



Policy & Enterprise Solutions

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Memorandum

To: Executive Directors of Voluntary Provider Agencies
Executive Directors of MSC Vendors
DDSO Directors

From: Gary Lind, Deputy Commissioner
Division of Policy and Enterprise Solutions

Subject: Clarifying Information
Administrative Memorandum #2009-05: ICF/MR Level of Care Eligibility
Determination Form (LCED) Qualified Mental Retardation Professional (QMRP)
authorized to sign annual LCED forms

Date: March 2, 2010

Suggested Distribution:

DDSO Medicaid Service Coordination (MSC) Service Coordinators and Supervisors
DDSO Home and Community Based Services (HCBS) Waiver Coordinators
MSC Service Coordinators and Supervisors
Residential Supervisors

Purpose:

This Memorandum provides clarification related to Administrative Memorandum (ADM) #2009-05, ICF/MR Level of Care Eligibility Determination Form (LCED) Qualified Mental Retardation Professional (QMRP) authorized to sign annual LCED forms. ADM #2009-05 authorizes an optional change in the requirements related to the review and signature on the ICF/MR level of care eligibility determination (LCED) forms for HCBS waiver participants undergoing an annual redetermination.

Applicability:

ADM #2009-05 specifies that effective December 14, 2009, a QMRP who is familiar with the waiver participant's functional level, may review and sign the annual LCED redetermination form in place of a physician (or physician's assistant or nurse practitioner if so authorized by a physician) for all individuals enrolled in the HCBS waiver except residents of Community Residences (Supervised and Supportive Community Residences).

This optional change is available for individuals who live in the following HCBS waiver appropriate living arrangements:

- The person's own home or apartment or the home/apartment of a relative;
- Supervised and Supportive Individualized Residential Alternatives (IRAs); and,
- Family Care Homes

This change is not available at this time for individuals who live in Supervised and Supportive Community Residences.

Applicability of the Optional Change for Willowbrook Class Members:

We have received a number of inquiries related to the applicability of the optional change for Willowbrook Class Members. The optional change is available to all HCBS waiver participants, including Willowbrook Class Members, unless the HCBS waiver participant resides in a Supervised or Supportive Community Residence (as noted above). The availability of this optional change does not alter or modify any obligations or entitlements for services to class members as stipulated in the Willowbrook Permanent Injunction.

Definition of QMRP:

OMRDD has received a large number of inquiries regarding the definition of **Qualified Mental Retardation Professional (QMRP)** as referred to in ADM #2009-05. To clarify, because the Level of Care Eligibility Determination is a Federal requirement for individuals enrolled in the HCBS Waiver, the Federal definition of a QMRP is controlling.

To be designated a QMRP for the purpose of completing an annual redetermination of Level of Care Eligibility, an individual **must** meet the definition set forth in federal regulations at 42 CFR 483.430(a):

- (1) Has a least one year of experience working directly with persons with mental retardation or other developmental disabilities; **and**

(2) Is one of the following:

- (i) A doctor of medicine or osteopathy.
- (ii) A registered nurse.
- (iii) An individual who holds **at least a Bachelor's Degree** in a professional category specified in paragraph 42 CFR 483.430(b)(5).

Please Note: A Licensed Practical Nurse (LPN), a Certified Occupational Therapy Assistant, or a Physical Therapy Assistant would not qualify as a QMRP unless they held a Bachelor's Degree in a human service field and have the necessary year of experience.

Please see the attachment to this memo for a listing of the professional categories contained in 42 CFR 483.430(b)(5).

ATTACHMENT (based on 42 CFR 483.430(b)(5))

Qualified Mental Retardation Professionals (QMRPs) must have at least one year of experience working directly with persons with mental retardation or other developmental disabilities **AND** be:

- 1) a doctor of medicine or osteopathy;
- 2) a registered nurse; or
- 3) professional program staff with at least a **Bachelor's Degree** in one of the following professional categories and who are licensed, certified or registered as applicable, to provide professional services by New York State. Those professional program staff who do not fall under the jurisdiction of New York State licensure, certification, or registration requirements must meet the following qualifications:
 - i. An Occupational Therapist must be eligible to be certified by the American Occupational Therapy Association or another comparable body;
 - ii. An Occupational Therapy Assistant must be eligible to be certified as an Occupational Therapy Assistant by the American Occupational Therapy Association or another comparable body*;
 - iii. A Physical Therapist eligible for certification by the American Physical Therapy Association or another comparable body;
 - iv. A Physical Therapy Assistant eligible for registration by the American Physical Therapy Association or be a graduate of a two-year College-level program approved by the American Physical Therapy Association or another comparable body*.
 - v. A Psychologist with at least a Master's Degree in Psychology from an accredited school;
 - vi. A Social Worker who must: hold a Graduate Degree from a school of Social Work accredited or approved by the Council on Social Work Education or another comparable body; or, hold a Bachelor of Social Work Degree from a college or university accredited or approved by the Council on Social Work Education or another comparable body.
 - vii. A Speech/Language Pathologist or Audiologist who must: be eligible for a Certificate of Clinical Competence in Speech/Language Pathology or Audiology granted by the American Speech/Language-Hearing Association or another comparable body; or meet the educational requirements for certification and be in the process of accumulating the supervised experience required for certification.
 - viii. A professional recreation staff member who must have a Bachelor's Degree in Recreation or in a specialty area such as art, dance, music or Physical Education;
 - ix. A professional dietician eligible for registration by the American Dietetics Association; or,
 - x. A human services professional who must have at least a Bachelor's Degree in a human services field, including but not limited to: Sociology, Special Education, Rehabilitation Counseling and Psychology.

**Note: A Certified Occupational Therapy Assistant or a Physical Therapy Assistant would not qualify as a QMRP unless they held a Bachelor's Degree in a human service field and have the necessary year of experience*