











Initiating and Maintaining OPWDD ICF/IID Level of Care Eligibility Determination (LCED)

For Health Home Care Managers (HHCM) &
C-YES, and OPWDD Children's Liaisons (CL)

Agenda

- ✓ Definitions
- ✓ OPWDD Eligibility
- ✓ Policy Components
- ✓ Referring to OPWDD for Initial DD and ICF/IID LCED Eligibility
- ✓ Maintaining ICF/IID LCED Recertification
- ✓ Target Populations of DD/Medically Fragile or DD and in Foster Care HCBS/LOC Eligibility Determination
- ✓ Transitional Planning for Children/Youth Prior to the Age of 21
- ✓ Appendix

Upcoming HCBS Children’s Waiver Webinars

HCBS Overview	LOC/ Eligibility Determination	Waiver Enrollment	POC Development	Referral	Maintaining Waiver Enrollment / Service Delivery	Transfer / Disenroll
 Children’s Medicaid System Overview/ Children’s Waiver Overview	 CANS-NY/ Eligibility Assessment	 Capacity Management	Plan of Care/Person-Centered Planning Requirements	 HCBS POC Workflow and MMCP Authorization	Care Management Requirements for HCBS	 Waiver Disenrollment
Health Home Care Management Basics	 NODs, Fair Hearing, Critical Incident Reporting, Grievances and Complaints	 Participant Rights and Protections	Service Delivery and Definitions		Service Delivery Requirements	Transferring to Adult Services (aging out) or OPWDD waiver
HCBS Provider Requirements for Designation	 Children and Youth Evaluation Services (C-YES) – the Role of the Independent Entity	 Conflict Free Care Management				
 Medicaid Overview / Medicaid and the Children’s Waiver						

Required for only Health Home Care Managers
Required for only HCBS Providers
Required for Both
Optional for Both

Definitions

May 2021

Definitions

- **Children's Liaison:** are the direct OPWDD Regional Office contact staff who track and assist with maintaining the OPWDD ICF/IID LCED for the Department of Health (DOH) Children's Waiver.
- **Developmental Disability (DD):** the OPWDD eligibility review process determines if an individual has a developmental disability and is eligible for supports and services. DD Eligibility must be determined prior to an ICF/IID LCED determination.
- **Developmental Disabilities Regional Offices (DDRO):** are the regional offices of OPWDD and are where the Children's Liaisons are located throughout the State.
- **Intermediate Care Facilities for Individuals with Intellectual and Developmental Disabilities (ICF-IID):** is an optional Medicaid benefit that enables states to provide comprehensive and individualized health care and rehabilitation services to individuals to promote their functional status and independence.
- **Level of Care Eligibility Determination (LCED):** is an eligibility tool used for the initial determination and annual redetermination that an individual meets the ICF/IID Level of Care.

Definitions (cont.)

- **Home and Community Based Services/Level of Care (HCBS/LOC):** is a tiered assessment where multiple factors must be met for child/youth's HCBS/LOC eligibility to be determined. To access Children's HCBS, a child/youth must meet target population, risk factors, and functional criteria as described in the Children's Waiver. The HCBS/LOC Eligibility Determination is housed within the Uniform Assessment System (UAS).
- **Notice of Decision (NOD):** the determination that is issued to the child/youth/parent/guardian/legally authorized representative regarding their eligibility and their Fair Hearing rights.
- **Plan or Care (POC):** the document outlining the enrolled child/youth's needs and the referred and monitored services to address those needs.
- **Provisional Eligibility:** a determination of temporary eligibility for OPWDD services and supports until a child's 8th birthday that is predicated on the likelihood of a developmental disability but allows for those situations where a named condition has not yet been diagnosed but the clinical presentation and adaptive limitations are all indicative of developmental disorder or condition.



