



STATE OF NEW YORK DEPARTMENT OF HEALTH

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Commissioner

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LOCAL COMMISSIONERS MEMORANDUM

Transmittal No: 04 OMM LCM-3

Date: July 13, 2004

Division: Office of Medicaid
Management

TO: Local District Commissioners/Medicaid Directors
Personal Care Services Program Administrators

SUBJECT: Provision Of Personal Care And Home Health Aide Services In
Certain Residential And Day Programs Certified, Operated Or
Funded By The Office Of Mental Retardation And Developmental
Disabilities (OMRDD).

ATTACHMENT: None

The purpose of this LCM is to advise local social services districts (LSSD) about a change in payment for the provision of personal care and home health aide services in certain residential and day programs that are certified, operated or funded by the Office of Mental Retardation and Developmental Disabilities (OMRDD); and, to advise districts of the actions they must take regarding administration of the Personal Care Services Program. Home care providers were alerted to these changes in the June 2004 Medicaid Update. OMRDD is reaching out to all their impacted residences and day programs so that they will be prepared for the changes.

Certain Residential Programs Certified, Operated or Funded by OMRDD

Effective August 1, 2004, the following residential programs certified, operated or funded by the Office of Mental Retardation and Developmental Disabilities (OMRDD), will become fiscally responsible for all Medicaid reimbursable home health aide and personal care services or their equivalent:

- Intermediate Care Facilities (ICFs/DD)
- Supervised Community Residences (CR)
- Supervised Individual Residential Alternatives (IRA)

As a result of this change, local social services districts must not prior authorize the provision of personal care services for Medicaid recipients and certified home health agencies must not bill Medicaid directly for home health aide services provided to Medicaid recipients while they are participating in these residential programs. Nursing services and other skilled or clinical services provided by certified home health agencies (CHHA) are not affected by this change.

Day Treatment and Day Habilitation Programs Certified, Operated or Funded by OMRDD

Also effective August 1, 2004, OMRDD certified, operated or funded day treatment and day habilitation programs become fiscally responsible for Medicaid reimbursable personal care aide and home health aide services or their equivalent *provided during the hours a recipient participates in those programs*. Nursing services and other skilled or clinical services provided by Certified Home Health Agencies (CHHA) are not affected by this change.

As a result of this change, certified home health agencies (CHHAs) must not bill Medicaid directly for home health aide services provided to recipients while the recipient is attending an OMRDD day treatment or day habilitation program.

Local social services districts must not prior authorize the provision of personal care services for the period of time when a Medicaid recipient is attending an OMRDD day treatment or day habilitation program.

Individuals in residential and day programs who require assistance with personal care aide/home health aide tasks while participating in these programs must receive those services from residence or program staff, or through the residence's or day program's purchase of such services from qualified home health or personal care providers. OMRDD fees and rates for the affected residential and day programs will cover the costs of the home health aide services, personal care services or their equivalent.

Notice Requirements

Local social services districts who have open personal care services cases for Medicaid recipients in the aforementioned OMRDD residential and day programs must review the current prior authorization and if appropriate, issue timely and adequate notices as follows:

- A notice of discontinuance of personal care services must be sent to recipients residing in an OMRDD residential program at least 10 days prior to the August 1, 2004 implementation date. The notice must indicate, as set forth in 18 NYCRR 505.14(b)(5)(v)(c)(10), that the client resides in a facility or participates in another program or receives other services which are responsible for the provision of needed personal care services.
- A notice of discontinuance of personal care services, issued in accordance with the instructions above, must be sent to recipients participating in an OMRDD day treatment or day habilitation program if the district's personal care services prior authorization was solely for hours provided to the recipient while the recipient was in the day treatment or day habilitation program.
- A notice of reduction in personal care services, issued in accordance with the aforementioned requirements, must be sent to recipients if the personal care services prior authorization is being reduced by the hours of care the recipient will be in attendance at the OMRDD day treatment or day habilitation program.

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Systems

System edits and adjudicated claim audits will be pursued to ensure providers do not receive Medicaid fee-for-service reimbursement for personal care aide services or home health aide services provided on or after August 1, 2004 to individuals while they are participating in OMRDD ICFs/DD, supervised community residences, supervised IRAs, Day Treatment and Day Habilitation programs. Recovery of paid fee-for-service claims submitted by providers for personal care/home health aide services provided in these program types after August 1, 2004 will be pursued.

To obtain a list of affected OMRDD residential and day programs in your county, and for any questions regarding information contained in this LCM, LDSSs may contact Priscilla Ferry or Gail Phelan at (518) 474-5271.

Sincerely,

Kathryn Kuhmerker
Deputy Commissioner
Office of Medicaid Management