NEW YORK STATE OF OPPORTUNITY. Office for People With Developmental Disabilities

Retainer Day and Group Community Habilitation – Residential (Group CH-R) Frequently Asked Questions (FAQ)

Group CH-R Services for Individuals Living in a Supervised IRA

1. **If a person living in a Supervised Individualized Residential Alternative (IRA) has a medical appointment, can staff accompany the individual to the appointment and bill the time to Medicaid as Group CH-R?**

   No, taking people to doctor's appointments are the responsibility of the residence and that time should be considered as part of the day when Residential Habilitation is being provided by staff.

2. **Can Supervised IRA staff deliver both the Group CH-R service and Residential Habilitation to residents of the IRA during the COVID-19 state of emergency?**

   Yes. Residential Habilitation staff may deliver Group CH-R during the COVID-19 state of emergency to those who participated in a different agency's Day Habilitation or Prevocational services program.

3. **Our service delivery records reflect all services and supports that are being delivered by residential staff, including the Group CH-R service. Will this suffice for documentation of service delivery or do we need a separate service delivery record for Group CH-R?**

   For service billing prior to 7/3/20, your agency should maintain a signed attestation that 1) the person was in the residence on any day that Group CH-R services were billed; 2) Agency staff provided Habilitation services during the hours billed; and 3) Group CH-R units were only billed on days when the person would have previously attended a Day Habilitation or Prevocational services program operated by a different agency.

   For service billing on or after 7/3/20, your agency is expected to deliver and document Group CH-R services in accordance with a Staff Action Plan and as described in ADM# 2015-01- Service Documentation for Community Habilitation Services Provided to Individuals Residing in Certified and Non-Certified Locations. If the documentation your agency maintains clearly supports the provision of both Group CH-R and Residential Habilitation, then the two (2) services may be documented on the same form. Please note, the Group CH-R services must include the documentation of start and stop times.

Service Documentation

4. **Is there a Group CH-R billing template or should we develop our own using the service and billing documentation requirements outlined in ADM# 2015-01 – Service Documentation for Community Habilitation Services?**

   Provider agencies may develop their own documentation template.

5. **Regarding the monthly summary note, do we need separate monthly notes for Group CH-R (per Community Habilitation regulations) or is the Residential IRA note sufficient?**

   Your agency can have one (1) monthly summary note for both Residential Habilitation and the Group CH-R services. However, the note must be clearly titled to identify both service types and the note must summarize the implementation of the person's Community Habilitation Staff Action Plan and address the person's response to Group CH-R services provided and any issues or concerns.

Addendum to Life Plan/Staff Action Plan

6. **Does the Addendum to Life Plan/Staff Action Plan form meet the requirements for updating the Life Plan and creating a Staff Action Plan for people who are newly receiving Community Habilitation because of COVID-19?**

   Yes. Provider agencies may use the Addendum to Life Plan/Staff Action Plan for both Group CH-R and Day Service Retainer Programs to reflect a person's temporary delivery of Community Habilitation due to the COVID-19 state of emergency. The Addendum to Life Plan/Staff Action Plan is designed to meet the Life Plan update requirements when there is a service change. The Addendum form also meets the Staff Action Plan required billing standards found in ADM #2018-09R with safeguards and/or reference to another document for safeguards. Providers should ensure Staff Action Plans are updated with all required programmatic standards in ADM #2018-09R (if not included in the Addendum) as soon as possible but no later than sixty (60) days after the cessation of the COVID-19 state of emergency.

7. **Can we bill for services using an Addendum to Life Plan/Staff Action Plan that was completed after services started?**

   Yes. The Addendum to Life Plan/Staff Action Plan may be completed and approved retroactively to the service start date. Refer to footnote #3 on the Addendum to Life Plan/Staff Action Plan form which states "effective dates can be retroactive in accordance with OPWDD guidance/requirements and applicable federal authorities."

8. **On the Addendum to Life Plan/Staff Action Plan form, why does the retainer program box only list Community Habilitation (hourly/ongoing)?**

   The Addendum to Life Plan/Staff Action Plan form is only needed if your agency is unable to deliver Day Habilitation or Prevocational services during the emergency because day habilitation and site based Prevocational services are not reimbursable unless the provider is able to meet the minimum service hour of two (2) and four for a half unit and (4) hour service for a full unit claim. If you can continue to provide Day Habilitation or Prevocational services using the flexibilities in Appendix K, then the person's Life Plan does not need to be updated and a new Staff Action Plan is not required (i.e., you do not need to complete the Addendum to Life Plan/Staff Action Plan).

Billing and Unit Allocations

9. **In the Day Service Retainer Program, we have one (1) value for the monthly retainer units and one (1) value for the monthly total of retainer + service units for Community Prevocational Services based on the July – December 31, 2019 period. How will my agency's billing of Community Prevocational services "count" toward these monthly limits since Community Prevocational Services has different payments rates for group sizes of 1:1, 1:2 and 1:3?**

   Units from the July 1 – December 31, 2019 period were calculated based on the total average units billed with equal weighting of all units billed without regard to the group size. For services billed under the Day Service Retainer Program, a unit billed of Community Prevocational Services will "count" equally against the monthly limit for the service. In other words, a unit billed of 1:1 Community Habilitation and a unit of 1:3 Community Habilitation both count as one (1) unit.