OPWDD Eligibility

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Applicable Populations

The following procedures pertain to children/youth receiving Health Home Serving Children (HHSC) Care Management and/or Children's Waiver Home and Community Based Services (HCBS) who may:

- Have or are suspected to have a diagnosis of DD,
- Have been determined by OPWDD to have a DD,
- Have been or are currently determined by OPWDD with ICF/IID LCED,
- Have been determined or are currently determined by OPWDD to be Provisionally Eligible with ICF/IID LCED.



OPWDD Eligibility Overview

- OPWDD eligibility is required in order to obtain services offered by State or private agencies that are funded through OPWDD.
- Only authorized DDRO staff may determine eligibility for OPWDD services.
- DDRO staff make eligibility determinations based on a review of complete clinical documentation and assessments completed by qualified professionals.

Provisional Eligibility for Young Children

- For children age 0 – 7:
 - Eligibility requirements are the same as those of adults except that young children may be found provisionally eligible for an identified period of time, but no later than age 8
 - “Provisional Eligibility” may be determined when a young child presents with developmental delay and evidence of functional limitation, but without specification of a named qualifying diagnosis
- For children that are enrolled in the Children’s Waiver that have OPWDD provisional eligibility, additional information regarding the child’s diagnoses and level of functioning must be submitted to the DDRO twelve months prior to the provisional eligibility expiration date (i.e., the child’s 8th birthday).
- The Children’s Liaison will need to work with the HHCM/C-YES to obtain this additional clinical documentation in order for the DDRO to determine if the child meets the criteria for full OPWDD eligibility.



OPWDD Children's Liaisons

Region/Counties	Contact Information
Region 1: Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Wyoming, Yates, Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans	childrensliaisonregion1@opwdd.ny.gov
Region 2: Broome, Chenango, Delaware, Otsego, Tioga, Tompkins, Cayuga, Cortland, Onondaga, Oswego, Herkimer, Lewis, Madison, Oneida, Clinton, Essex, Franklin, Hamilton, Jefferson, St. Lawrence	childrensliaisonregion2@opwdd.ny.gov
Region 3: Fulton, Montgomery, Saratoga, Schenectady, Schoharie, Warren, Washington, Albany, Rensselaer, Orange, Sullivan, Rockland, Westchester, Columbia, Dutchess, Greene, Putnam, Ulster	childrensliaisonregion3@opwdd.ny.gov
Region 4: Queens, Kings, New York, Bronx, Richmond	childrensliaisonregion4@opwdd.ny.gov
Region 5: Nassau, Suffolk	childrensliaisonregion5@opwdd.ny.gov



Policy Components

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Process and

The following outlines for Health Home Care Managers (HHCM) and the Children and Youth Evaluation Services (C-YES) the processes for:

1. Referring to OPWDD for initial DD Eligibility and ICF/IID LCED,
2. Maintaining Annual ICF/IID LCED Redeterminations,
3. Obtaining Children's Waiver HCBS/LOC Eligibility Determination for Target Populations of DD/Medically Fragile (MF) or DD and in Foster Care
4. Transitional Planning for youth at the age of 21 who have been determined DD eligible and have an ICF/IID LCED.

Note: The process for a child/youth to transfer between the Children's Waiver and the OPWDD Comprehensive Waiver can be found [here](#)

Referring to OPWDD for Initial DD and ICF/IID LCED Eligibility

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What is an ICF/IID LCED?

- The ICF/IID LCED is used for the initial determination and annual redetermination for individuals seeking to access or maintain HCBS Waiver services.
- HCBS waiver services can only be provided to individuals who would otherwise require services consistent with the level of care provided in a Medicaid certified hospital, nursing facility or ICF/IID (42 CFR Section 441).
- Must certify through an annual level of care redetermination process that individuals continues to present needs consistent with the ICF/IID level of care.

