



STATE OF NEW YORK
OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

44 HOLLAND AVENUE
ALBANY, NEW YORK 12229-0001
(518) 473-1997 • TDD (518) 474-3694
www.omr.state.ny.us

MEMORANDUM

TO: DDSO Directors

FROM: Gary Lind, Director
Gary Lind
Office of Policy, Planning and Individualized Initiatives

DATE: February 10, 2005

SUBJECT: Prohibition of Claiming an Article 16 Clinic Treatment Service and a Collocated Day Treatment Service on the Same Day

Attached is the letter providing direction to all Article 16 clinic providers on prohibitions related to this service pattern. Also included for your information is the list identifying the free-standing voluntary-operated Article 16 clinic providers and DDSO joint clinic operations that received the letter.

cc: Helene DeSanto
Kathy Broderick
Peter Pezzolla
Barbara Brundage
Jim Moran
Lisa Kagan
Dennis Collins
John Brandone
Larry Zawisza
Karen DeRuyter



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EXECUTIVE DIRECTOR

«Prov_Name»

«Prov_Str»

«Prov_City», «Prov_St» «Prov_Zip»

Re: Prohibition of Claiming an Article 16 Clinic Treatment Service and a Collocated Day Treatment Service on the Same Day

Suggested Distribution:

**Clinic Administrators
Clinic Treatment Coordinators
Agency Financial Officer
Agency Billing Staff**

Dear Executive Director:

OMRDD has become aware of instances in which a clinic treatment service and a *collocated* day treatment service have been billed to Medicaid on the same day for the same individual.

This letter provides direction to Article 16 clinic providers on prohibitions related to this service pattern. The Medicaid claiming prohibition described below applies to all Article 16 clinic operations; including state-operated clinics, DDSO joint clinic operations with voluntary agency providers, and free-standing voluntary-operated clinics.

Per 14 NYCRR 690.3(a) (5) (v), reimbursement of a Part 679, Article 16 clinic treatment service other than in the clinical service areas of audiology, special medical, routine medical and dentistry, is prohibited when an individual also receives an OMRDD-certified *collocated* day treatment service (a.k.a., partial day treatment) on the same day. A certified day treatment program that is located on the same site as an OMRDD-certified day training or sheltered program is considered to be a *collocated* day treatment service.

Individuals participating in *collocated* day treatment may receive Part 679, Article 16 clinic treatment services on the same day they are receiving *collocated* day treatment *only* in the four clinical service areas specified above.

Individuals participating in *collocated* day treatment may receive an appropriately authorized Part 679, Article 16 clinic treatment service other than in the four clinical service areas *only* on the days when they are **NOT** receiving the *collocated* day treatment service. In addition, the clinic treatment service received must be necessary to support the individual's living situation.

An Article 16 clinic may deliver services in an individual's residence/home, at the day program or at a certified clinic site. A clinic service, (other than those in the four clinical service areas referenced above), provided on the same day to an individual receiving a *collocated* day treatment service, regardless of delivery location, is **NOT** allowable for reimbursement and must not be claimed for reimbursement.

Effective March 1, 2005, the Article 16 clinic treatment provider must ensure compliance with regulation 690.3 (a) (5) (v). Moving forward from this date, OMRDD will recover from the Article 16 clinic provider, reimbursement for all individuals who participate in *collocated* day treatment and who receive a Part 679, Article 16 clinic treatment service (other than in the four clinical service areas of audiology, special medical, routine medical and dentistry), on the same day.

OMRDD Revenue Support's Central Operations will oversee the implementation of the recovery process for payments of prohibited Article 16 clinic treatment services.

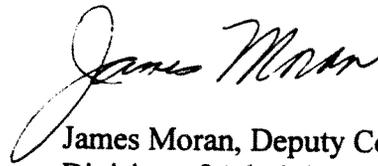
- **Joint Clinic Operations Recoveries**
A report identifying prohibited services provided by joint clinic operations for March 2005 will be available in early to mid June 2005. We anticipate that joint clinic operation providers will be contacted in July 2005 by OMRDD Central Operations with regard to recovery of any improper payments. This recovery process will continue for each subsequent quarter.
- **Free-standing Clinic Voids**
OMRDD Central Operations will monitor Medicaid billings of free-standing clinics to identify prohibited clinic claims, and will ensure free-standing clinics process the necessary MMIS voids.

