§ 2553. Early intervention coordinating council. 1. (a) The department shall establish an early intervention coordinating council.

(b) The council shall consist of thirty members, unless otherwise required by federal law, appointed by the governor. At least five members shall be parents, four of whom shall be parents of children with disabilities aged twelve or younger and one of whom shall be the parent of a child with disabilities aged six or younger; at least five shall be representatives of public or private providers of early intervention services; at least one shall be involved in personnel preparation or training; at least three shall be representatives of managed care plans or managed care plan trade associations familiar with how claims for services provided pursuant to this title are managed; at least two shall be early intervention officials; at least two shall be members of the legislature or such members' designees; seven shall be the commissioner and the commissioners of education, the office of children and family services, people with developmental disabilities, mental health, alcoholism and substance abuse services and the superintendent of financial services, or their appropriate designees with sufficient authority to engage in policy planning and implementation on behalf of their agencies.

(c) The governor shall appoint ten members on the recommendation of the temporary president of the senate and the speaker of the assembly, each of whom shall recommend five members as follows: one parent of a child with disabilities age twelve or younger; one representative of public or private providers of early intervention services; one representative of a managed care plan or managed care plan trade association familiar with how claims for services provided pursuant to this title are managed; one member of the legislature; and one early intervention official. The governor shall appoint four members on the recommendations of the minority leader of the assembly and the minority leader of the senate, each of whom shall recommend two members as follows: one parent of a child with disabilities age twelve or younger; one representative of public or private providers of early intervention services.

(d) The governor shall designate a chairperson from among the members of the council. All members shall serve for terms of three years. Such terms shall be established so that the terms of no more than one-third

of the members of the council expire each year.

(e) A majority of the appointed voting membership of the council shall constitute a quorum.

2. The council shall:

(a) assist the lead agency in the effective performance of the lead agency's responsibilities set out under this title, including:

(i) identifying the sources of fiscal support for early intervention services and programs, assignment of financial responsibility to the appropriate agency and promotion of interagency agreements;

(ii) preparing applications and amendments required pursuant to federal law;

(iii) advising and assisting the commissioner regarding payment methodologies established pursuant to section twenty-five hundred fifty-five of this title to reimburse adequately the cost of services authorized pursuant to this article and to promote the efficient, economical, productive and stable delivery of early intervention services. The council shall convene a reimbursement advisory panel, the members of which shall be appointed by the commissioner, to assist the council regarding such payment methodologies. Such panel shall consist of no more than sixteen members, and shall include at least four representatives of municipalities, at least four representatives of statewide and regional provider organizations, and such other members as the commissioner shall deem appropriate.

(b) advise and assist the commissioner and other state early intervention service agencies in the development of coordinated standards and procedures pursuant to section twenty-five hundred fifty-one of this title in order to promote the full participation and cooperation of such agencies;

(c) advise and assist the commissioner and the commissioner of education regarding the transition of toddlers with disabilities to services provided under section forty-four hundred ten of the education law, to the extent such services are appropriate;

(d) advise and assist the commissioner in identifying barriers that impede timely and effective service delivery, including advice and assistance with regard to interagency disputes; and

(e) prepare and submit an annual report to the governor and

legislature on the status of the early intervention program.

3. The council shall meet at least four times a year. Special meetings may be called by the chairperson and shall be called at the request of the commissioner.

4. At least sixty days prior to the commissioner's final approval of rules and regulations pursuant to this title, other than emergency rules and regulations, the commissioner shall submit proposed rules and regulations to the council for its review. The council shall review all proposed rules and regulations and report its recommendations thereon to the commissioner within sixty days. The commissioner shall not act in a manner inconsistent with the recommendations of the council without first providing the reasons therefor. The council, upon a majority vote of its members, may require that an alternative approach to the proposed rules and regulations be published with a notice of the proposed rules and regulations pursuant to section two hundred two of the state administrative procedure act. When an alternative approach is published pursuant to this section, the commissioner shall state the reasons for not selecting such alternative approach.

5. The members of the council shall be allowed their reasonable and necessary expenses incurred in the performance of their duties hereunder.