

87332

TO: Board of Acquisition and Contract

FROM: Sherlita Amler, M.D.
Commissioner of Health

DATE: September 1, 2021

RE: Authorization to amend a Resolution approved on February 27, 2020, as previously amended, which authorized the County of Westchester (“County”) to enter into Agreements with New York State Education Department Approved Providers of Special Education Preschool Services, Pursuant to Section 4410, Part 200 of the New York State Education Law, for the period from July 1, 2020 through June 30, 2025, in the total aggregate amount not to exceed \$329,743,129 with each Provider to be reimbursed at Rates established by the New York State Education Department, in order to add one additional approved provider, Westchester-Putnam TheraTeam, LLC, to the list effective November 1, 2021.

On February 27, 2020, your Honorable Board approved a Resolution (the “February 27, 2020 Resolution”) which authorized the County, acting by and through its Department of Health (“WCDH”), to enter into agreements with the listed New York State Education Department (“NYSED”) approved providers of Special Education preschool services, pursuant to Section 4410, Part 200 of the New York State Education Law, and its subsequent amendments, for the period from July 1, 2020 through June 30, 2025, in the total aggregate amount not to exceed \$329,743,129 with each Provider to be reimbursed at Rates established by the New York State Education Department.

Thereafter, on October 1, 2020, your Honorable Board approved a Resolution (the “October 1, 2020 Resolution”) which authorized the County, acting by and through WCHD, to add one NYSED approved provider, Kings Education Services, O.T., R.P.N., P.T., S.L.P., PLLC, to the list effective November 1, 2020, in order to enter into agreement with this provider under the same terms and conditions as specified in the February 27, 2020 Resolution. This agreement has been executed.

Accordingly, authorization is hereby respectfully requested that the February 27, 2020 Resolution be further amended in order to add another NYSED approved provider, Westchester-Putnam TheraTeam, LLC, to the list of providers effective November 1, 2021, in order to enter into agreement with this provider under the same terms and conditions as specified in the February 27, 2020 Resolution.

School districts have requested that the WCDH extend a contract to this NYSED approved provider to provide MDE and SEIS services, and this provider has the capacity and staff to provide these needed services.

Agreements with these qualified and NYSED approved providers of Special Education preschool services, which include agencies and individuals, are exempt from the Westchester County Procurement Policy under Sections 3(a) viii, 3 (a) ix and 3(a) xvii.

The Westchester County Department of Health has been advised by the NYSED that the “subject to County appropriations” language and the New York State budget language are “impermissible” in these New York State Education Law Section 4410 agreements. As stated by the New York State Education Department, “...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 1,314 children are served by the 4410 Special Education preschool programs. In 2020 approximately 1,300 children were served.

The goals and objectives of these programs are to:

- Provide appropriate educational services to children from three to five with developmental disabilities in accordance with their approved Individualized Education Plan.
- 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.

All other terms and conditions of the February 27, 2020 Resolution, as amended, shall remain the same.

An appropriate resolution has been attached herewith for your Board’s consideration and approval.

SA/MY/dc

Attachments

RESOLUTION

Upon communication from the Commissioner of Health, be it hereby

RESOLVED, that the Resolution approved by This Honorable Board on February 27, 2020 (the “February 27, 2020 Resolution”), as previously amended, which authorized the County of Westchester (“County”), acting by and through its Department of Health, to enter into agreements with New York State Education Department approved Providers of Special Education Preschool Services, including evaluations, for children with disabilities from ages three to five, be hereby further amended in order to add one new NYSED approved provider, Westchester-Putnam TheraTeam, LLC., to the list of providers effective November 1, 2021 on the same terms and conditions as stated in the February 27, 2020 Resolution; and, be it further

RESOLVED, that all other terms and conditions of the February 27, 2020 Resolution, as previously amended, 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 resolutions.

Department of Health
 County of Westchester
 10 County Center Road, 2nd Floor
 White Plains, New York 10607

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
TOTAL	\$

Agreement # _____

Account to be Charged/Credited	Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	N/A					

Budget Funding Year(s) _____ Start Date _____ End Date _____
 (must match resolution)

Funding Source	Tax Dollars	_____
	State Aid	_____
	Federal Aid	_____
(must match resolution)	Other	_____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/30/2021 - RAYMOND SCULKY, SECRETARY