



To: Provider Associations
Voluntary Provider Agency Executive Directors
Developmental Disabilities State Operations Office Directors
Developmental Disabilities Regional Office Directors
IBR Director
Commissioner's Advisory Council
DDPC Consumer Caucus
OPWDD Required Regulations Mailing List

From: OPWDD Office of Counsel, Bureau of Policy & Regulatory Affairs

Date: December 10, 2015

Re: Proposed Regulations – Amendments to Reimbursement Methodology for Continuing Residential Leases

Comments Due: Monday, February 1, 2016

Suggested distribution:

Agency Administrators
Agency Financial Officers

Background:

In 2012, OPWDD implemented a methodology for an annual calendar year increase in the allowable lease costs for continuing residential lease arrangements. Since then, OPWDD has updated the lease increase percentage in regulation in accordance with section 43.02 of the Mental Hygiene Law, which required OPWDD to publish its reimbursement methodology in regulation. In 2015, this provision of the Mental Hygiene Law was amended to designate the commissioner of the Department of Health with rulemaking authority for OPWDD's reimbursement methodology.

Purpose:

OPWDD has filed proposed regulations that update language in the regulation to refer to the annual increase as an annual adjustment to reflect how reimbursement for continuing residential leases is currently determined, and to remove the past increase percentages since OPWDD no longer has this rulemaking authority.

OPWDD expects to permanently adopt these regulations through the proposed rulemaking process on February 24, 2016.

The text of the proposed regulations is posted on the OPWDD website at www.opwdd.ny.gov. Look under "Regulations & Guidance."

Public comments:

The deadline for public comment on the proposed regulations is the close of business on Monday, February 1, 2016. Written comments should be addressed to:

OPWDD Office of Counsel
44 Holland Avenue
Albany, New York 12229
Tel. (518) 474-7700
FAX (518) 474-7382
E-mail: RAU.unit@opwdd.ny.gov

For questions regarding specific application of these regulations, please contact Scott Sandwick by telephone at 518-474-8214 or email at scott.sandwick@opwdd.ny.gov.

Thank you.