

COMMUNITY TRANSITION SERVICES

Effective November 15, 2014

Audit protocols assist the Medicaid provider community in developing programs to evaluate compliance with Medicaid requirements under federal and state statutory and regulatory law, and administrative procedures issued by the New York State Office for People With Developmental Disabilities (OPWDD). The protocols listed are intended solely as guidance in this effort. This guidance does not constitute rulemaking by OPWDD and may not be relied on to create a substantive or procedural right or benefit enforceable, at law or in equity, by any person. Furthermore, nothing in the protocols alters any statutory, regulatory or administrative requirement and the absence of any statutory, regulatory or administrative citation from a protocol does not preclude OPWDD from enforcing a statutory, regulatory or administrative requirement. In the event of a conflict between statements in the protocols and statutory, regulatory or administrative requirements, the requirements of the statutes, regulations and administrative procedures govern.

A Medicaid provider's legal obligations are determined by the applicable federal and state statutory and regulatory law. Audit protocols do not encompass all the current requirements for payment of Medicaid claims for a particular category of service or provider type and therefore are not a substitute for a review of the statutory and regulatory law or administrative procedures.

Audit protocols are applied to a specific provider or category of service(s) in the course of an audit and involve OPWDD's application of articulated Medicaid agency policy and the exercise of agency discretion. Audit protocols are used as a guide in the course of an audit to evaluate a provider's compliance with Medicaid requirements and to determine the propriety of Medicaid expended funds. In this effort, OPWDD will review and consider any relevant contemporaneous documentation maintained and available in the provider's records to substantiate a claim.

New York State, consistent with state and federal law, can pursue civil and administrative enforcement actions against any individual or entity that engages in fraud, abuse, or illegal or improper acts or unacceptable practices perpetrated within the medical assistance program. Furthermore, audit protocols do not limit or diminish OPWDD's authority to recover improperly expended Medicaid funds and OPWDD may amend audit protocols as necessary to address identified issues of non-compliance. Additional reasons for amending protocols include, but are not limited to, responding to a hearing decision, litigation decision, or statutory or regulatory change.

OPWDD AUDIT PROTOCOL – Community Transition Services (CTS) Effective November 15, 2014

1.	Missing Record
OPWDD Audit Criteria	If no record is available for review, claims for all dates of service associated with the individual will be disallowed.
Regulatory References	18 NYCRR Section 504.3(a) 18 NYCRR Section 540.7(a)(8)
2.	No Documentation of Service
OPWDD Audit Criteria	If the record does not document that community transition services were provided, the claim will be disallowed.
Regulatory References	18 NYCRR Section 504.3(a) 18 NYCRR Section 517.3(b)(2)
3.	No Determination of a Developmental Disability
OPWDD Audit Criteria	The claim for services provided in the absence of a clinical assessment substantiating a specific determination of developmental disability will be disallowed.
Regulatory References	14 NYCRR Section 635-10.3(a) and (b)(1)
4.	Missing Copy of Individualized Service Plan (ISP)
OPWDD Audit Criteria	A copy of the individual's ISP, covering the time period of the claim, must be maintained by the agency. The claim will be disallowed in the absence of an ISP. If the ISP is not in place prior to the service date and in effect for the service date, the claim will be disallowed.
Regulatory References	14 NYCRR Section 635-99.1(bk) 14 NYCRR Section 635-10.5 (ae)(3)(i) Effective 3/20/2015, OPWDD ADM #2015-02, p 6
5.	Unauthorized Community Transition Provider
OPWDD Audit Criteria	The claim will be disallowed if the ISP does not specify the category of waiver service that the agency is providing (i.e. community transition services) or does not designate the agency as the provider of the service.
Regulatory References	14 NYCRR Section 635-99.1(bk) 14 NYCRR Section 635-10.5 (ae)(3)(i) Effective 3/20/2015, OPWDD ADM #2015-02, p 6
6.	Identification of Frequency, Duration of Service and Effective Date of Service
OPWDD Audit Criteria	Effective for service dates March 20, 2015 and after, the claim will be disallowed if the ISP does not: <ul style="list-style-type: none"> • Specify the frequency for CTS as “one-time expenditure.” • Specify the duration for CTS as “one-time expenditure.” • Have an effective date for CTS that is on or before the date of service.
Regulatory	14 NYCRR Section 635-99.1(bk)

