



Update

Continuity of Care for the Children's System Transformation

November 12, 2020

TO: Children's CFTSS and HCBS Providers, HH/C-YES Care Managers, and Medicaid Managed Care Plans;

New York State Department of Health (the Department) is providing the following update and clarification regarding continuity of care requirements for Children and Family Treatment and Support Services (CFTSS) and Children's Waiver Home and Community Based Services (HCBS).

Background

To ensure continuity of care during the Children's System Transformation, the State included the following protections in staggered timeframes from the carve-in of the children's services into the Mainstream Medicaid Managed Care Plans (MMCPs) and HIV Special Needs Plan benefit package beginning January 1, 2019:

1. Suspension of utilization review for 90 days (180 days for Other Licensed Practitioner (OLP), Community Psychiatric Supports and Treatment (CPST), and Psychosocial Rehabilitation (PSR))
2. For transitioning children/youth (i.e. children/youth who were enrolled in the previous waivers), no utilization review for CFTSS added to the Plan of Care (POC)
3. For transitioning children/youth, no change to Long Term Services and Supports (LTSS)/HCBS in POC for 180 days from CFTSS carve-in
4. For 24 months from the transition, continuation of LTSS/HCBS in the POC for 180 days from the effective date of enrollment of a Fee-For-Service (FFS) child/youth in receipt of HCBS
5. For 24 months from the transition, transitioning children/youth continue with their medical, behavioral health, and/or HCBS provider for a continuous Episode of Care (that began in FFS)

On March 31, 2020, the State suspended MMCP concurrent utilization review of HCBS for enrolled children that would have begun on April 1, 2020, due to Maintenance of Effort requirements under the Families First Coronavirus Response Act (FFCRA); MMCPs should reference the State's March 31, 2020 email "Children's Waiver utilization review (UR) Starting April 1, 2020."

Current Standards

To support full implementation of children's services and establish more efficient processes, for MMCPs, CFTSS providers, and HCBS providers, the continuity of care standard is now streamlined as follows:

1. For the period of the COVID-19 State of Emergency under the FFCRA, MMCPs will continue to suspend HCBS concurrent utilization review originally scheduled to take effect April 1, 2020 due to lapsing continuity of care provisions for transitioning children/youth. The State of Emergency currently expires January 21, 2021, with possible extension. Once the State of Emergency expires, the State will provide advance (30-day) notice to MMCPs and providers regarding a date certain for resumption of utilization review.



2. MMCPs and providers should note that the transitional periods for utilization review suspensions and POC protections have otherwise expired (see items #1-3 in the background section above).
3. To simplify administration, the State will align all of the remaining protections scheduled to expire at the end of 24 months (see items #4-5 in the background section above) to **12/31/2021**.

This alignment means that MMCPs may not conduct HCBS utilization review while under the State of Emergency but *can* expect providers to meet notification requirements outlined in *HCBS Plan of Care (POC) Workflow policy and reminder guidance*.

If MMCPs receive HCBS claims that do not have an associated **Children's HCBS Authorization and Care Manager Notification** form or if the R/RE: K-Code cannot be verified, the MMCP should pend the claim and communicate with the provider to obtain the form. Failure to request continued authorization when required, may result in denied or delayed claims payment. HCBS providers should also be mindful of claim timely filing timeframes.

Please refer questions to BH.Transition@health.ny.gov