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ISSUE # 08-15

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In This Issue:

Notifications to Service Coordinators of Hospital Admissions and Discharges Memorandum

On May 5, 2015 OPWDD issued a memorandum titled *Notifications to Service Coordinators of Hospital Admissions and Discharges for Individuals Living in an OPWDD-certified Residence (State and Voluntary-Operated residences, including ICFs and Family Care Homes)*. This memorandum is sent as a reminder that effective communication among all parties is essential to ensure the Service Coordinator can support the person during the hospital admission and discharge process. For individuals living in certified residences, family and residential staff may often be the primary contact with hospital discharge planners. Upon being notified, residential staff/family care providers must immediately ensure that an individual's Service Coordinator is informed of hospital admissions and discharges, so that he or she can assist with follow-up activities that may be needed. To read in full, this memorandum has been attached to this E-Visory.

Scope of Residential Habilitation Services Memorandum

On April 30, 2015 OPWDD issued a memorandum titled *Scope of Residential Habilitation Services & Changes for Individual Residential Alternative (IRA) and Community Residence (CR) Residential Habilitation Services and Family Care Residential Habilitation services*. This memorandum is to provide information on changes that OPWDD will be making related to the Medicaid-funded supports and services that people in IRAs, Community Residences and Family Care can access. OPWDD and the federal Centers for Medicare and Medicaid Services (CMS) are working to finalize service and funding agreements related to Home and Community Based Services. OPWDD intends to implement these changes on October 1, 2015. To read in full, this memorandum has been attached to this E-Visory.

June 10, 2015 Medicaid Service Coordination Supervisors Conference

The MSC Supervisors Conference is being held on June 10, 2015 from 9:30am-12:30pm via videoconference and WebEx. The agenda is as follows: Money Follows the Person, Housing Initiatives, MSC 3: Individual Withdrawal from MSC Form, Employment Changes and Updates, and TABS contact information update. Materials for this conference will be issued via MSC E-Visory prior to the session. Interested parties, who have not yet registered, may do so by visiting the following link:

http://www3.opwdd.ny.gov/wp/wp_catalogc1310.jsp



Office for People With Developmental Disabilities

ANDREW M. CUOMO
Governor

KERRY A. DELANEY
Acting Commissioner

TO: Voluntary Agency Executive Directors
Medicaid Service Coordination Vendors
Developmental Disabilities State Operations Office Directors
Developmental Disabilities Regional Office Directors
Developmental Disabilities Regional Office Medicaid Service Coordinators
Family Care Home Providers

FROM: Helene DeSanto, Deputy Commissioner 
Division of Service Delivery

RE: Notifications to Service Coordinators of Hospital Admissions and Discharges
for Individuals Living in an OPWDD-certified Residence (State and
Voluntary-Operated residences, including ICFs and Family Care Homes)

DATE: May 5, 2015

This memorandum is sent as a reminder that effective communication among all parties is essential to ensure the person's Service Coordinator can support the person during the hospital admission and discharge process. For individuals living in certified residences, family and residential staff may often be the primary contact with hospital discharge planners. Upon being notified, residential staff/family care providers must immediately ensure that an individual's Service Coordinator is informed of hospital admissions and discharges, so that he or she can assist with follow-up activities that may be needed.

Service Coordinators play an integral role in promoting and supporting informed choice and advocating for individuals with ID/DD who reside in state and voluntary-operated residential settings. Timely sharing of information helps the Service Coordinator to advocate on the person's behalf while hospitalized. For example, the Service Coordinator may need to participate in discussions regarding whether the person can and would like to return home, or if he/she needs assistance in exploring alternate residential options or a nursing home stay. These are essential service coordination functions for all OPWDD-funded types of service coordination (Medicaid Service Coordination, Plan of Care Support Services and Willowbrook Service Coordination or Willowbrook Case Management Services).

Please stress the importance of communication regarding hospitalizations with Residential Managers, Family Care Providers and Team Leaders in State and Voluntary-Operated residential programs. Additional guidelines specific to Willowbrook Class Members (*Guidelines for Willowbrook Residential Notification, 3/27/13*) can be found on the OPWDD website at:

http://www.opwdd.ny.gov/opwdd_resources/willowbrook_class/willowbrook_residential_notification

cc: Lori Lehmkuhl
Martha Schunk
Local PASRR Coordinators
Local Willowbrook Liaisons
Beth Matthews
Antonia Ferguson
Beth Haroules
Roberta Mueller
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TO: Executive Directors, Individual Residential Alternative (IRA) Agencies
Executive Directors, Community Residence (CR) Agencies
Executive Directors, Family Care (FC) Agencies
Developmental Disabilities Regional Office (DDRO) Directors

