

Public Notice
NYS Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health (DOH) proposes to amend the Office for People With Developmental Disabilities (OPWDD) 1915(c) Comprehensive Home and Community-Based Services (HCBS) Waiver (NY.0238) effective April 1, 2021. Proposed changes are being made to permanently adopt certain provisions that were temporarily adopted to address the COVID-19 public health emergency and change the implementation dates for certain rate setting commitments.

The amendment proposes to revise the service description for Community Habilitation to allow the delivery of Community Habilitation services within certified residences and allow certain services to be delivered via telehealth modalities. Consistent with the temporary COVID-19 public health emergency provisions, the proposed amendment includes the allowance of telehealth service delivery for Day Habilitation, Prevocational Services, Respite, Pathway to Employment, Support Brokerage, Community Habilitation, and Supported Employment. The use of telehealth modalities after the COVID-19 public health emergency may be contingent upon other state and federal actions in addition to this amendment to the OPWDD Comprehensive HCBS Waiver.

Changes are proposed to the Intensive Respite service definition to allow individuals who live in certified settings to access Intensive Respite from a Crisis Services for Individuals with Intellectual and/or Developmental Disabilities (CSIDD) Resource Center. This action is limited to resource center services to address the crisis needs of the individual living in a certified residence who is receiving the CSIDD service. During the person's stay, the certified residence is eligible to bill reserve days similar to provisions that are currently in place when a resident is hospitalized.

In addition, OPWDD is proposing to change the July 1, 2021 implementation date of a new overnight Respite reimbursement methodology and use of the Coordinated Assessment System (CAS) to determine Higher-Needs Funding and Personal Resource Account (PRA) calculations from July 1, 2021 to October 1, 2021.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to the provision of Intensive Respite for CSIDD participants who reside in an OPWDD certified residence is approximately \$885,000. This additional Medicaid cost will reduce non-federal costs for this service. It is also anticipated that this investment will reduce costs associated with crisis-related institutional stays. The other actions included in this amendment will not increase Medicaid expenditures.

The public is invited to review and comment on the proposed April 1, 2021 HCBS Waiver Amendment beginning November 10, 2020 through December 18, 2020. The proposed amendment will be available for public review on the OPWDD website at:

<https://opwdd.ny.gov/providers/home-and-community-based-services-waiver> and local OPWDD Developmental Disabilities Regional Offices (DDROs) as of November 10, 2020. Individuals without Internet access may view the proposed Amendment at any local (county) social services district.

Copies will be available at the following local OPWDD DDROs' addresses:

Finger Lakes DDRO
620 Westfall Rd./326 Sun St.
Rochester, NY 14620

Western NY DDRO

1200 East and West Rd., Building 16,
West Seneca, NY 14224

Broome DDRO

249 Glenwood Rd.
Binghamton, NY 13905

Central NY DDRO

187 Northern Concourse
North Syracuse, NY 13212

Sunmount DDRO

2445 State Route 30
Tupper Lake, NY 12986

Capital District DDRO

500 Balltown Rd.
Schenectady, NY 12304

Hudson Valley DDRO

9 Wilbur Rd.
Thiells, NY 10984

Taconic DDRO

38 Firemens Way

Poughkeepsie, NY 12603

Bernard Fineson DDRO

80-45 Winchester Blvd, Building 80, 2nd Floor Administrative Suite

Queens Village, NY 11427

Metro NY DDRO/Bronx

2400 Halsey St.

Bronx, NY 10461

Brooklyn DDRO

888 Fountain Ave.

Bldg. 1, 2nd Floor

Brooklyn, NY 11239

Metro NY DDRO/Manhattan

25 Beaver St., 7th Floor

New York, NY 10004

Staten Island DDRO

930 Willowbrook Rd.

Staten Island, NY 10314

Long Island DDRO

415-A Oser Ave.

Hauppauge, NY 11788

Written comments will be accepted by email at peoplefirstwaiver@opwdd.ny.gov or by mail at:

Office for People With Developmental Disabilities, Division of Policy and Program Development, 44

Holland Avenue, Albany, NY 12229. All comments must be postmarked or emailed by December

18, 2020. Please indicate "OPWDD 1915(c) April 1, 2021 Waiver Amendment Comments" in the

subject line.