

# MSC E-VISORY

Issue #02-12

February 28, 2012

State of New York Office for People With Developmental Disabilities  
Courtney Burke, Commissioner  
Distributed by: Division of Person-Centered Supports  
Gerald Huber, Acting Deputy Commissioner

The MSC E-Visory is an electronic advisory which provides pertinent and timely information about programs and services available to individuals receiving MSC. Announcements about MSC training, conferences and meetings appear regularly. **MSC Supervisors: Please share this issue with all MSC Service Coordinators and others as appropriate.** In order to receive an email notification when a new MSC E-Visory is posted, please sign up for our mailing list (listserv). Listserv information and past issues can be accessed via the following link:  
[http://www.opwdd.ny.gov/wt/publications/wt\\_publications\\_mscevisories\\_index.jsp](http://www.opwdd.ny.gov/wt/publications/wt_publications_mscevisories_index.jsp)

## In This Issue:

### Training Opportunities

#### Reminder: MSC Supervisors Spring Video Conference – March 14, 2012

The MSC Supervisors Spring Video Conference on 3/14/12 is being broadcast to multiple DDSO sites in the morning (9:30 am - 12:00 pm) and repeated to multiple DDSO sites in the afternoon (1:00 pm – 3:30 pm). This should provide the opportunity for all MSC Supervisors to participate in either a morning or afternoon session. Materials for this video conference will be posted via the MSC E-Visory the week prior to the sessions. For registration information go to: [www.opwdd.ny.gov](http://www.opwdd.ny.gov).

#### Agenda:

- MSC Hot Topics
- MSC Training Initiatives Update and OPWDD Website
- 1115 People First Waiver Update
- CHOICES Update (MSC Electronic Record)
- Housing Initiatives
- Division of Quality Improvement (DQI) Updates

### Benefits and Entitlements Training

The Benefits and Entitlements training is being broadcast via statewide video conference by OPWDD on April 27, 2012 (9:00 am – 4:00 pm). MSCs that need this required training are encouraged to attend this session. For registration information, go to:

[http://www.opwdd.ny.gov/wp/wp\\_catalogp1013.jsp](http://www.opwdd.ny.gov/wp/wp_catalogp1013.jsp)

## Environmental Modifications in Provider-Controlled Settings

Attached is a memo, dated February 21, 2012, that was sent to Provider Associations regarding environmental modifications in provider-controlled settings. This memo discusses that any home that is owned or controlled by a provider of services, including IRAs/CRs, both supervised and supportive, family care homes and uncertified settings which are under a provider's control as owner or lessee, would no longer be funded for environmental modifications under the HCBS waiver.

Any support or service, including environmental modifications, that is required to meet an individual's needs must be included in the person's Individualized Service Plan (ISP). Due to these changes in how a modification is funded, there is now a change to how the modification should be listed in the ISP. The only change is that such physical plant modifications for individuals residing in provider-controlled settings should no longer be identified in the ISP as waiver environmental modifications in section 2 of the ISP. However, the need for such a modification must still be noted in the narrative (section one) of the ISP as the ISP is still expected to capture and describe the full range of a person's abilities and support needs. Modifications in Family Care Homes should be listed under "Other Services or 100% OPWDD Funded Supports and Services."

## Benefits Management Responsibilities

Attached is a memo, dated February 24, 2012, that was sent to Executive Directors and DDSO Directors regarding benefits management responsibilities. This memo provides clarification regarding which entities are primarily responsible to assist individuals with maintaining their benefits such as Social Security, SSI, Medicaid coverage, and Food Stamps. The memo gives examples of three scenarios:

- Individual residing in a certified residential setting and the residential agency is or will be the Representative Payee for SSI and/or Social Security Benefits and Authorized Representative for Medicaid and/or Food Stamps
- Individual resides in a certified residential setting and is capable of handling his or her benefits
- Individual resides in the community

Depending on the scenario, the person's residential provider may be responsible for maintaining the person's benefits. In each scenario, the Service Coordinator is expected to assist as needed.



Division of Enterprise Solutions

Mark P. Pattison, Deputy Commissioner

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MEMORANDUM

**TO:** Provider Associations

**FROM:** Mark P. Pattison  
Deputy Commissioner  
Division of Enterprise Solutions

**DATE:** February 21, 2012

**SUBJECT:** **Environmental Modifications in Provider-Controlled Settings.**

This memorandum follows up on an earlier discussion at a Provider Association meeting concerning the availability of environmental modifications under the HCBS waiver. At the time, we indicated that, in light of interpretation of HCBS waiver guidance provided by Covington and Burling (C&B), OPWDD would no longer fund environmental modifications under the HCBS waiver for certified IRA residences owned or leased by providers of services. In subsequent discussions with C&B, we were advised that this interpretation applies to any home that is owned or controlled by a provider of services, including IRAs/CRs, both supervised and supportive, family care homes and uncertified settings which are under a provider's control as owner or lessee. For family care settings, regardless of the auspices of the sponsor, because the home is not under the control of the individual(s), the home is not eligible for environmental modifications under the HCBS waiver.

