



September 9, 2020

On August 25, 2020 the Office for People With Developmental Disabilities (OPWDD) conducted a webinar to provide an overview of the August 24, 2020 *Interim Post Day Service Retainer Program Guidance* document for day service providers following the July 21, 2020 conclusion of the Day Service Retainer Program. A recording of the August 25, 2020 webinar is available on the OPWDD [1915\(c\) Home and Community-Based Services \(HCBS\) Waiver home page](#) under the Post Day Service Retainer Program Flexibilities for Day Habilitation & Site-Based Prevoc Providers section.

This FAQ includes references to COVID-19 interim billing and telehealth guidance, Administrative Memorandums (ADMs), and other provider resources which are all available for viewing on the OPWDD website. Interim billing and telehealth guidance documents are available on [OPWDD's COVID-19 Guidance](#) page. ADM's are located on [OPWDD's Regulation and Guidance](#) page and other provider resources, including information on the Day Service Retainer Program, can be found on [OPWDD's HCBS Waiver](#) page.

### Day Habilitation/Site-Based Prevocational Services

#### 1. What is the effective date of the Day Habilitation and Site-Based Prevocational Services flexibilities?

To support the reopening of Day Services, effective July 22, 2020 through October 14, 2020, the following temporary modifications are in place for Site-Based Prevocational Services and Day Habilitation (including Supplemental Day Habilitation) delivered by all providers:

- The standards for the program day duration are temporarily changed. Payment for a full unit of Day Habilitation or Site-Based Prevocational Services require that the provider deliver and document a program day duration of at least two hours (the standard in the ADMs is four hours). Payment for a half unit of Day Habilitation or Site-Based Prevocational Services require that the provider deliver and document a program day duration of at least one hour (the standard in the ADMs is two hours).
- The temporary program day duration includes: Face-to Face service time; time where staff are engaged with the person using remote telehealth delivery, in accordance with COVID-19 telehealth guidance; and Mealtimes.

Please note, providers who **did not** participate in the Day Service Retainer Program cannot use the service authorization flexibilities described in greater detail in Section 4 of the August 24, 2020 *Interim Post Day Service Retainer Program Guidance*.

#### 2. In order to bill for a full unit, how many services/staff actions must be delivered and documented?

As described in the August 24, 2020 *Interim Post Day Service Retainer Program Guidance*, the staff action requirements for minimum services/staff actions as described in ADMs #2006-01 for Day Habilitation and #2020-01 for Prevocational Services **have not changed**. Full units require the documentation of at least two services and half units require the documentation of at least one service in accordance with the person's Staff Action Plan.

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- 3. Do the flexibilities apply to all people receiving Day Habilitation and/or Site-Based Prevocational Services regardless of his/her living arrangement (i.e., lives in own/family home or resides in certified residence)?**

Yes. The temporary flexibilities for Site-Based Prevocational Services/Day Habilitation are available for all people who receive Site-Based Prevocational Services and/or Day Habilitation within the limitations of the program as described in Section 3 of the August 24, 2020 *Interim Post Day Service Retainer Program Guidance*.

- 4. Is Supplemental Day Habilitation included in these flexibilities?**

Yes. Please note, as defined in ADM #2006-01 for Day Habilitation, Supplemental Day Habilitation services are Day Habilitation services delivered to people who live in non-certified settings during evenings (start time after 3pm) and weekends only.

- 5. Can a full unit of Day Habilitation and a half unit of Supplemental Day Habilitation be billed on the same day? Are providers able to bill for a full unit of Supplemental Day Habilitation on a weekday?**

A provider can only bill for a full unit of Day Habilitation and a half unit of Supplemental Day Habilitation on the same day if the person is authorized for Supplemental Day Habilitation and the provider meets the standard rules for program day duration for both services—that is, the provider must deliver-- a minimum of four (4) hours of service for a full unit of Day Habilitation and a minimum of two (2) hours of service for a half unit of Supplemental Day Habilitation. A provider cannot deliver three (3) hours of service and bill a full unit for two (2) hours of Day Habilitation and a half unit for one (1) hour of Supplemental Day Habilitation.

In addition, providers must continue to follow the maximum amount of service units that may be billed for Day Habilitation and Supplemental Day Habilitation as described in OPWDD Subpart 635-10.5(c) regulations.

