



STATE OF NEW YORK  
OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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June 4, 2004

**Dear Executive Director:**

Agencies Operating ICFs/DD, Supervised Individualized Residential Alternatives (IRA),  
Supervised Community Residences (CR), Day Treatment and Day Habilitation

**SUBJECT: Cessation of Separate Medicaid Billing for Home Health Aide and  
Personal Care Aide Services for Consumers Participating in  
Certain OMRDD Residential and Day Programs**

As stated in the attached NYS Department of Health June *Medicaid Update* article (Attachment A), starting on **August 1, 2004**, Home Health Aide and Personal Care Aide Service providers may not bill Medicaid for **Home Health Aide and Personal Care Aide** services provided to consumers while they are residing in ICFs/DD, Supervised IRAs, or Supervised CRs or while they are participating in Day Treatment or Day Habilitation programs. OMRDD residential and day program fees and rates will be expected to cover the costs of these services starting on August 1, 2004. Some points to remember about this change:

- Both long and short-term use of separately billed Home Health Aides and Personal Care Aides are prohibited in these above-specified residential and day settings.
- Since Personal Care is an aide service only, there can be no personal care service separately billed to Medicaid in these settings after August 1, 2004.
- While all Personal Care Medicaid billing is prohibited in these settings, separate billing of Home Health nursing and other Home Health clinical services is allowed except in ICFs/DD.
- The prohibition on separately billed aide services does not apply to Family Care, Supportive IRAs or Supportive CRs or day program types other than day treatment and day habilitation.

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- Regardless of where the person lives, use of separately billed aides is prohibited while the consumer participates in the day treatment or day habilitation program.
- Hospice services are not affected by the August 1, 2004 change.

### Actions Required

To help residential providers prepare for this **August 1, 2004** change by the Department of Health, we have attached a listing of consumers residing in your agency's ICFs/DD, Supervised IRAs, and/or Supervised CRs who received Home Health Aide and Personal Care Aide services during the period November 2003 through January 2004 (Attachment B). With this roster as a resource, and working with your local DDSO, you should begin to plan for the August 1, 2004 cessation of separately billed aide services. You should also address the needs of residential consumers receiving separately billed aide service in your residences who do not appear on the rosters.

Day treatment and day habilitation providers must identify consumers in their programs who receive separately billed Home Health Aide or Personal Care Aide services while participating in their day program. For these individuals, the day provider must make plans to address any ongoing service needs on and after August 1, 2004.

**All service needs of consumers in the affected residential and day programs must be addressed.**

While separate Medicaid billing for aide services is precluded starting on August 1, 2004 in ICFs/DD, Supervised IRAs, Supervised CRs, Day Treatment and Day Habilitation programs, your agency may choose to purchase these aide services from Personal Care and Home Health Aide service providers using funds derived from your residential or day program reimbursement. Or, your agency may choose to use your own direct care staff to meet these consumer needs.

OMRDD Central Office has developed a special **ongoing "fast track"** approach in residential and day program funding adjustments, where reimbursement is insufficient to address the cessation of separately billed aide services. If an immediate adjustment is required, you must submit the attached forms (Attachment C) to Rate Setting by June 30, 2004. If you need assistance completing these forms or have any questions, please contact Nina Baumbach of the Central Office Bureau of Rate Setting at (518) 474-8819. It should be noted that these adjustments will be made in accordance with existing appeal/adjustment policies and procedures, including a consideration of the most economical and efficient way to meet consumer needs. The DDSOs/NYCRO will participate in the adjustment process.

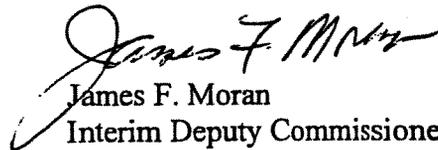
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Technical Assistance

Kevin Patricia, Central Office Director of Field Operations, can provide general technical assistance on this change. Please contact Mr. Patricia at (518) 402-4339 or by e-mail at [Kevin.Patricia@omr.state.ny.us](mailto:Kevin.Patricia@omr.state.ny.us) for further information.

Thank you for your cooperation in ensuring that all consumer needs are addressed as we prepare for the August 1, 2004 change.

Sincerely,

  
James F. Moran  
Interim Deputy Commissioner  
Administration and Revenue Support

JFM:LMK

Attachments

cc: Provider Associations  
MSC Vendor Agencies  
Helene DeSanto  
Kathy Broderick  
Peter Pezzolla  
DDSO Directors  
Kevin Patricia  
Lisa Kagan  
Nina Baumbach

