



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

ADMINISTRATIVE MEMORANDUM - #2006-04

TO: Executive Directors of Agencies Authorized to Provide Agency Sponsored Family Care Residential Habilitation
Executive Directors of Agencies Authorized to Provide Medicaid Service Coordination
DDSO Directors
IBR Director

FROM: Helene DeSanto, Executive Deputy Commissioner

Gary Lind, Director
Policy, Planning and Individualized Services

James F. Moran, Deputy Commissioner
Administration and Revenue Support

SUBJECT: FAMILY CARE RESIDENTIAL HABILITATION SERVICE DOCUMENTATION REQUIREMENTS

DATE: October 6, 2006

Suggested Distribution:

Agency Sponsored Family Care Coordinators
DDSO State Sponsored Family Care Coordinators
Agency Sponsored Family Care Home Liaisons
DDSO State Sponsored Family Care Home Liaisons
Certified Family Care Providers
Agency Sponsored Family Care Billing Department Staff
MSC Service Coordinators and MSC Supervisors

Purpose

This is to review the Family Care Residential Habilitation service documentation requirements that support a provider agency's claim for payment (for Agency-Sponsored Family Care) and

OMRDD's claim for payment (for State-Sponsored Family Care). These requirements are effective November 1, 2006 for the payment for Family Care Residential Habilitation services provided to Home and Community Based Services (HCBS) waiver-enrolled individuals as well as to non-waiver enrolled individuals. In addition to the claim documentation requirements specified in this Administrative Memorandum (ADM), Family Care Residential Habilitation service provision must continue to comply with quality service standards set forth in The Key to Individualized Services, The Home and Community Based Services Waiver (OMRDD 1997) and program requirements set forth in the Family Care Manual (OMRDD).

Background:

Title 18 NYCRR, Section 504.3 (a) states that by enrolling in the Medicaid program, the provider agency agrees "to prepare and **maintain contemporaneous records** demonstrating its right to receive payment under the medical assistance program and to **keep for a period of six years from the date the care, services or supplies were furnished, all records** necessary to disclose the nature and extent of services furnished and all information regarding claims for payment submitted by, or on behalf of, the provider and to furnish such records and information, upon request, to...the Secretary of the United States Department of Health and Human Services, the Deputy Attorney General for Medicaid Fraud Control and the New York State Department of Health." It should be noted that there are other entities with rights to audit Medicaid waiver claims as well, including OMRDD.

The regulatory basis for Family Care Residential Habilitation is 14 NYCRR sections 635-10.4(b) (1) and 635-10.5(B) (13).

Billing Family Care Residential Habilitation:

The billing unit or "unit of service" for Family Care Residential Habilitation is a day. There are two requirements that must be met before a day of Family Care Residential Habilitation can be billed:

1. The consumer must be permanently enrolled in the Certified Family Care Provider's home on that day.
2. The Certified Family Care Provider must deliver and document daily, **at least one face-to-face individualized Family Care Residential Habilitation service** that is drawn from the consumer's Family Care Residential Habilitation Plan.

Family Care Residential Habilitation billing is not permitted on days when the Certified Family Care Provider delivers no services to the consumer, even in cases when an approved substitute or respite provider delivers services on that day.

Documentation Checklist / Chart Formats:

For each day the Family Care Residential Habilitation service is billed, the Certified Family Care Provider (hereafter known as Family Care Provider) must document the required face-to-face

Family Care Residential Habilitation service using a checklist or chart. The service documented must be drawn from the consumer's Family Care Residential Habilitation Plan. A monthly summary note written by the Family Care Home Liaison is also required. The monthly summary note must summarize the implementation of the consumer's Family Care Residential Habilitation Plan, address how the consumer responded to the services provided during the month, and address any issues or concerns.

For State-Sponsored Family Care, a required checklist/chart format will be distributed to DDSOs under separate cover. For Agency-Sponsored Family Care, the attached checklist/chart format may be used to document services. Provider agencies may also elect to develop their own checklist/chart format, but it must include all the Service Documentation elements listed below.