- 6. Do providers still have the flexibility to deliver Day Habilitation, Prevocational Services, Respite and Community Habilitation services remotely?**

Yes. Providers may bill for services when staff are engaged with a person using remote telehealth delivery in accordance with the standards identified in New York State Department of Health's *Comprehensive Telehealth Guidance* and OPWDD's April 10, 2020 *Interim Guidance Regarding the Use of Telehealth/COVID-19*.

- 7. Can the temporary program day duration flexibility be used for services delivered remotely?**

Yes. Providers must ensure compliance with the claim submission requirements as described in New York State Department of Health's *Comprehensive Telehealth Guidance* and

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OPWDD's April 10, 2020 *Interim Guidance Regarding the Use of Telehealth/COVID-19* and the August 24, 2020 *Interim Post Day Service Retainer Program Guidance*.

### **8. Can providers continue to use the Delivering Services and Maintaining Social Distancing flexibility for Day Habilitation services delivered in the community or for Day Habilitation Without Walls (WOW) programs?**

Effective August 24, 2020, OPWDD is rescinding the temporary modification for Delivering Services and Maintaining Social Distancing billing for all Day Habilitation services and Site-Based Prevocational Services. These flexibilities were originally authorized in the April 24, 2020 guidance documents titled *Interim COVID-19 Guidance Regarding Day Habilitation* and *Interim COVID-19 Guidance Regarding Prevocational Services*.

### **9. Are services required to be delivered at pre-COVID-19 levels? For example, if a person received full units of Day Habilitation three (3) days a week pre-COVID-19, are providers required to deliver the same amount of services now?**

These temporary changes are being made with the expectation that providers will use these flexibilities for center-based day program capacity, non-center-based and telemodalities of service delivery in order to increase community involvement opportunities for waiver enrollees.

### **10. During the period the temporary flexibilities for Day Habilitation and Site-Based Prevocational Services minimum program day duration are effective, may providers bill a full unit of service for someone who had previously received half a unit of service (under the two-hour durational requirement) during the period prior to the COVID-19 public health emergency? In these situations, do providers need to request more service units from the Developmental Disabilities Regional Office (DDRO)?**

On a temporary basis, if a minimum of two services or staff actions were delivered and the program day duration was at least two (2) hours in length, a full unit can be billed. Providers who use the temporary program day duration flexibility for billing full and half units of Site-Based Prevocational Services and Day Habilitation are not required to request additional service units through the normal Front Door authorization process at the DDRO. However, providers must comply with the Day Service Retainer Program financial limitations (average number of monthly units claimed and combined average monthly revenue for Day Habilitation, Site-Based Prevocational Services, Community-Based Prevocational Services and Community Habilitation claimed during the July 1, 2019 through December 31, 2019 period).

### **11. Do providers have the flexibility to bill some service units under the normal standards and some services using these temporary flexibilities?**

Yes. If providers can meet the normal minimum service duration billing standards for a full unit (minimum four hours) or a half unit (minimum two hours), claims should be submitted under normal procedures.

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- 12. The OPWDD Administrative Directive Memoranda (ADMs) for Day Habilitation, Prevocational Services, and Community Habilitation describe a maximum amount of service units/hours that that can be billed for people who live in certified residences. Are there any flexibilities regarding the day service billing limits for people who live in certified residences?**

No. Providers must continue to comply with the billing limits described in ADMs #2006-01 for Day Habilitation, #2015-01 for Community Habilitation and #2020-01 for Prevocational Services for people who live in certified and non-certified residences.

- 13. Can Day Habilitation and Community Habilitation be billed on the same day?**

Yes, both services may be billed if the person is authorized for Day and Community Habilitation and the services are provided at separate times. It is the responsibility of the provider(s) to comply with the service documentation standards and billing limits described in ADMs #2006-01 for Day Habilitation and #2015-01 for Community Habilitation.

- 14. Will providers receive an updated report of the maximum average number of monthly units claimed and maximum combined average monthly revenue for Day Habilitation, Site-Based Prevocational Services, Community-Based Prevocational Services and Community Habilitation that may be claimed?**

In alignment with current rate setting updates under review, a new updated report is anticipated to be released.

- 15. Do the financial limitations apply to providers that are not using the program day duration flexibility?**

Providers that are not using the program day duration flexibilities, do **not** need to comply with the Day Service Retainer Program financial limitations (average number of monthly units claimed and combined average monthly revenue for Day Habilitation, Site-Based Prevocational Services, Community-Based Prevocational Services and Community Habilitation claimed during the July 1, 2019 through December 31, 2019 period).

