



The MSC E-VISORY is an electronic publication which provides information on policies, guidance, available programs and services and training opportunities related to MSC. In order to receive an email notification when a new MSC E-Visory is posted, or to view past issues visit the following link: [MSC E-Visory](#)

ISSUE # 13-15

July 8, 2015

In This Issue:

Reminder: Residential Registration List Survey Monkey to be Completed by July 9, 2015

On Friday, July 3, 2015 OPWDD sent a letter to all agencies that provide MSC services to individuals who are currently on the Residential Request list (RRL). If applicable to your agency, please work with your supervisor to complete the Survey Monkey tool that will ensure OPWDD has the correct contact information for individuals on the RRL. All agencies have been asked to complete this project by **July 9, 2015**. If you have questions about the Residential Request review or believe you should have received this letter please email opwdd.sm.residentialrequestlist@opwdd.ny.gov.

Clarification of Waiver Eligibility Policy for Children in Residential Schools

On June 16, 2015 OPWDD issued a memorandum titled *Clarification of Waiver Eligibility Policy for Children in Residential Schools*. This memorandum was issued to provide clarification on the existing policy regarding children attending residential schools and their waiver eligibility. Children receiving services at residential school programs are not eligible for enrollment in OPWDD's Home and Community Based Services (HCBS) Comprehensive waiver. Corrective actions will need to be taken to address individuals in this situation. To read in full, the memorandum has been attached to this E-Visory.

Service Documentation Change for State Operated Family Care Homes

On July 1, 2015 OPWDD issued a memorandum titled *Service Documentation for Daily Residential Habilitation Services Provided in State Operated Family Care Homes*. This memorandum describes the service documentation requirements for Residential Habilitation delivered on and after **July 1, 2015 to residents of State Operated Family Care (SOFC)**. Effective **July 1, 2015, State Operated Family Care (SOFC) Residential Habilitation (RH)** will change from a monthly unit to a daily unit of service. Service Coordinators should ensure that the frequency is appropriately reflected as "day" in the ISP for individuals receiving this service. To read in full, the memorandum has been attached to this E-Visory.

Administrative Memorandum: Service Documentation for Supported Employment Services

On June 29, 2015 OPWDD issued Administrative Memorandum (ADM) #2015-08: Service Documentation for Supported Employment (SEMP) Services. Effective July 1, 2015, this Administrative Memorandum (ADM) issued by the Office for People With Developmental Disabilities (OPWDD) supersedes OPWDD ADM #2007-01 and describes the payment standards and service documentation requirements for SEMP services. In addition to the claim documentation requirements identified in this ADM, SEMP providers must continue to comply with applicable OPWDD regulations and quality standards as outlined in ADM #2012-01: Habilitation Plan Requirements. The full ADM is available at the following link: <http://www.opwdd.ny.gov/node/6072>

Achieving a Better Life Experience (ABLE) Act

A proposed rulemaking and notice of public hearing has been issued to the Internal Revenue Service (IRS) regarding the Achieving a Better Life Experience (ABLE) Act. The ABLE Act would amend Section 529 of the Internal Revenue Service Code of 1986 to create tax-free savings accounts for individuals with disabilities. The bill aims to ease financial strains faced by individuals with disabilities by making tax-free savings accounts available to cover qualified expenses such as education, housing, and transportation. The bill would supplement, but not supplant, benefits provided through private insurances, the Medicaid program, the supplemental security income. To learn more visit:

<http://www.ndss.org/Advocacy/Legislative-Agenda/Creating-an-Economic-Future-for-Individuals-with-Down-Syndrome/Achieving-a-Better-of-Life-Experience-ABLE-Act/>

Training Opportunity: Engaging Individuals with IDD in a Faith Community of Choice

