



Putting People First

Memorandum

To: Provider Associations
 Executive Directors of agencies operating ICF/DD facilities
 DDSOO Directors
 DDRO Directors
 IBR Director
 Commissioner's Advisory Council
 OPWDD Required Regulations Mailing List

From: Barbara Brundage, Director **BB**
 Regulatory Affairs Unit

Date: July 1, 2014

Re: Regulations – Rate Setting for Non-State Providers – Intermediate Care Facilities for Persons with Developmental Disabilities (ICFs/DD)

Effective date: Tuesday, July 1, 2014
Amendments Comments Due: Tuesday, Sept. 2, 2014

Suggested distribution: Agencies operating ICF/DD facilities

Agency Administrators
 Agency Financial Officers
 Agency Program Administrators

Purpose:

OPWDD has finalized its proposed regulations that change the methodology for rates for non-state providers of ICFs/DD. OPWDD has also filed emergency/proposed regulations to amend the newly-adopted ICF/DD rate methodology.

The summary and full text of the amendments is available on the OPWDD website at www.opwdd.ny.gov. Look under “Regulations & Guidance.” OPWDD has also posted a version of the regulations with the amendments included. These are the regulations in effect on July 1, 2014.

Please note that the Department of Health (DOH) has also adopted its similar proposed regulations on this topic. DOH also filed similar emergency/proposed regulations. Information about DOH regulations is posted at: <http://www.health.ny.gov/regulations/>. Look under “Rules & Regulations” in the appropriate category to access information about the DOH regulations.

Submission of public comments:

Written comments on the emergency/proposed amendments (not the original 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, Tuesday, Sept. 2, 2014. (Please note that this is earlier than the deadline for public comment for the emergency/proposed regulations to amend rate setting for IRA/CR residential habilitation and day habilitation.)

Assessment of public comments on original proposed regulations:

OPWDD extends its thanks to the individuals and agencies which sent public comments on the proposed regulations. The assessment of public comment (including OPWDD's responses) has also been posted on the website along with the other materials. Please note that the responses to the assessment were prepared several weeks ago before the amendments were finalized. Many of the responses indicate that OPWDD and DOH will take the comment under advisement for consideration when subsequent amendments are made to the regulation. As can be seen, the amendments do address concerns raised in some of these comments.

A note on regulation filings associated with the new ICF/DD rate methodology:

OPWDD was unable to finalize its proposed regulations effective July 1. In order for the new methodology to be effective July 1, 2014, OPWDD filed emergency regulations on that date. The text of these emergency regulations is the same as the final regulations amended by the emergency/proposed regulations. The same regulations are therefore seamlessly in effect beginning July 1, 2014.

For questions about the new ratesetting methodology, please contact Donna Cater, Director, DOH Bureau of Mental Hygiene Services Rate Setting, at Donna.Cater@Health.State.NY.US or (518) 486-7164.

Thank you.

cc: Ms. Doran
Ms. Howard
Ms. Cater
Mr. Leonardo
Ms. Felker
Ms. Coons