### **Day Services for People Living in Certified Residences**

- 16. Can Day Habilitation/Site-Based Prevocational Services be delivered in a person's certified residence remotely or in-person?**

As described in the April 24, 2020 guidance documents titled *Interim COVID-19 Guidance Regarding Day Habilitation* and *Interim COVID-19 Guidance Regarding Prevocational Services*, the service definition and limits for Day Habilitation/Site-Based Prevocational Services (and Community-Based Prevocational Services) are temporarily modified to allow Day Habilitation/Site-Based Prevocational Services (and Community-Based Prevocational Services) to be delivered in alternate locations including the person's own/family home; provider owned or controlled certified or uncertified residential setting; or any other emergency

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residential setting, such as a hotel. This temporary modification remains in effect for the duration of the state of emergency and applies to remote and in-person services.

### **17. Can Day Habilitation/Site-Based Prevocational Services be delivered in the certified residence when the Day Habilitation/Site-Based Prevocational Services provider is not the residential provider?**

If a person lives in Agency A's residence and receives Day Habilitation from Agency A, staff can deliver Day Habilitation in the residence. Time staff spend delivering Day Habilitation must be billed and documented as Day Habilitation in accordance with the COVID-19 guidance documents referenced above and ADM #2006-01 for Day Habilitation.

If a person lives in Agency A's residence and receives Day Habilitation from Agency B, staff from Agency B can deliver Day Habilitation at Agency A's residence if agreed upon by all parties involved (person receiving services and providers) in accordance with the June 18, 2020 guidance document titled *COVID-19: Interim Visitation Guidance for Residential Facilities*. Providers are responsible for ensuring that there is no duplicative billing for services.

### **18. If a person resides in a supervised residence and receives Day Habilitation services from a different provider (i.e., not the residential provider) on a given day, can the supervised residence (i.e., residential provider) also bill Group Community Habilitation – Residential (CH-R) services on that day?**

No. Claims for Group CH-R may **not** be submitted on a day when a person receives Day Habilitation or Prevocational Services.

### **19. Can a provider bill for Community Habilitation services for a person who lives in a supportive residence after 3pm?**

No. OPWDD has not waived the requirement from ADM #2015-01 for Community Habilitation, which states that Community Habilitation services may only be reimbursed for people who live in a certified residence if the services are delivered on weekdays and have a service start time prior to 3pm.

## **Claims Submission**

### **20. When do providers use the revenue code 0249? Is revenue code 0249 required for program days that include mealtime?**

Full and half units of service billed using the temporary program day duration flexibility for Day Habilitation and Site-Based Prevocational Services (minimum of two (2) hours for a full unit or minimum of one (1) hour for a half unit) must be billed using the revenue code 0249.

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Program days which include mealtime but are not billed using the program day duration flexibilities do not require the revenue code 0249.

### **21. Is there a reason code that needs to be used?**

Claims submitted within ninety (90) days of the service date do not require a delay reason code.

### **22. If a provider used the Delivering Services and Maintaining Social Distancing flexibility and the temporary program day duration flexibility, do the claim submissions need to be adjusted?**

Please note, for service dates between July 22, 2020 and August 23, 2020, providers may use **either** the flexibilities to include service time for Delivering Services and Maintaining Social Distancing as described in the guidance documents (described in the response to Question 7, above), **or** the temporary modified program day duration requirements. Any claims that use both provisions will be subject to disallowance. For example, a claim for a full unit of Day Habilitation will be subject to disallowance if it is based on 'counting' activity for Delivering Services and Maintaining Social Distancing toward a program day duration **and** the total program day duration is two hours.

For services rendered and billed that meet the duration flexibility requirements solely between July 22, 2020 and August 23, 2020, providers may have instances where they are eligible to adjust half units to full units. Providers should ensure that these instances do not include service provision that has utilized the Social Distancing flexibilities.

### **Service Authorization**

### **23. If a person requires more Respite service hours, does a service authorization request need to be submitted to the DDRO?**

The request for additional Respite service hours must go through the normal DDRO service amendment process to secure additional services for the person.

