



**To:** Provider Associations  
Voluntary Provider Agency Executive Directors  
DDSOO Directors  
DDRO Directors  
IBR Director  
Commissioner's Advisory Council  
DDPC Consumer Caucus  
OPWDD Required Regulations Mailing List

**From:** OPWDD Regulatory Affairs Unit

**Date:** May 12, 2015

**Re:** Final Regulations – CFR Penalty Amendments

**Effective Date: June 1, 2015**

**Suggested distribution:**

Agency Administrators  
Agency Financial Officers  
Agency Program Administrators

**Purpose:**

Effective June 1, 2015, OPWDD is adopting regulations that change requirements for imposing a reduction in reimbursement penalty on providers that fail to meet filing deadlines for cost reports. There are no changes in the final regulations in comparison with the proposed regulations.

The regulations automatically impose a penalty after 120 days if the provider does not apply for a 30 day extension; eliminate written notice of failure to file a cost report and the associated 15 day grace period; change timeframe requirements for requesting a waiver of the penalty; and expand the list of payments subject to the penalty to include newly created Home and Community Based Services (HCBS) Waiver services.

The full text of the final regulations and guidance on implementation can be accessed on the OPWDD website at [www.opwdd.ny.gov](http://www.opwdd.ny.gov). Look under “Regulations & Guidance.”

For questions concerning the regulations, please contact Joanne Howard by email at [rate.setting@opwdd.ny.gov](mailto:rate.setting@opwdd.ny.gov) or by telephone at (518) 402-4330.

Thank you.