



# Putting People First

## Memorandum

**To:** Provider Associations  
 Executive Directors of agencies operating IRAs, CRs and/or day habilitation  
 DDSOO Directors  
 DDRO Directors  
 IBR Director  
 Commissioner's Advisory Council  
 OPWDD Required Regulations Mailing List

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

**Date:** July 1, 2014

**Re:** Regulations – Rate Setting for Non-State Providers – Residential Habilitation in IRAs/CRs and Day Habilitation

**Effective date: July 1, 2014**  
**Amendments Comments Due: Monday, Sept. 8, 2014**

**Suggested distribution: Agencies operating IRAs, CRs and/or day habilitation services**

Agency Administrators  
 Agency Financial Officers  
 Agency Program Administrators

**Purpose:**

OPWDD has finalized its proposed regulations that change the methodology for rates for non-state providers of residential habilitation in IRAs/CRs and day habilitation. OPWDD has also filed emergency/proposed regulations to amend the newly-adopted rate methodology for these services.

The summary and full text of the amendments is available on the OPWDD website at [www.opwdd.ny.gov](http://www.opwdd.ny.gov). Look under “Regulations & Guidance.” OPWDD has also posted a version of the regulations with the amendments included. These are the regulations in effect on July 1, 2014.

Please note that the Department of Health (DOH) has also adopted its similar proposed regulations on this topic. DOH also filed similar emergency/proposed regulations. Information about DOH regulations is posted at: <http://www.health.ny.gov/regulations/>. Look under “Rules & Regulations” in the appropriate category to access information about the DOH regulations.

**Public Hearings**

OPWDD is required to hold public hearings on the emergency/proposed amendments (not the original regulations). The hearings have been scheduled as follows:

Tuesday, Sept. 2, 2014 – 10:30 a.m.  
Counsel's Office Conference Room  
44 Holland Ave., 3<sup>rd</sup> floor  
Albany, NY

Wednesday, Sept. 3, 2014 – 10:30 a.m.  
Counsel's Office Conference Room  
44 Holland Ave., 3<sup>rd</sup> floor  
Albany, NY

Persons who wish to present testimony or attend the public hearings must pre-register by Friday, August 22, 2014. 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 the public hearings, please contact the Regulatory Affairs Unit (see contact information below).

**Submission of public comments:**

Written comments on the emergency/proposed amendments (not the original regulations) can be submitted to:

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

The deadline for submission of public comments is the close of business, Monday, Sept. 8, 2014. (Please note that this is later than the deadline for public comment for the emergency/proposed regulations to amend the ratesetting amendments for ICF/DD facilities.)

**Assessment of public comments on original proposed regulations:**

OPWDD extends its thanks to the individuals and agencies which sent public comments on the proposed regulations. The assessment of public comment (including OPWDD's responses) has also been posted on the website along with the other materials. Please note that the responses to the assessment were prepared several weeks ago before the amendments were finalized. Many of the responses indicate that OPWDD and DOH will take the comment under advisement for consideration when subsequent amendments are made to the regulation. As can be seen, the amendments do address concerns raised in some of these comments.

**A note on regulation filings associated with the new ICF/DD rate methodology:**

OPWDD was unable to finalize its proposed regulations effective July 1. In order for the new methodology to be effective July 1, 2014, OPWDD filed emergency regulations on that date. The text of

July 1, 2014

Page 3

these emergency regulations is the same as the final regulations amended by the emergency/proposed regulations. The same regulations are therefore seamlessly in effect beginning July 1, 2014.

For questions about the new ratesetting methodology, please contact Donna Cater, Director, DOH Bureau of Mental Hygiene Services Rate Setting, at [Donna.Cater@Health.State.NY.US](mailto:Donna.Cater@Health.State.NY.US) or (518) 486-7164.

Thank you.

cc: Ms. Doran  
Ms. Howard  
Ms. Cater  
Mr. Leonardo  
Ms. Felker  
Ms. Coons