



**To:** Provider Associations  
Voluntary Provider Agency Executive Directors  
DDSOO Directors  
DDRO Directors  
IBR Director  
Commissioner's Advisory Council  
DDPC Consumer Caucus  
OPWDD Required Regulations Mailing List

**From:** OPWDD Regulatory Affairs Unit

**Date:** October 13, 2015

**Re:** Proposed Regulations – Clinic Treatment Service Locations and Independent Practitioner Services for Individuals with Developmental Disabilities (IPSIDD)

**Comments Due: Monday, December 7, 2015**

**Suggested distribution:**

Agency Administrators and Managers  
Agency Financial Officers  
Service Coordinators and Supervisors

**Background:**

Existing regulations in 14 NYCRR Part 679 allow OPWDD certified Article 16 clinics to provide certain services at “off-site” locations, such as OPWDD certified residences and day programs and at non-certified sites in the community. However, the Centers for Medicare and Medicaid Services (CMS) recently mandated that OPWDD certified Article 16 clinic services must only be delivered at sites that are specifically certified to provide those services. OPWDD made a commitment to implement this mandate effective January 1, 2016.

**Purpose:**

OPWDD has filed proposed regulations that eliminate the provision of off-site Article 16 clinic services to individuals with developmental disabilities, effective January 1, 2016. The proposed regulations also clarify existing requirements in Part 679 pertaining to satellite sites where on-site clinic services may be provided. The regulations clarify that the satellite sites can occupy dedicated or designated spaces and can be co-located with another OPWDD certified or funded non-residential program or service under certain conditions.

The proposed regulations also include requirements for a new State plan service, Independent Practitioner Services for Individuals with Developmental Disabilities (IPSIDD). IPSIDD services are limited to physical, occupational, and speech therapy; social work; and psychology services that may be provided in certain locations, including OPWDD certified residential and day programs.

In addition, the proposed regulations make other minor changes to 1) include amendments to Part 679 to update the name of OPWDD (from OMRDD); 2) update the definition of developmental disability in accordance with the updated definition in Mental Hygiene Law section 1.03 and 3) revise the qualifications of an applied behavioral science specialist (ABSS) to include a NYS license in Mental Health Counseling.

OPWDD expects to permanently adopt these regulations through the proposed rulemaking process effective January 1, 2016.

The full text and a summary of the proposed regulations are posted on the OPWDD website at [www.opwdd.ny.gov](http://www.opwdd.ny.gov). Look under "Regulations & Guidance."

**Public comments:**

The deadline for public comment for the proposed regulations is the close of business on Monday, December 7, 2015. Written comments should be addressed to:

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For questions regarding specific application of these regulations, please contact Dr. Paul Partridge by telephone at 518-474-3558 or email at [paul.partridge@opwdd.ny.gov](mailto:paul.partridge@opwdd.ny.gov).

Thank you.