



Putting People First

Memorandum

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

Date: January 6, 2014

Re: Emergency/proposed regulations – Rent Allowance Offset (SSI update) and Supplemental Nutrition Assistance Program Benefit Offset

Emergency Regulations Effective: January 1, 2014
Proposed Regulations Comments Due: Monday, March 10, 2014

Suggested distribution:

Agency Administrators
 Agency Financial Officers
 Agency Program Administrators

Purpose:

Effective January 1, 2014, OPWDD promulgated emergency regulations that updated the rent allowance offset for Individualized Residential Alternatives (IRAs) & Community Residences (CRs) and the Supplemental Nutrition Assistance Program (SNAP) benefit offset for supervised CRs and supervised IRAs. OPWDD also filed identical regulations through the proposed rulemaking process, which includes a 45 day public comment period.

The full text of the regulations is available on the OPWDD website at www.opwdd.ny.gov. Look under “Regulations & Guidance.”

Rent allowance offset (SSI Update)- An essential element of OPWDD’s price setting and reimbursement methodologies for IRAs and CRs is an offset for rent which is based on the Supplemental Security Income (SSI) per diem allowances consistent with levels determined by the Federal Social Security Administration for Congregate Care level II. SSI levels for 2014 were increased. Without these amendments, the prices established by OPWDD for these facilities would not have been properly offset by the amount of rent received by the provider from other sources (primarily SSI).

Supplemental Nutrition Assistance Program (SNAP) benefit offset- The federal American Recovery and Reinvestment Act (ARRA) of 2009 authorized a temporary increase to SNAP benefits. This increase expired on October 31, 2013, which resulted in a benefit reduction for households in NYS receiving the federal SNAP benefit. Consequently, the NYS Office of Temporary and Disability Assistance (OTDA) advised that the maximum federal SNAP benefit in NYS for a household of one is reduced from \$200 to \$189 per month effective November 1, 2013. The emergency/proposed amendments require that, effective January 1, 2014, individuals pay their respective supervised CR or supervised IRA providers \$189 per month and that reimbursement to these affected providers be offset by \$189 per month. The amendments also require that the amount paid by individuals and the offset in reimbursement to providers for the period November 1, 2013 to December 31, 2013 be reduced to \$189 per month to reflect the reduction in the SNAP benefit that took effect on November 1, 2013. OPWDD considers that these amendments are necessary to prevent individuals from using other resources (which may be scarce or limited) to pay for food and to prevent an overall reduction in reimbursement for food to operators of supervised CRs and supervised IRAs.

Public Hearings:

OPWDD is required to hold public hearings on these regulations. The hearings have been scheduled as follows:

Monday, March 3, 2014 – 10:30 a.m.
Counsel's Office Conference Room
44 Holland Avenue, 3rd Floor
Albany, New York

Tuesday, March 4, 2014 – 10:30 a.m.
Counsel's Office Conference Room
44 Holland Avenue, 3rd Floor
Albany, New York

Persons who wish to present testimony or attend the public hearings must pre-register by Friday, February 21, 2014. Attendees or presenters who need any special accommodations must make a request by the same date. In order to pre-register, to request special accommodations, or to ask any questions, please contact Barbara Brundage (see below for contact information).

You may also send written comments on the emergency/proposed regulations to:

Barbara Brundage
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The deadline for all public comment is the close of business, Monday, March 10, 2014.

For questions, please contact Joanne Howard by email at rate.setting@opwdd.ny.gov or by telephone at (518) 402-4330.

Thank you.

cc: Ms. Doran
Ms. Howard