Article 16 clinic providers that have inappropriate billings prior to March 1, 2005 will be notified under separate cover regarding necessary actions.

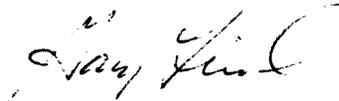
Questions regarding the recovery process may be directed to John Brandone of OMRDD Central Operations at (518) 402-4333. Questions regarding fiscal policy should be directed to Lisa Kagan, Associate Commissioner at (518) 402-4315. Questions regarding Article 16 clinic regulations should be directed to Larry Zawisza of OMRDD Policy Bureau at (518) 473-9697.

Thank you for cooperation with this initiative.

Sincerely,



James Moran, Deputy Commissioner
Division of Administration and
Revenue Support



Gary Lind, Director
Office of Policy, Planning and
Individualized Initiatives

cc: DDSO Directors
H. DeSanto
K. Broderick
P. Pezzolla
B. Brundage
L. Kagan
D. Collins
J. Brandone
L. Zawisza
K. DeRuyter

Agency/Clinic Name

Brookdale Hospital Medical Center (Bruner)
Community Workshop Inc.
Epilepsy Foundation of Long Island (EFLI)
Epilepsy Institute, Inc.
Federated Employment & Guidance Services (FEGS)
NYSARC - Fulton County Chapter (Lexington Center)
Guild for Exceptional Children
Interfaith Medical Center
Kennedy Child Study Center
Lifespire, Inc. (ACRMD)
Long Island College Hospital (Stanley Lamm Institute)
NYSARC - Madison County Chapter*
Maimonides Medical Center
NYSARC - Nassau County Chapter
NYSARC - Chautauqua County Chapter
NYSARC - New York City Chapter
Professional Service Center for the Handicapped (PSCH)
Rochester School of the Holy Child
Rose F. Kennedy Center (Albert Einstein College of Medicine)
NYSARC - Schnectady County Chapter
Shield Institute, Inc. (Shield of David)
Staten Island Mental Health Society
Terence Cardinal Cooke HCC
TRUIS (Block Institute)
UCP Association of Queens
NYSARC - Westchester County Chapter
Young Adult Institute (YAI)

DDSO

BROOKLYN
CAPITAL DISTRICT
LONG ISLAND
METRO NY
METRO NY
CAPITAL DISTRICT
BROOKLYN
BROOKLYN
METRO NY
METRO NY
LONG ISLAND
CENTRAL NY
BROOKLYN
LONG ISLAND
WESTERN NY
METRO NY
BERNARD FINESON
FINGER LAKES
METRO NY
CAPITAL DISTRICT
BERNARD FINESON
STATEN ISLAND
METRO NY
BROOKLYN
BERNARD FINESON
HUDSON VALLEY
METRO NY

FREE-STANDING ARTICLE 16 CLINICS

DDSO JOINT CLINIC OPERATIONS

Broome/Tioga ARC
Camphill Village USA, Inc.
Challenge Industries
Chemung ARC
Chenango ARC
Columbia ARC
Dutchess ARC
Livingston/Wyoming ARC
Madison/Cortland ARC*
Monroe ARC
Niagara ARC (Opportunities Unlimited)
Oneida/Lewis ARC
Onondaga ARC
Ontario ARC
Orleans ARC
Otsego ARC
Putnam ARC
Rehabilitation Center of Cattaraugus County
Rehabilitation Programs, Inc.
Seneca/Cayuga ARC
Suburban Adult Services, Inc. (SASI)
Sullivan ARC (Community Resources Center)
Ulster/Greene ARC
Upstate Home for Children & Adults
Wayne ARC
Yates ARC

BROOME
TACONIC
BROOME
FINGER LAKES
BROOME
TACONIC
TACONIC
FINGER LAKES
CENTRAL NY
FINGER LAKES
WESTERN NY
CENTRAL NY
CENTRAL NY
FINGER LAKES
WESTERN NY
BROOME
TACONIC
WESTERN NY
TACONIC
FINGER LAKES
WESTERN NY
HUDSON VALLEY
TACONIC
BROOME
FINGER LAKES
FINGER LAKES

*Only one letter sent - agency operates both free-standing & DDSO joint clinic operation