

# Liability for Services Regulations

## Quick Reference Guide Appendix 2

### Billing and Collection for OPWDD Services

Per the Liability for Services Regulations §635-12.5, service providers are required to provide viable monthly bills and pursue collection of unpaid balances owed by individuals and/or liable parties for individuals who do not qualify for Medicaid funding of covered services unless they have a waiver of fees approved by OPWDD, state funding authorization, or when individuals choose to privately pay for services. The following rules apply to both Preexisting and Other than Preexisting Services for individuals who will be billed for their services:

1. Individuals should be provided the Billing Account Notice, [Form OPWDD LIAB 03](#).
2. The service provider must issue bills to all individuals and/or liable parties no later than 30 days after the month in which services were provided (unless the fee(s) have been waived).
3. 30 days written notice must be given for any changes in the reduction or waiver of fees granted with prior OPWDD approval.
4. The provider must make reasonable attempts to collect unpaid bills.

#### Billing Account Notice

Individuals and/or liable parties who are billed should be provided with the Billing Account Notice, [Form OPWDD LIAB 03](#). The charge for service(s) entered on the Billing Account Notice is the full cost of services or an OPWDD approved reduced rate. The amount charged may change in the future if OPWDD changes the Medicaid rate, fee or price for the service, or if the provider-specific rate, fee or price changes, whether an increase or a decrease. If the amount changes, the service provider must issue a new bill, but does not need to issue a revised Billing Account Notice. The Billing Account Notice is in addition to the bill and the [Liability Notices](#) providers are required to send.

#### Bills and Collection

Service providers must attempt to collect unpaid bills. There is no required format for bills or collection attempts. Providers are encouraged to develop standard forms or templates for their use. Service providers should retain documentation of bills and collection attempts.

#### Individuals Approved for a Fee Reduction

OPWDD will pay the service provider the difference between the full fee and the reduced fee. The service provider will bill the individual and/or liable party for the amount of the reduced fee.

#### Medicaid Funding/HCBS Waiver Effective Dates

When a service provider has received state funding for an individual's service(s) and the individual is subsequently approved for Medicaid funding of the service(s) and/or enrolled in the HCBS Waiver, the service provider must submit claims to eMedNY for Medicaid reimbursement retroactive to the onset of Medicaid funding eligibility (i.e., the effective date of Medicaid eligibility or, for HCBS Waiver services, the HCBS Waiver enrollment date).

## **Reimbursement of State Payments**

OPWDD will recover any state payments made for services that are subsequently funded by Medicaid or by the individual and/or liable party privately paying. If the service provider receives payments, it must reimburse OPWDD for all state funds that were received for this individual. The service provider should submit a Standard Voucher with Billing Form, applicable to the service for which they received state payment. The voucher and billing form should be completed similarly to when sending in the voucher and billing form for payment, except the service provider will identify negative units (e.g., -19 units) on the billing form, a negative amount totaled on the billing form, and a negative amount on the voucher. OPWDD will enter the negative units into Voucher Processing and offset the negative amount against a future voucher for the provider.

## **Continuation of Service Based on Payment**

### Preexisting Services

The service provider cannot discontinue preexisting services to the individual on the basis of nonpayment. The service provider will receive OPWDD payments as long as the service provider complies with the requirements set forth in the regulations. OPWDD funding will be discontinued to service providers who do not comply with the regulatory requirements.

### Other than Preexisting Services

The provider can discontinue services on the basis of nonpayment unless receipt of services is subject to a court order. The provider should use the procedures specified in OPWDD regulations, §633.12. Otherwise, the service provider can continue to provide services with waived or reduced fees at their discretion, with the understanding that OPWDD payments are not available when such concessions are granted.