The ICF/IID LCED evaluates the following:

- Evidence of a developmental disability
- Disabilities manifested before age 22
- Evidence of a severe behavior problem (not required)
- Health care need (not required)
- Adaptive behavior deficit in one or more of the following areas:
 - Communication
 - Learning
 - Mobility
 - Independent living
 - Self-Direction



Referring to OPWDD

- HHCM/C-YES should discuss with the child/youth/parent/guardian or legally authorized representative regarding a referral to OPWDD for children/youth who are suspected of having a DD.
 - The DDRO Children's Liaison is the main point of contact for any child interested in pursuing DD Eligibility and LCED or transferring waivers
- Children/youth who are in Health Home Serving Children and/or the Children's Waiver, referrals and questions should be sent through the DDRO Children's Liaison.
- The child/youth must first be determined to have a developmental disability prior to obtaining an ICF/IID LCED.
- Children/youth under the age of 8 years old can be determined to have provisional DD eligibility.
 - A child has provisional OPWDD eligibility (based on early delays) until their 8th birthday when eligibility must be re-reviewed
 - At the age of 8 years old the child is no longer found to meet OPWDD eligibility, then the provisional determination of DD and ICF/IID LCED will expire



Documentation for initial/expired ICF/IID LCED

- Physical Examination completed within the past 365 days;
- Current Psychological Report that includes assessment of intellectual and adaptive functioning (most recently available psychological report may be used as long as it accurately reflects the child's current status).
 - An Early Intervention Multidisciplinary Core Evaluation may be acceptable provided it includes standardized test scores relevant to cognitive, language and communicative, adaptive, social, and motor functioning and includes the participation of a school psychologist or licensed psychologist;
- Copy of child's POC, social/developmental history, psychosocial report or other report that provides information on developmental history/psychosocial status within the past 365 days and,
- For conditions other than intellectual disability, a medical or specialty report that includes health status and diagnostic findings to support the developmental disability diagnosis.

Note: additional documentation, if needed, may be requested by the DDRO.

Main Concepts / Requirements

1. OPWDD determination should occur sooner than later, especially as the youth gets older
2. Transitional planning is needed to ensure no interruption in needed services
3. Children/youth with ICF/IID LCED determination can become eligible for the Children's Waiver and/or continue with Children's Waiver eligibility and HCBS
4. Having ICF/IID LCED can assist children/youth to access OPWDD services quicker if they are found ineligible for the Children's Waiver
5. It's **required** that regardless of the Target Population chosen during an annual Children's Waiver re-determination, that the child/youth's OPWDD ICF/IID LCED is maintained and renewed by child/youth/family's choice, if applicable.
6. Obtaining, maintaining, and tracking OPWDD ICF/IID LCED is done through collaboration of the HHCM/C-YES with the DDRO Children's Liaison (CL).



Maintaining ICF/IID LCED Recertification

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Maintaining Recertification

- The HHCM/C-YES must collaborate with the OPWDD Children's Liaisons to maintain the ICF/IID LCED on an annual basis regardless if the child/youth is currently utilizing OPWDD's services.
 - The ICF/IID LCED annual re-determination date may not align with the Children's Waiver date.
- The maintenance of the annual ICF/IID LCED is more of an update of information and **far less time consuming**, than an initial ICF/IID LCED.
 - An initial LCED is required, if the LCED lapsed after a year
- If the child/youth is determined eligible, the ICF/IID LCED redetermination must be completed and signed annually.
 - This should not exceed one year from the effective date of the initial ICF/IID LCED determination or from the signature date of the previous year's redetermination review

Redetermination Documentation

- If the child's/youth's ICF/IID LCED is not expired, the following documentation must be submitted to the DDRO Children's Liaison as part of the annual redetermination to maintain eligibility:
 - Current general Medical Report;
 - Copy of child's POC;
 - Updated Psychological Report if there is a significant change in child's functioning; and
 - Statement from Care Manager that the documentation required for the ICF/IID LCED redetermination remains valid and reflects the current needs of the child/youth
 - The Children's Waiver Transmittal Form meets this statement/attestation requirement from the Care Manager/C-YES

Note: additional documentation, if needed, may be requested by the DDRO.

