



Office for People With
Developmental Disabilities

HCBS Waiver Amendment

October 2023



Plain Language

The Waiver



OPWDD and the Department of Health (DOH) have an agreement with the federal government called the Home and Community-Based Services Waiver.

OPWDD made some changes to the agreement.

These changes are called an amendment to the waiver.

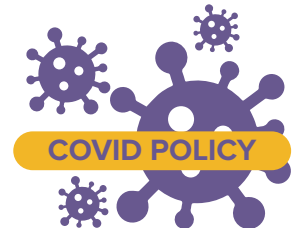
These changes were approved by the federal government and went into effect on October 1.



The changes include:

Continuing COVID-19 Policies

OPWDD created temporary rules for providing services more easily during COVID-19. These temporary rules were part of a federal agreement called an Appendix K.



The Appendix K will end on November 11, 2023.

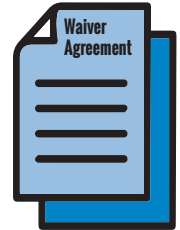
OPWDD added the temporary rules from the Appendix K to the permanent waiver agreement.



Appendix K will end

The federal government approved these changes to the permanent Waiver agreement to continue COVID-19 rules that include:

- Continuing to pay more money for Intensive Behavioral Services.
- Adding remote service to Family Education and Training.
- Continuing to pay service providers a higher amount for group home services to cover the days when not everyone is present in the home.
- Delaying the date for changing the amount paid to service providers to bring people to and from day programs to July 1, 2024. The date is being changed so that payments are not based on the services used during the COVID-19 pandemic.
- Changing how long OPWDD has to determine service provider payment amounts from four years to five years starting July 1, 2024, so that payments are not affected by the COVID-19 pandemic.
- Delaying plans to limit reimbursement for providers to 15% of their total costs to cover administration.



Self-Direction:

Fees and funding information for the self-direction program will be posted on the Department of Health website.

This will mean the State can easily update this information when needed without changing the Waiver.



Service Payment Rates:

The rate setting section of the Waiver includes the cost of living adjustments that are required by New York State law.

These changes will allow payments to increase more quickly as the cost of providing services increases.



Provider Cost Reporting:

Language that says providers will have their payments cut in half if they send a financial report late to OPWDD was removed.



Service Changes:

‘Home-Enabling Supports’ was added to Assistive Technology-Adaptive Device Services.

Home-Enabling Supports will cover services, equipment or supplies that help people take part in their community.

Home-Enabling Supports will be for people who live in the community.



Environmental Modification, Assistive Technology and Adaptive Devices and Vehicle Modifications:

Changes to payment limits for Environmental Modifications, Assistive Technology and Adaptive Devices and Vehicle Modifications based on what things cost now were made.

The higher limits are called “hard limits.”

Hard limits mean the waiver cannot pay more than these limits for any changes or devices. The hard limits will take effect after all American Rescue Plan Act funds are used.



Quality Changes

OPWDD visits all group homes and day programs to make sure everything is working well.

This amendment will change the schedule for these visits.

OPWDD will spend more time visiting group homes and day programs that are having problems.

OPWDD will spend less time visiting group homes and day programs that are doing well.

All group homes will still be visited by OPWDD to make sure we improve services when we need to.



Waiver Priority

Some people need services right away.

In the waiver agreement, OPWDD needs to tell the federal government how we decide who needs these services the most.

In this amendment OPWDD made a change so that people in residential schools, developmental centers and nursing homes who are ready to move are considered highest need.



Language Access

Many people who receive OPWDD services speak languages other than English or need help to read or listen.

OPWDD made changes to the Waiver to make sure people are able to understand information OPWDD shares





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