

**26180**

DATE: April 9, 2012

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, MD  
Commissioner of Health

RE: Authorization to amend Agreements with Various Providers for Multidisciplinary Evaluation (“MDE”) Services Pursuant to Section 4410, Part 200 of the New York State Education Law, by extending the term for the period July 1, 2012 through June 30, 2013, payable at the Reimbursement Rates Established and Approved by the New York State Education Department

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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 July 1, 2009 through June 30, 2010. These Agreements have been executed.

On May 13, 2010, your Board approved a resolution (the “May 13, 2009 Resolution”) authorizing the County to exercise its option for the Second Extension for the period July 1, 2010 through June 30, 2011. These Agreements have been executed.

On May 5, 2011, your Board approved a resolution (the “May 5, 2011 Resolution”) authorizing the County to exercise its option for the Third Extension for the period July 1, 2011 through June 30, 2012. These Agreements have been executed.

Subsequently, the SED terminated the County’s approval to operate the SEIT program through subcontracted providers. Therefore, the only service component that the County continues to be approved for and may provide through subcontracts, as the 4410 approved evaluation site, is the MDE.

Authority is now requested for the County of Westchester to exercise its respective renewal option under the same terms and conditions for these agreements specific to MDE services only with the providers listed on the Attachment, by extending the term thereof for the fourth extension, for the period from July 1, 2012 through June 30, 2013, for a total aggregate amount not to exceed \$200,000, 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. For the 2011 through 2012 period, 132 evaluations have been completed 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

APPROVED BOARD OF ACQUISITION CONTRACT 05/10/2012 - COUNTY HEALTH SECRETARY

## RESOLUTION

Upon a communication from the 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 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, 2012 through June 30, 2013, 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 \$200,000; 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 9, 2012

Original Agreement	\$900,000
First Amendment	\$900,000
Second Amendment	\$950,000
Third Amendment	\$950,000
<b>This Amendment</b>	<b><u>\$200,000</u></b>
<b>TOTAL</b>	<b><u>\$3,900,000</u></b>

Agreement #

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
2012	101	27	2700	4533		\$ 100,000
2013	101	27	2700	4533		\$100,000

  

Budget Funding Year(s) (must match resolution)	<u>2012/2013</u>	Start Date	<u>July 1, 2012</u>	End Date	<u>June 30, 2013</u>
Funding Source	Tax Dollars	<u>40.50%</u>			
	State Aid	<u>59.50%</u>			
<b><u>\$200,000</u></b> (must match resolution)	Federal Aid	_____			
	Other	_____			

**ATTACHMENT**

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

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/10/2018 -- JOMARY VIEIRA, SECRETARY