Required Medicaid Elements for Service Documentation:

Documentation by the Family Care Provider: Medicaid rules require that service documentation be "contemporaneous" with the service provision. On a daily basis, the Family Care Provider must document the service provided when it occurs. Required service documentation elements are:

1. **Consumer's name and Medicaid Client Identification Number (CIN).** Note that the CIN does not need to be included in daily documentation; rather, it can appear in the consumer's Family Care Residential Habilitation Plan.
2. **Identification of category of waiver service provided** (i.e., Family Care Residential Habilitation).
3. **A daily description of at least one face-to-face service provided by the Family Care Provider** (e.g. the Family Care Provider documents that he/she "assisted the consumer to choose appropriate clothes for the day"). Each service delivered must be identified in the consumer's Family Care Residential Habilitation Plan.
4. **The date the service was provided.**
5. **The primary service location.**
6. **Verification of daily service provision by the Family Care Provider.** Initials are permitted if a "key" is provided which provides the signature and full name of the Family Care Provider.

Documentation by the Family Care Home Liaison: The following service documentation elements must be included in the monthly summary note:

1. **Consumer's name and CIN.** Note that the CIN does not need to be included in the monthly summary note; rather, it can appear in the consumer's Family Care Residential Habilitation Plan.
2. **Identification of category of waiver service provided** (i.e. Family Care Residential Habilitation).
3. **Month and year of summary note.**
4. **A summary of the consumer's response to services, implementation of the Residential Habilitation Plan and any issues or concerns.**

5. **Signature and title of the Family Care Home Liaison.**
6. **Date the monthly summary note was written** (must be written by the end of the month following the month of service, e.g. the November monthly summary note must be written by the end of December).

Other Documentation Requirements:

In addition to the checklist/chart and monthly summary note, the Family Care Sponsoring agency or the DDSO must maintain the following documentation:

- **A copy of the consumer’s Individualized Service Plan (ISP)**, covering the time period of the claim, developed by the consumer’s Medicaid Service Coordination (MSC) service coordinator or Plan of Care Support Services (PCSS) service coordinator. The Family Care Residential Habilitation Service must be identified in the “HCBS Waiver Service Summary” section of the ISP. The service must be described as follows:
 - **Name of Provider:** DDSO Name (for State-Sponsored Family Care) or the Agency Provider Name (for Agency-Sponsored Family Care)
 - **Type of Waiver Service:** “Family Care Residential Habilitation”
 - **Frequency:** “Day” or “Daily”
 - **Duration:** “On-going”
 - **Effective Date:** the date the person began receiving the Family Care Residential Habilitation service. Note: this date must be on or before the first date of service for which the Agency Provider or DDSO bills Family Care Residential Habilitation for the person.
- **A Family Care Residential Habilitation Plan** which includes the completed *Health and Safety Needs* form. The Plan is developed by the Family Care Home Liaison and the Family Care Provider that conforms to the Habilitation Plan requirements found in OMRDD ADM #2003-03. Attached to this ADM is the prescribed format for the Family Care Residential Habilitation Plan, including the *Health & Safety Needs* form. The Family Care Residential Habilitation Plan must “cover” the time period of the Family Care Residential Habilitation service claim. Note that the consumer’s Family Care Residential Habilitation Plan is attached to his/her ISP.

Documentation Retention:

All documentation specified above, including the ISP, the Family Care Residential Habilitation Plan and service documentation, must be retained for a period of at least six years from the date of the service billed. Diagnostic information and other clinical records are generally maintained for a longer period of time and are not the subject of this memorandum.

Fiscal Audit:

In a fiscal audit a Family Care Residential Habilitation claim for a sampled consumer will be selected and the auditor will require the ISP and Family Care Residential Habilitation Plan in

ADMINISTRATIVE MEMORANDUM - #2006-04

Family Care Residential Habilitation Service Documentation Requirements

October 6, 2006

Page 5 of 5

effect for the claim date. The auditor will also require, for the claim date, documentation of the daily residential habilitation service by the Family Care Provider and the Family Care Home Liaison's monthly summary note covering the month of the claim date.

For additional information on the documentation requirements, contact Ms. Carol Metevia, Director of Training and Medicaid Standards at (518) 408-2096, Mr. Kevin O'Dell, Director of Waiver Management at (518) 474-5647 or Ms. Joyce Cloutier of the Upstate Regional Office at (518) 473-6255.

Attachments

cc: Provider Associations
Kathy Broderick
Michele Gatens
Carol Metevia
Kevin O'Dell
David Picker
Joyce Cloutier