700	4533		\$ 50,000
2011	101	27	2700	4534		425,000
2012	101	27	2700	4533		50,000
2012	101	27	2700	4534		425,000

Budget Funding Year(s) (must match resolution)	2011/2012	Start Date	July 1, 2011	End Date	June 30, 2012
Funding Source	Tax Dollars	40.50%			
	State Aid	59.50%			
\$950,000	Federal Aid				
(must match resolution)	Other				

ATTACHMENT

Hudson River Health Care
1037 Main Street, Peekskill, New York 10566

The R.G. Heath Corporation d.b.a. Northern Westchester Center for Speech Disorders
344 Main Street, Suite 402, Mount Kisco, New York 10549

The Center for Small Jewels
3 The Boulevard, New Rochelle, New York 10801

Wonder Kids OT, P.C. d.b.a. Wonder Kids Therapy Center
470 Mamaroneck Avenue, Suite 204, White Plains, New York 10605

