



# Putting People First

## Memorandum

**To:** Provider Associations  
 Voluntary Provider Agency Executive Directors  
 DDSO Directors  
 IBR Director  
 Commissioner's Advisory Council  
 DDPC Consumer Caucus  
 OPWDD Required Regulations Mailing List

**From:** Barbara Brundage, Director *BB*  
 Regulatory Affairs Unit

**Date:** October 3, 2011

**Re:** Proposed Regulations – Monthly Community Habilitation

**Comments Due: Monday, December 5, 2011**

**Suggested distribution:**

Agencies which operate IRAs and/or CRs AND Group Day Habilitation

- Agency Financial Officers
- Agency Administrators – Residential
- Agency Administrators – Day Habilitation

**Purpose:**

OPWDD has proposed regulations to implement a new service, Monthly Community Habilitation, which is available for individuals residing in supervised Individualized Residential Alternatives (IRAs) or supervised Community Residences.

HCBS Waiver Monthly Community Habilitation (MCH) offers another option to individuals who wish to have their habilitation services focus on a variety of everyday community settings. The service, which was approved by the Federal Centers for Medicare and Medicaid Services (CMS) in the HCBS Waiver renewal effective 10/1/09, is designed to promote independence and community integration. An earlier phase of Community Habilitation offered skills training and supports which could take place only in non-certified settings. Maintaining the same focus on meaningful community inclusion, OPWDD is expanding eligibility for this type of service to individuals who reside in supervised residential habilitation settings certified by OPWDD and who are enrolled in the HCBS waiver. Individuals who live in these supervised residential settings typically receive group day habilitation services. Individuals who elect to participate in MCH will continue to reside in their residential settings but will receive MCH rather than discrete residential habilitation and day habilitation services. The program is not designed to be

compatible with Supported Employment, Prevocational services, blended services, comprehensive services or Consolidated Supports and Services.

MCH promises enhanced flexibility and a more individualized approach than was possible under the parameters of existing services. It is anticipated that these changes will offer participants increased flexibility in service design, will encourage increased community interaction, and will promote cost effective community integration.

Finally, to promote individual choice and greater flexibility, these regulations include a self-directed and family-directed option within MCH for those individuals who want to choose and manage MCH staff (either personally or through a parent, guardian, family member or other adult).

Elements of the proposed regulations were developed in response to recommendations that were made by provider representatives who were members of the OPWDD Fiscal Sustainability Team.

Please note that MCH is an option for individuals who live in supervised IRAs or CRs and providers which operate those facilities. There is no requirement that providers or particular individuals participate in MCH. Not all individuals who live in supervised IRAs or CRs will be eligible to receive MCH.

Please refer to the text of the proposed regulations for more detail on the requirements applicable to the provision of MCH. OPWDD is also planning to issue an Administrative Memorandum on MCH before its implementation which will include further information on the new requirements.

The text the proposed regulations can be accessed on the OPWDD website at [www.opwdd.ny.gov](http://www.opwdd.ny.gov). Look under "Regulations."

OPWDD expects to finalize these regulations and begin implementation of MCH effective January 1, 2012.

**Public comments:**

The deadline for public comment for these regulations is the close of business on Monday, December 5, 2011.

Written comments should be addressed to:

Barbara Brundage  
Director, Regulatory Affairs Unit  
OPWDD  
44 Holland Avenue  
Albany, New York 12229  
Tel. (518) 474-1830  
FAX (518) 474-7382  
E-mail: [barbara.brundage@opwdd.ny.gov](mailto:barbara.brundage@opwdd.ny.gov)

**Public hearings:**

Public hearings will be held on the proposed regulations as follows:

Tuesday, November 29, 2011 – 10:30 AM  
OPWDD  
Counsel's Office Conference Room, 3<sup>rd</sup> Floor  
44 Holland Avenue  
Albany, NY

Wednesday, November 30, 2011 – 10:30 AM  
OPWDD  
Counsel's Office Conference Room, 3<sup>rd</sup> Floor  
44 Holland Avenue  
Albany, NY

Persons who wish to present testimony at the public hearings must pre-register no later than Friday, November 18, 2011. Individuals who do not pre-register may not be able to present testimony. Individuals who want to attend the hearing but are not planning to present testimony do not need to pre-register. Attendees or presenters who need any special accommodations must make a request by the same date. In order to pre-register, to request special accommodations or to ask any questions about hearing logistics contact the Regulatory Affairs Unit at [RAU.UNIT@opwdd.ny.gov](mailto:RAU.UNIT@opwdd.ny.gov) or (518) 474-1830.

For questions regarding this proposed regulation or MCH, please contact Lisa Kennedy by email at [lisa.m.kennedy@opwdd.ny.gov](mailto:lisa.m.kennedy@opwdd.ny.gov) or by telephone at (518) 474-2446.

Thank you.

Attachment

cc: Ms. Haneman  
Ms. Howard  
Ms. Doran  
Ms. Kennedy