On Wednesday, July 22, 2015 from 9:30am-12:30pm OPWDDs division of Health and Community Support will be hosting a videoconference training titled: *Engaging Individuals w/Intellectual & Developmental Disabilities in a Faith Community of Choice*. This training will provide an overview on how to best support individuals in engaging in their community based upon individualized choice. Registration for this training is available at the following link:

http://www3.opwdd.ny.gov/wp/wp_catalogz2421.jsp



TO: Regional Office Directors
Executive Directors of MSC Agencies
Executive Directors Waiver Service Providers

FROM: JoAnn Lamphere, DrPH Deputy Commissioner
Division of Person-Centered Supports

Helene DeSanto, Deputy Commissioner
Division of Service Delivery

DATE: June 16, 2015

SUBJECT: Clarification of Waiver Eligibility Policy for Children in Residential Schools

SUGGESTED DISTRIBUTION:

Regional Waiver Coordinators
Regional Medicaid Service Coordinators

Purpose:

This memorandum clarifies existing policy regarding children attending residential schools and their waiver eligibility.

Waiver Service Eligibility Policy:

Children receiving services at residential school programs are not eligible for enrollment in OPWDD's Home and Community Based Services (HCBS) Comprehensive waiver. Children in receipt of HCBS Waiver services at the time of admission to a residential school program should be disenrolled from the waiver after providing the individual and his family with a Notice of Decision.

Service Delivery for Children in Residential Schools:

As noted above, OPWDD HCBS Waiver services should not be provided to children while they are at the residential school. However, there are times when a child returning home for school vacations or weekends may require services in the home to ensure the health and safety of the child. Although these services cannot be covered by the waiver, any services required by a child while he or she is away from the residential school must be authorized by the appropriate regional office as state paid services. OPWDD Regional Office staff may assess the expressed needs of a child when he or she is at the family home and authorize state paid services as appropriate.

Immediate Actions:

Any individuals who are attending a residential school who are still authorized for waiver services must be disenrolled from the HCBS waiver immediately. For individuals attending school on the date of this memorandum who are currently in receipt of HCBS Waiver services while at home, staff should notify the family that the state will authorize the continuation of any needed services through state paid payment mechanisms, and notify the family of the individual's disenrollment from the waiver by issuing a Notice of Decision.

Moving forward, when Regional Office staff become aware of a person moving to a residential school, staff should discuss the change in service eligibility with the family/guardian of the child and issue a Notice of Decision that the individual's waiver enrollment will be terminated when he or she begins attending the school.

Any OPWDD services the child was receiving prior to moving to the residential school should be reevaluated to determine if there is a continued need for the service(s) while he or she is not receiving services from the residential school, such as over school holidays. The Regional Office must verify that any services the child is authorized to receive do not overlap any services identified in, or available through, the IEP or residential school services.

Transition Back to the Community:

Medicaid Service Coordination (MSC) is a state plan service that may be authorized when needed and appropriate for a person who expresses interest in leaving the residential school. MSC provides active planning for the transition back to a community setting. The MSC should be knowledgeable about the types of waivers and services available in the community to which the person wants to return, and should assist the individual in obtaining the most appropriate waiver enrollment upon transitioning back into the community (e.g., Bridges to Health waivers for children in foster care or TBI, if appropriate).

Any questions regarding this policy should be directed to Children's Services at student.transition@opwdd.ny.gov. Questions regarding general waiver issues, such as eligibility, should be directed to the Waiver Unit at peoplefirstwaiver@opwdd.ny.gov.

cc: Provider Associations
OPWDD Leadership Team
Katherine Bishop
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TO: Directors, Developmental Disabilities State Operations Offices
Directors, Developmental Disabilities Regional Offices

FROM: JoAnn Lamphere, DrPH, Deputy Commissioner
Division of Person Centered Supports

Helene DeSanto, Deputy Commissioner
Division of Service Delivery

DATE: June 11, 2015

SUBJECT: Service Documentation for Daily Residential Habilitation Services Provided in State Operated Family Care Homes

EFFECTIVE: July 1, 2015

SUGGESTED DISTRIBUTION:

Administrative & Clinical Staff in State Operated Family Care
Quality Improvement Staff

PURPOSE:

This memorandum describes the service documentation requirements for Residential Habilitation delivered on and after **July 1, 2015 to residents of State Operated Family Care (SOFC)**. This communication is in addition to ADM #2006-04 and supersedes the required checklist/chart format previously distributed to state staff for use by state operated Family Care providers.