   Agencies should remember that retainer units should be billed in accordance with the person's service delivery schedule prior to the COVID-19 state of emergency. If a person's pre-COVID-19 Community Prevocational Services were typically provided in a group of three (3) individuals, then retainer units should be submitted using the 1:3 rate code (4783).

10. **Is Group CH-R counted against the provider agency's one hundred percent (100%) allocation for Community Habilitation under the Day Service Retainer Program or is it separate?**

    Group CH-R delivered to people in Supervised IRAs because of the emergency closure of Day Habilitation and Prevocational services programs will not count against the allocation of Community Habilitation units in the Day Service Retainer Program.

11. **Is supplemental Group Day Habilitation part of the Day Habilitation unit allocation or is it separate?**

    Supplemental Group Day Habilitation is included in the Day Habilitation unit allocation.

Miscellaneous

12. **If a parent has chosen to take their child out of the supervised residence during the pandemic, can the Day Habilitation provider provide a billable service in the parent's home?**

    Yes. The Day Habilitation provider can provide billable services in the parent's home with the approval of the individual and family.

13. **If an agency has a person who lives at home and who has opted out of receiving services from the Day Habilitation provider but requests Respite services from the same provider, can the provider bill a retainer day and Respite?**

    The provider cannot bill a retainer day if the individual has opted to receive a different service. If Respite is needed, it must be processed as a new service and authorization must be requested through the DDRO.

14. **Prior to the COVID-19 state of emergency, if a person lived in a Family Care Home or Supportive IRA operated/sponsored by one (1) agency and received Day Habilitation from a different agency, can the Day Habilitation provider deliver Day Habilitation in the Family Care Home or Supportive IRA?**

    The Day Habilitation provider may deliver services to individuals who are authorized for Day Habilitation services and live in any residential setting including Supportive IRAs and/or Family Care Homes. These services may be provided using remote technology or may be delivered in the person's residence with the approval of the residential provider and the individuals living in the residence. All guidance related to COVID-19 procedures and practices should be followed including the requirement that the Day Habilitation Direct Support Professionals wear a mask when in the home or in the presence of individuals outside the home.

15. **We have a number of Intermediate Care Facilities (ICFs) and provide day services for many of the people residing in those homes. Our plan to provide alternative supports to ICF residents was approved by Taconic DDSO and NYS OPWDD Division of Quality Improvement. Please confirm that if we follow the approved plan, we can bill for ICF Day Services.**

    ICF policies have not been finalized at this time.

16. **A person receives Group Day Habilitation and Community Habilitation from our agency. She usually attends Group Day Habilitation five (5) days a week for full day and also receives four (4) hours of Community Habilitation three (3) days a week from 4pm-8pm. During the pandemic, she cannot participate in a full or half (½) unit of Day Habilitation and the Day Habilitation staff have provided generally one (1) hour of support from 10am-11am. She continued to receive four (4) hours of Community Habilitation three (3) days a week in her home from 4pm-8pm. Is it permissible to bill: a Day Habilitation retainer day, one (1) hour of Community Habilitation (delivered by Day Habilitation staff) and four (4) hours of Community Habilitation?**

    Yes, this would be allowable. The claiming of the retainer units must comport with her approved schedule for service delivery. The service units of Community Habilitation units provided to the person will 'count' against the agency's allowable units within the Day Service Retainer Program.

17. Can our agency use Zoom to conduct social interaction and skill building activities with people who were previously attending Day Habilitation programs prior to the COVID-19 state of emergency and live in their family home? Can this be done in groups and what is the group limit?

Services may be delivered using telehealth and may be delivered to groups of individuals with a staff to individual ratio of up to four (4) individuals per one (1) staff person. Please note that CMS Office of Civil Rights (OCR) has made various announcements regarding HIPAA and the use of particular teleconferencing and third-party applications for healthcare services during the COVID-19 public health emergency. Although the OCR guidance references the Zoom platform, agencies utilizing telehealth should consult with their own legal counsel to understand the legal requirements around using telehealth systems during and after the COVID-19 public health emergency.

18. For the Day Service Retainer Program, we have a monthly allocation of service units and retainer units. For Day Habilitation, how many units do we have for April since the second phase of the program started on 4/16/20 (in the middle of the month)?

For the month of April, prorate your units to comply with the monthly unit allotment OPWDD shared via the NYS Office of Pool Administration (OPA). For example: ABC Agency for Day Habilitation was allotted monthly units as follows:

- Total of service + retainer units for a full month= 100 units
- Retainer units (80% of 100) for a full month = 80

The Day Service Retainer Program for Day Habilitation started on April 16, 2020. For 4/16-4/30 (a half month), the units available under the Day Service Retainer Program are: retainer + service units = 50 units and the retainer units = 40 units (or 80% of 50 units).

19. Is self-directed Community Habilitation that is paid through a person's budget and billed by a Fiscal Intermediary part of the Day Service Retainer Program?

Community Habilitation delivered by self-hired staff to people who self-direct with budget authority is not included in the Day Service Retainer Program.