

## INDIVIDUAL DIRECTED GOODS AND SERVICES (IDGS)

**Effective April 10, 2015**

---

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**  
**Individual Directed Goods and Services (IDGS)**  
**Effective April 10, 2015**

<b>1.</b>	<b>Missing Recipient Record</b>
<b>OPWDD Audit Criteria</b>	If no recipient record is available for review, claims for all dates of service associated with the recipient record will be disallowed.
<b>Regulatory References</b>	18 NYCRR Section 504.3(a) 18 NYCRR Section 540.7(a)(8)
<b>2.</b>	<b>No Documentation of Service</b>
<b>OPWDD Audit Criteria</b>	If the recipient record does not document that IDGS services were provided, the claim will be disallowed.
<b>Regulatory References</b>	18 NYCRR Section 504.3(a) 18 NYCRR Section 517.3(b)(2)
<b>3.</b>	<b>No Determination of a Developmental Disability</b>
<b>OPWDD Audit Criteria</b>	The claim for services provided in the absence of a clinical assessment substantiating a specific determination of developmental disability will be disallowed.
<b>Regulatory References</b>	14 NYCRR Section 635-10.3(a) and (b)(1)
<b>4.</b>	<b>Missing Copy of the Individualized Service Plan (ISP)</b>
<b>OPWDD Audit Criteria</b>	A copy of the recipient's ISP, covering the 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.
<b>Regulatory References</b>	14 NYCRR Section 635-99.1(bk) OPWDD Administrative Memorandum #2015-05, p. 3-4
<b>5.</b>	<b>Unauthorized IDGS Provider</b>
<b>OPWDD Audit Criteria</b>	The claim will be disallowed if the ISP does not specify the category of waiver service that the agency is providing (i.e. individual directed goods and services) or does not designate the agency as the provider of the service.
<b>Regulatory References</b>	14 NYCRR Section 635-99.1(bk) OPWDD Administrative Memorandum #2015-05, p. 4
<b>6.</b>	<b>Identification of Frequency, Duration of Service and Effective Date of Service</b>
<b>OPWDD Audit Criteria</b>	The claim will be disallowed if the ISP does not: <ul style="list-style-type: none"> <li>• Specify that the frequency for IDGS is “day”</li> <li>• Specify the duration for FI is “ongoing”</li> </ul>

This document is intended solely for guidance. No statutory or regulatory requirement(s) are in any way altered by any statement(s) contained herein. 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.

# OPWDD AUDIT PROTOCOL

## Individual Directed Goods and Services (IDGS)

### Effective April 10, 2015

	<ul style="list-style-type: none"> <li>Have an effective date for IDGS services that is on or before the first day of service for which the agency bills for IDGS services.</li> </ul>
<b>Regulatory References</b>	14 NYCRR Section 635-99.1(bk) OPWDD ADM #2015-05, p. 4

<b>7.</b>	<b>Missing Self-Direction Budget</b>
<b>OPWDD Audit Criteria</b>	The claim will be disallowed if there is no self-directed budget describing the IDGS services, equipment or supplies billed.
<b>Regulatory References</b>	OPWDD Administrative Memorandum #2015-05, p. 2

<b>8.</b>	<b>Missing Required Elements of Self-Direction Budget</b>
<b>OPWDD Audit Criteria</b>	<p>IDGS services described in the self-direction budget must meet the following criteria:</p> <ul style="list-style-type: none"> <li>Are related to a need or goal identified in the Individualized Service Plan; and,</li> <li>Are provided to, or directed exclusively toward, the participant.</li> </ul> <p>The claim will be disallowed if one or more of the required elements are missing.</p>
<b>Regulatory References</b>	OPWDD Administrative Memorandum #2015-05, p. 2

<b>9.</b>	<b>Incorrect Billing Units</b>
<b>OPWDD Audit Criteria</b>	The billing unit for Individual Directed Goods and Services is a ten-dollar increment. Providers must bill in \$10 increments and providers may not round up. The claim will be disallowed if the incorrect increments were billed or if the provider rounded up.
<b>Regulatory References</b>	OPWDD Administrative Memorandum #2015-05, p. 2, 3

<b>10.</b>	<b>Missing IDGS Summary of Expenses Paid</b>
<b>OPWDD Audit Criteria</b>	The claim will be disallowed in the absence of a summary of expenses along with supporting receipts/documents paid on behalf of the individual that supports an allowable IDGS good or service within specified pricing parameters (as outlined in the definitions chart).
<b>Regulatory References</b>	OPWDD Administrative Memorandum #2015-05, p. 3. Individual Directed Goods and Services Definitions Chart

<b>11.</b>	<b>Missing Required Elements of the Summary of Expenses Paid</b>
<b>OPWDD Audit Criteria</b>	<p>The summary of expenses paid must contain these required elements: The claim will be disallowed if one or more of the required elements is missing.</p> <ol style="list-style-type: none"> <li>Individual's name and Medicaid number (CIN).</li> <li>Name of the FI agency paying for IDGS supports and services.</li> </ol>

This document is intended solely for guidance. No statutory or regulatory requirement(s) are in any way altered by any statement(s) contained herein. 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.

**OPWDD AUDIT PROTOCOL**  
**Individual Directed Goods and Services (IDGS)**  
**Effective April 10, 2015**

	<ul style="list-style-type: none"> <li>3. Identification of the category of waiver service provided (e.g., Individual Directed Goods and Services or IDGS).</li> <li>4. A list of expenses paid on behalf of the participant.</li> <li>5. The date(s) the expenses were paid.</li> <li>6. The amount paid for each expense.</li> </ul>
<b>Regulatory References</b>	OPWDD Administrative Memorandum #2015-05, p. 3

<b>12.</b>	<b>Billing for Services by Ineligible Provider</b>
<b>OPWDD Audit Criteria</b>	<p>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.</p> <p>Effective 4/13/2015, the claim will be disallowed if the agency does not have an operating certificate identifying certification for Fiscal Intermediary services.</p>
<b>Regulatory References</b>	<p>14 NYCRR Part 635-10.1(b)</p> <p>Effective 4/13/2015, Mental Hygiene Law Section 16.03(a)(4)</p>

This document is intended solely for guidance. No statutory or regulatory requirement(s) are in any way altered by any statement(s) contained herein. 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.