

MSC E-VISORY

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State of New York Office of Mental Retardation and Developmental Disabilities
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The MSC E-Visory is an electronic advisory distributed to MSC Supervisors. Each issue 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 forward this issue to all MSC Service Coordinators and others as appropriate.**

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In this issue:

Follow up to MSC Supervisors Video Conference (3/25/10) – Liability Regulations Presentation

This is a follow-up to the Liability Regulations presentation at the 3/25/10 MSC Supervisors Video Conference. Below is a clarification of questions asked.

Question: Are all respite services covered by the regulations and therefore subject to the provisions of the regulations?

Answer: The key is to determine how the service provider is reimbursed for the respite service. If the service provider is price reimbursed, including hourly respite, free standing respite and respite through OPTS, the respite service is covered by the regulations. If the provider is reimbursed through a contract, i.e. respite through Family Support Services (FSS), or through an Assistive Support price, the service is not covered by the regulations.

Question: Do we have to give liability notices to individuals who are already paying privately for their services?

Answer: Yes, all individuals, and/or liable parties for individuals, requesting or receiving any of the 13 services covered by the regulations have to receive a liability notice, regardless of the funding source. The liability notices describe the obligations of the provider, the individual and liable parties under the law and OMRDD regulations.

The Individualized Service Plan (ISP) Reviews

Many questions have come to us recently on whether a face-to-face meeting is needed during the six month review of the ISP.

This is a reminder that at least once every six months, the service coordinator must review the ISP with the individual, advocate and those people assisting the individual. This collaborative review ensures that the services and supports being provided are consistent with the person's changing needs and valued outcomes.

If the service coordinator and individual determine that a six month ISP review does not require a face-to-face meeting with the individual, advocate and major service providers, the service coordinator contacts all habilitation providers to request any update to the current habilitation plans.

However, at least annually, the ISP review must be a face-to-face meeting with the service coordinator, individual, advocate and major service providers. Each major provider must send a representative.

Changes to the ISP may be necessary as a result of the ISP review and are made as often as needed to maintain a current plan. Changes can be made to the ISP by either rewriting the ISP or adding an addendum to the existing ISP. The service coordinator must document in the service coordination notes that a six-month review of the ISP occurred.

When the ISP review is not a face-to-face meeting, the service coordinator must inform the Waiver habilitation staff of the "official" six-month review date, since the service coordinator must receive any revised habilitation plan within 30 days of that ISP review date. Both the service coordinator and the habilitation provider should document the six-month review date in their respective monthly notes.

ISP reviews may be conducted, as appropriate, at any time. If conducted before the required six month date from the last ISP review, the date of the most recent review starts a new six-month cycle.

Refer to the MSC Vendor Manual Chapter 4 and the ISP instructions in Appendix One.

Unit of Service Reference Sheet

Included in this E-Visory is an updated version of the Frequency for HCBS Waiver Services. This document is provided to MSC Service Coordinators at MSC_Core training and at Individualized Service Plan and Advanced Individualized Service Plan courses.

Frequency for HCBS Waiver Services

Residential Habilitation

IRA or Community Residence	Month
At Home	Hour
Family Care	Day

Day Habilitation

Group	Day
Individual	Hour

Supported Employment (SEMP) Month

Pre-Vocational Services Day

Respite Hour

Adaptive Devices One Time Expenditure

Environmental Modifications One Time Expenditure

Plan of Care Support Services Once Every 6 Months

Family Education and Training 1 or 2 Units per Year

Consolidated Supports and Services Month

Transitional Services One Time Expenditure

Fiscal/Employer Agent Month