

To: Provider Associations
Voluntary Provider Agency Executive Directors
Medicaid Service Coordination Vendors
DDSOO Directors
DDRO Directors
IBR Director
Commissioner's Advisory Council
OPWDD Required Regulations Mailing List

From: Regulatory Affairs Unit

Date: October 1, 2014

Re: Final Regulations – Amendments to Community Habilitation
Emergency Proposed Regulations - Community Habilitation Billing Limit Amendments

Effective date: October 1, 2014
Comments on Emergency/Proposed Regulations
due: Monday, December 1, 2014

Suggested distribution:

Administrators of Community Habilitation services
Administrators of IRAs, CRs, family care home programs, and day services
Medicaid Service Coordinators (MSC) and MSC supervisors

Purpose:

OPWDD has finalized its proposed regulations that amend requirements for the HCBS waiver service, Community Habilitation (CH). OPWDD has also filed emergency/proposed regulations to further amend these newly-adopted final CH regulations. The final regulations and the emergency/proposed regulations are effective October 1, 2014.

The final regulations expanded CH to allow individuals residing in certified settings appropriate for HCBS Waiver enrollment to receive CH services in lieu of traditional day services. These regulations also included provisions to make additional services available during weekday evening hours and on weekends to individuals who reside in Family Care Homes (FCH) and supportive Community Residences (CRs), including supportive Individualized Residential Alternatives (IRAs). The emergency/proposed regulations eliminate the provisions that would have made those additional evening and weekend services available to individuals residing in FCHs and CRs. These changes were required by the federal Centers for Medicare and Medicaid Services (CMS).

The texts of the final and the emergency/proposed regulations are available on the OPWDD website at www.opwdd.ny.gov. Look under “Regulations & Guidance.”

Assessment of public comments on the finalized proposed regulations:

OPWDD extends its thanks to the provider association that submitted a public comment on the proposed regulations. The assessment of public comment (including OPWDD’s response) has also been posted on the website along with the other materials.

Submission of public comments:

Written comments on the emergency/proposed regulations (not the finalized regulations) can be submitted to:

Regulatory Affairs Unit
OPWDD
44 Holland Avenue
Albany, New York 12229
Tel. (518) 474-1830
FAX (518) 474-7382
E-mail: rau.unit@opwdd.ny.gov

The deadline for submission of public comments is the close of business, Monday, December 1, 2014.

For any questions about the emergency/proposed regulations, please email:
peoplefirstwaiver@opwdd.ny.gov

Thank you.