IRAs, CRs and other provider-controlled residential settings

Effective October 19, 2011, no new Prior Property Approvals (PPAs) or stand-alone requests for environmental modifications have been accepted for new or existing IRAs or CRs owned or leased by the service provider. For all future PPAs, costs that would have been previously identified as environmental modifications must now be included with other construction/renovation costs when assessing whether a project is within caps/thresholds, or is an outlier. PPAs which have been approved and reflect separately funded environmental modifications do NOT need to be revised.

The primary factor in determining whether environmental modifications are eligible for separate funding is whether the individual to whom the environmental modification is being provided is in control of the living setting. As noted above, properties controlled – owned or leased – by a provider agency are ineligible for HCBS waiver environmental modifications. Conversely, a setting owned or leased by the individual, even if the site is certified, could be eligible.

Family Care

For family care, while Federal participation under the HCBS waiver is no longer available, OPWDD will continue to fund home modifications, using 100 percent State dollars, which would have qualified as environmental modifications under the earlier policy interpretation. The scope of the modifications must be limited to those that are essential to the individual living in the home, and must be identified by individual, as in the past. We do not anticipate any significant process changes for family care environmental modifications under this new guidance.

Individual or Family Owned/Controlled Homes or Apartments

Environmental modifications remain available to waiver-enrolled individuals who live in their own or family-controlled homes or apartments.

Finally, please bear in mind that these changes do not affect the requirement that any support or service, including such modifications, that is required to meet an individual's needs must be included in the person's Individualized Service Plan (ISP). The only change is that such physical plant modifications for individuals residing in provider-controlled settings would no longer be identified in the ISP as waiver environmental modifications in section 2 of the ISP. However, the need for such a modification must still be noted in the narrative (section one) of the ISP as the ISP is still expected to capture and describe the full range of a person's abilities and support needs.

If you have questions concerning this policy change, please contact Henry Hamelin at 518-486-4286 or [henry.hamelin@opwdd.ny.gov](mailto:henry.hamelin@opwdd.ny.gov) or Karla Smith at 518-402-4333 or [karla.smith@opwdd.ny.gov](mailto:karla.smith@opwdd.ny.gov).

Thank you.

cc: Commissioner Burke  
Mr. Moran  
Ms. DeSanto  
Ms. Gentile  
Mr. Gleason  
Dr. Pettinger  
Mr. Huber  
DDSO Directors  
Mr. Hamelin  
Ms. Smith  
Mr. Sarli  
Ms. Bernstein  
Mr. Smith  
Ms. Lifford  
Mr. Pasternak  
Ms. Dalton  
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**Division of Person-Centered Supports**

Gerald Huber, Acting, Deputy Commissioner

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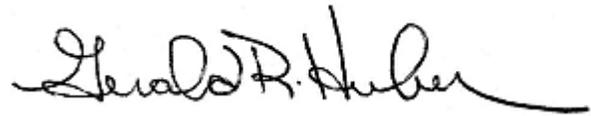
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**MEMORANDUM**

**TO:** Executive Directors of Voluntary Agencies  
Executive Directors of MSC Vendors  
DDSO Directors

**FROM:** Gerald Huber, Deputy Commissioner  
Division of Person-Centered Supports



**DATE:** February 24, 2012

**SUBJECT:** Benefits Management Responsibilities

**Suggested Distribution:** MSC Service Coordinators  
Service Coordinator Supervisors  
Residential Service Providers

**Purpose**

The purpose of this memorandum is to provide clarification regarding which entities are primarily responsible to assist individuals with maintaining their benefits such as Social Security, SSI, Medicaid coverage, and Food Stamps.

**Clarification**

Please refer to the following scenarios below. Depending on the scenario, the person's residential provider may be responsible for maintaining the person's benefits. In any scenario, the Service Coordinator is expected to assist as needed.

1. Individual resides in a certified residential setting and the residential agency is or will be the Representative Payee for SSI and/or Social Security benefits and Authorized Representative for Medicaid and/or Food Stamps – in this scenario the residential agency staff is responsible for all applications, recertification and reporting requirements.

2. Individual resides in a certified residential setting and is capable of handling his or her benefits – in this scenario the Medicaid Service Coordinator is responsible for assisting the individual as needed.
  
3. Individual resides in the community – in this scenario the Medicaid Service Coordinator is responsible for assisting the individual and/or their representative payee as needed.

If the individual has a parent, other family member or friend serving as the Representative Payee, the MSC should provide assistance to the Representative Payee if requested to do so.

Nothing in this clarification should be interpreted as removing any of the responsibilities placed on all providers under the Liability for Services regulations to ensure the individuals they serve obtain and maintain the coverage necessary to pay for the services they receive.

### **Further Information**

General questions regarding Medicaid and Personal Allowance may be directed to your local Revenue Support Field Office (RSFO). Contact information is available on the OPWDD website using the following link: [http://www.opwdd.ny.gov/document/medicaid/hp\\_rsfo.jsp](http://www.opwdd.ny.gov/document/medicaid/hp_rsfo.jsp)

Questions regarding Medicaid Service Coordination may be directed to the Statewide MSC Coordinator, Eric Pasternak at: [eric.pasternak@opwdd.ny.gov](mailto:eric.pasternak@opwdd.ny.gov) or (518) 474-1274.

GRH/ccv

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