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References	14 NYCRR Section 635-10.5 (ae)(3)(i) Effective 3/20/2015, OPWDD ADM #2015-02, p 6
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7.	Ineligible Transition
OPWDD Audit Criteria	<p>In order to be eligible to receive CTS, the individual must be moving into a non-certified community living arrangement within New York State where he or she will be responsible for his or her own living expenses from one of the following settings:</p> <ul style="list-style-type: none"> • An OPWDD operated or certified IRA, community residence or other OPWDD operated residential setting (including family care homes); • A state funded private residential school; • A state operated residential school; • An ICF/DD, developmental center, nursing facility or any other Medicaid funded institutional placement. <p>The claim will fail if the type the type of move does not meet the criteria above.</p>
Regulatory References	14 NYCRR 635-10.4(i)(1) Effective 3/20/2015, OPWDD ADM #2015-02, pp 2-3

8.	Missing Community Transition Service Documentation
OPWDD Audit Criteria	The claim will be disallowed in the absence of service documentation to support the community transition service.
Regulatory References	18 NYCRR Section 504.3(a) 18 NYCRR Section 517.3(b)(2) Effective 3/20/2015, OPWDD ADM #2015-02, pp 4

9.	Missing Required Elements of the Service Documentation
OPWDD Audit Criteria	<p>Effective for service dates March 20, 2015 and after, the CTS service documentation must contain the following required elements: the individual’s name and CIN; the name of the agency (fiscal intermediary) providing the CTS service; identification of the category of waiver services provided; a summary of expenses paid on behalf of the individual along with supporting receipts/documents (the summary must include a list of expenses paid, the date it was paid for or purchased, and the amount paid); the date the person moved into the non-certified location; the primary service location; the signature and title of the agency (fiscal intermediary) staff person documenting the service; the date of the service and tally of expenses documented and signed by the agency (fiscal intermediary) staff person; a copy of a document that verifies that the person is responsible for his or her own living expenses in the new apartment or home.</p> <p>The claim will be disallowed if one or more of the required elements are missing.</p>
Regulatory References	Effective 3/20/2015, OPWDD ADM #2015-02, pp 4-5

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10.	Unqualified Expenses
OPWDD Audit Criteria	Qualifying expenses are those specific to the establishment of a residence, and include, furniture, window coverings, rugs and floor coverings, lamps and light bulbs, food preparation items, linens, set-up fees, utility deposits (e.g., telephone, electricity, heating, water, etc.), services provided before the individual moves in that are necessary for his or her health and safety (e.g., pest eradication, cleaning) security deposits, and moving expenses. The claim will be disallowed for payment of unqualified expenses.
Regulatory References	14 NYCRR Section 635-10.4(i)(2) Effective 3/20/2015, OPWDD ADM #2015-02 p, 3
11.	Unallowable Expense Date
OPWDD Audit Criteria	Allowable expenses can be reimbursed if the expense was incurred no more than ninety days prior to the individual's move to the new residence, and no more than ninety days after the move. The claim will be disallowed for payment of expenses outside of the above described timeframe.
Regulatory References	14 NYCRR Section 655-10.4(i)(3) Effective 3/20/2015, OPWDD ADM #2015-02, p 4
12.	Billing for Services by Ineligible Provider
OPWDD Audit Criteria	For dates of service prior to 4/13/2015, the claim will be disallowed if the Fiscal Intermediary does not have a Medicaid Provider Agreement. Effective 4/13/2015, the claim will be disallowed if the agency does not have an operating certificate identifying certification for Fiscal Intermediary services.
Regulatory References	14 NYCRR Part 635-10.1(b) Effective 4/13/2015, Mental Hygiene Law Section 16.03(a)(4)

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