The only portions of ADM #2006-04 that this communication supersedes are:

1. A Family Care Residential Habilitation Plan must comply with ADM #2012-01.
2. For additional information on the documentation requirements, contact the OPWDD Director of Waiver Management at (518) 486-6466.

BACKGROUND:

Effective **July 1, 2015, State Operated Family Care (SOFC) Residential Habilitation (RH)** will change from a monthly unit to a daily unit of service, as required by the federal Centers for Medicare and Medicaid Services (CMS). **SOFC-RH** services are described in a Residential Habilitation Plan and address skill acquisition, skill retention, and the individual's need for hands-on assistance related to living in the community. These services may include but are not limited to:

- Adaptive skill development; assistance with activities of daily living; travel; health;
- Adult educational supports; communication; social skills; leisure skills; money management; socially appropriate behaviors; life safety;
- Hands-on assistance provided by staff as necessary;
- Professional services as necessary;
- Self-advocacy; informed choice; and

- Community inclusion; relationship building.

Physical assistance, protective oversight, and supervision can be provided by the Residential Habilitation staff if these components do not constitute the entire service provided.

For more information regarding habilitation services, please refer to ADM #2012-01, "Habilitation Plan Requirements."

BILLING for FAMIY CARE RESIDENTIAL HABILITATION:

(A) Presence in the Family Care Home or an allowable exception described below - A day present in the **Family Care Home (FCH)** is the unit of measure denoting lodging and services rendered to the individual **on a given day** with exceptions noted below.

- Day of discharge from a hospital, nursing home, Intermediate Care Facility (ICF) or other certified, licensed or government funded residential setting when the person returns to the Family Care home may be counted as a day when the individual is present in the FCH. (Note: day of admission to a hospital, nursing home, ICF or other certified, licensed or government funded residential setting may not be counted as a day present at the FCH.)

(B) Provision of staff actions (face-to-face services) - In addition to the requirement described in Item A above, the Residential Habilitation staff (**Family Care Provider**) must deliver and contemporaneously document habilitation staff actions that are drawn from the individual's Habilitation Plan and Individualized Service Plan (ISP) during the service time (day) billed. At least one individualized face-to-face service or staff action must be provided during the day to meet the service delivery minimum. A staff action may be related to one of the individual's valued outcomes, (e.g., the staff action is "teaching menu planning" which relates to the individual's valued outcome of "eating more healthy meals"). A staff action may also be related to the supports and services an individual needs (e.g., providing assistance with activities of daily living). All services billed must be drawn from the Habilitation Plan and ISP.

The following exceptions may also be billed as SOFC-RH Day:

- Days when all residents of the FCH are relocated due to emergency conditions or other circumstances reported to and approved by the OPWDD Developmental Disabilities State Operations Offices (DDSOOs) and the OPWDD Division of Quality Improvement (DQI). (It must be necessary to relocate the residents to preserve their health and safety). Such days can be counted as SOFC-RH Days when the "presence" requirement is met and the Family Care provider delivers and documents services that are similar in scope, frequency and duration to the Residential Habilitation services typically delivered to the resident at the FCH. Documentation must include the location of this off-site service delivery.

Attached are the State Sponsored Family Care Residential Habilitation Daily Checklist with instructions and Monthly Summary Note with instructions. Note: no changes have been made to the Monthly Summary Note and associated instructions.

Attachments:

cc: Kerry Delaney
COLT
COLT Plus
Nicholas Montano
Patricia Downes