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

Helene DeSanto *Helene DeSanto*
Deputy Commissioner
Division of Service Delivery

SUBJECT: Scope of Residential Habilitation Services & Changes for Individual Residential Alternative (IRA) and Community Residence (CR) Residential Habilitation Services and Family Care Residential Habilitation services

DATE: April 30, 2015

This memo is to inform you of changes that the Office for People With Developmental Disabilities (OPWDD) will be making related to the Medicaid-funded supports and services that people in IRAs, Community Residences and Family Care can access. As you are aware, OPWDD and the federal Centers for Medicare and Medicaid Services (CMS) are working to finalize service and funding agreements related to Home and Community Based Services. As we make required changes, OPWDD is committed to working with you to ensure that people supported in certified residential settings receive needed services.

As part of these agreements, we must ensure that residential habilitation services consistently fund the same types of services, based on the needs of people who are served. In many cases, implementing these new rules will not affect a provider's operation. Where services for people supported in certified residential settings will be affected, funding will be adjusted so that the residential agency can either contract with service providers outside your agency, or make arrangements to satisfy the needs directly with appropriately credentialed agency employees. OPWDD intends to implement these changes on October 1, 2015.

Supervised IRA/CR Residential Habilitation

Effective October 1, 2015, Supervised IRA/CR Residential Habilitation providers will be financially responsible for any required nursing (RN and LPN), nutrition, and psychology services delivered within the confines of the residence and during evening and weekend hours, and these services can no longer be billed to a person's Medicaid card while he or she lives in an OPWDD certified residence. Existing prohibitions on delivery of separately-billed personal care services, consumer directed personal assistance, home health aide services, homemaker services, and supplemental habilitation (i.e., supplemental day habilitation and community habilitation) within the

confines of the residence and during evening and weekend hours will also remain in place.¹ Supervised Residential Habilitation rates will be evaluated and adjusted to reflect the costs of these in-home therapy services.

Supportive IRA/CR Residential Habilitation & Family Care Residential Habilitation

Effective October 1, 2015, the Supportive IRA/CR Residential Habilitation and Family Care Residential Habilitation service must be sufficient to meet residents' needs without authorization of additional, separately-billed personal care services, consumer directed personal assistance program services, home health aide services, and homemaker services delivered within the confines of the residence and during evening and weekend hours. Nor may supplemental habilitation services (e.g., supplemental day habilitation, community habilitation) be delivered within the confines of the residence or during evening and weekend hours.²

If separate billing for a service now considered included in the residential habilitation rate is identified by the State following implementation of this policy, the residential agency will be expected to reimburse the full cost of the separately-billed service to Medicaid. As in all recovery actions, the residential provider will be afforded an opportunity to contest findings and offer exculpatory evidence (e.g., the separately billed service was never actually provided or the residential provider paid the other provider who then double billed Medicaid).

This new policy reflects CMS's view that residential habilitation services should fully meet the care needs of residents while they are in the residence and also meet all habilitative, recreational and community integration needs of the people they serve during weekends and on week day evenings. As previously noted, the Medicaid funds previously expended on the separately-billed services no longer permitted will be repurposed as additional residential habilitation funding. Therefore, OPWDD expects residential providers to implement these changes in a manner that does not diminish or impair the quality of life for individuals currently receiving services.

Fortunately, the numbers of individuals affected by the implementation of these new limits is relatively small. OPWDD and the Department of Health will work with agencies operating Supportive IRAs and Family Care homes to adjust funding so that the residential agency can either contract for the outside service provision or make arrangements to meet the service needs directly with residential agency staff.

Next Steps

OPWDD will hold a webinar on Monday, May 11th 2:30pm-3:30pm to discuss these changes, and will follow-up with more detailed information to review the changes with each agency based on recent outside Medicaid billing information for people that live in residences operated by the agency. A separate memo will be sent to affected provider agencies to identify the contact persons who will work with OPWDD regarding the transition. Thank you for your assistance with this matter. We look forward to working collaboratively with you in the months ahead to ensure a successful transition.

C: COLT J. Ulberg
A. Kindo D. Cater
C. Varano DDSOO Directors

¹ Day and community habilitation will continue to be available for Supervised IRA/CR residents when delivered outside of the residence during regular day programming hours.

² Day and community habilitation will continue to be available for Supportive IRA/CR and Family Care Home residents when delivered outside of the residence during regular day programming hours.