### **24. Can providers deliver more service units than a person was authorized for pre-COVID-19? For example, pre-COVID-19 a person received a full unit of Site-Based Prevocational Services two (2) days a week. Can the provider now deliver and bill for Site-Based Prevocational Services the other three (3) days a week using the temporary program day duration flexibility and revenue code 0249?**

Providers that participated in the Day Service Retainer Program (March 18 - July 21, 2020) continue to have the flexibility after July 21, 2020 to offer Day Habilitation, Community Habilitation, and Prevocational Services to meet the needs of a person they are presently serving, without seeking an additional authorization through the DDRO or submitting a Developmental Disabilities Profile 1 (DDP1)/DDP1 Supplement within the limits of the Day Services Retainer Program. These same providers may also offer these same services to

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address a crisis situation for a person they are presently serving without the need for DDRO authorization or submitting a DDP1/DDP1 Supplement. The *COVID-19 Life Plan/Staff Action Plan Addendum* available on OPWDD's HCBS Waiver page, can be used to update the Life Plan and the Staff Action Plan through October 14, 2020.

As described above, claims are subject to the limitation of the provider's 2019 billing (average number of monthly units claimed and combined average monthly revenue for Day Habilitation, Site-Based Prevocational Services, Community-Based Prevocational Services and Community Habilitation claimed during the July 1, 2019 through December 31, 2019 period).

**25. Providers have received requests to deliver Day Habilitation services to people after 3pm on weekdays in-person or remotely. Can providers deliver Day Habilitation services to a person after 3pm on weekdays if s/he is not authorized for Supplemental Day Habilitation services?**

Services delivered on weekday evenings (after 3pm) and weekends are "Supplemental Day Habilitation" and are available only to people who live outside of a certified residential setting. Providers may deliver Supplemental Day Habilitation within the 2019 values, but there are administrative processes that need to occur to ensure the provider is capable of billing eMedNY. In such cases, the provider should contact the DDRO.

**26. Does a provider who participated in the Day Service Retainer Program need to submit a service authorization request for a person to begin receiving Day Habilitation (i.e., net new to Day Habilitation)?**

Net new service authorization requests should follow the normal Front Door authorization process through the DDRO.

### Service Documentation

**27. Do providers need to re-submit the COVID-19 Life Plan/Staff Action Plan Addendum(s) to use these flexibilities?**

No. The *COVID-19 Life Plan/Staff Action Plan Addendum* does not need to be re-submitted. If a person/provider is using a flexibility that requires an addendum (e.g., receipt of Community Habilitation in lieu of Day Habilitation) and the provider has **not** submitted the addendum to date, the addendum must be completed and submitted OPWDD's Bureau of Central Operations as described in the *COVID-19 Life Plan/Staff Action Plan Addendum* form available on OPWDD's HCBS Waiver page.

**28. Can the COVID-19 Life Plan/Staff Action Plan Addendum be used to add new goals to a person's Day Habilitation Staff Action Plan?**

The *COVID-19 Life Plan/Staff Action Plan Addendum* is a temporary change to a person's Life Plan and Staff Action Plan to reflect the receipt of Community Habilitation in lieu of Day

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Habilitation and/or Prevocational Services or Group CH-R. If a person's overall Day Habilitation goals are being revised, it is not appropriate to use the *COVID-19 Life Plan/Staff Action Plan Addendum* for these changes. These revisions should be made to a person's Life Plan and Staff Action Plan through the standard person-centered care planning process.

### **29. What service documentation is required in order to bill for services?**

Unless explicitly waived, the service documentation requirements and standards described in OPWDD ADMs #2006-01 for Day Habilitation, #2015-01 for Community Habilitation and #2020-01 for Prevocational Services remain in place. The provider must document and bill the service that is being delivered. For example, if a person is receiving Day Habilitation services in his/her own/family home, Day Habilitation services must be documented and billed regardless of the alternate service delivery location.

### **General**

### **30. Can providers bill retainer units for service dates after July 21, 2020?**

No. The last billable service date for day service retainer claims in eMedNY is July 21, 2020. Retainer days cannot be billed for service dates on or after July 22, 2020.

### **31. Do these flexibilities apply to Respite, Supported Employment (SEMP), or Intermediate Care Facility (ICF) Day Services?**

The flexibilities described in the August 24, 2020 guidance and August 25, 2020 webinar do not apply to Respite or SEMP. Guidance is forthcoming regarding ICF Day Services.