More information on OPWDD Eligibility can be found here: <https://opwdd.ny.gov/eligibility>

Target Populations of DD/Medically Fragile or DD and in Foster Care HCBS/LOC Eligibility Determination

May 2021



NEW
YORK
STATE

Department
of Health

Office for People With
Developmental Disabilities

Children's Waiver HCBS/LOC Eligibility Determination

- To obtain HCBS/LOC Eligibility Determination for the two Target Populations of DD/Medically Fragile or DD and in Foster Care, the HHCM/C-YES, will need to work with the OPWDD DDRO Children's Liaison to obtain the ICF/IID LCED determination prior to Children's Waiver eligibility and enrollment occurring.
- The ICF/IID LCED eligibility determination is completed by the DDRO. The HHCM/C-YES Assessor will work in collaboration with DDRO Children's Liaison to provide supporting documentation and provide input needed to help complete the Children's Waiver HCBS/LOC Eligibility Determination.
- HHCM/C-YES should begin HCBS/LOC Eligibility re-determination a minimum of two (2) months prior to the due date.
- As part of providing care management and planning transitional care, HHCM/C-YES must ensure the OPWDD referral and determination is done well before the child's 21st birthday.



DD and in Foster Care Target Population:

- Children/youth who are in the DD and in Foster Care target population must establish and maintain an ICF/IID LCED on an annual basis to continue receiving services in the Children's Waiver.
 - ***For children/youth who are in foster care, it is important, that once determined DD in Foster Care that this Target Population eligibility is maintained***
- HHCM/C-YES must work in collaboration with the child welfare worker/Local Department of Social Services (LDSS) (upstate) and foster care case planner and Administration for Children Services (ACS) (downstate) regarding HCBS eligibility and services.

Note: For both initial determinations and redeterminations, if the child/youth resides in New York City, ACS should be copied on this transmittal using the following email address: OCFH.Waiver@acs.nyc.gov

DD/Medically Fragile (MF) Target Population

- For Children/youth who are Medically Fragile with a potential DD diagnosis, which has not yet been determined by OPWDD, the HHCM/C-YES are **encouraged** to access the Medically Fragile (MF) Target Population for the Children's Waiver HCBS/LOC eligibility determination in the UAS
 - Can be quicker to obtain eligibility and services
 - HHCM/C-YES still encourage to pursue OPWDD ICF/IID LCED regardless of utilizing the Medically Fragile Target (MF) Population
- For MF HCBS/LOC eligibility determination outcomes:
 - If the child/youth **is not** found eligible for the Children's Waiver MF HCBS/LOC but may potentially have a DD condition, then the child/youth should be referred to OPWDD for the ICF/IID LCED for the OPWDD Comprehensive Waiver
 - If the child/youth **is** found eligible for the Children's Waiver MF HCBS/LOC, then to ensure the child/youth has the choice to access State Plan services as well as HCBS services provided under the OPWDD Comprehensive Waiver when the child/youth chooses or ages out of the Children's Waiver, the child/youth should also subsequently seek OPWDD Eligibility and ICF/IID LCED
 - As part of providing care management and planning transitional care, HHCM/C-YES must ensure this referral and determination is made for its MF children/youth well before the child's 21st birthday



DD/Medically Fragile Target Population (cont.)

- Current children/youth who are in the **DD/MF** target population are required to establish or maintain the ICF/IID LCED, as there are important reasons why the ICF/IID LCED should be established/maintained for DD/MF children:
 - If the child/family decides to transfer to the OPWDD Comprehensive Waiver at any point, the documentation needs to be up to date (maintained yearly to stay active);
 - If the child/youth is aging out of the Children's Waiver, the documentation is up to date for the child/youth to quickly and appropriately transition to the OPWDD Comprehensive Waiver; and
 - If ICF/IID LCED redetermination lapses (is not performed annually), then the child/youth needs to start the ICF/IID LCED eligibility process again

Note: For both initial determinations and redeterminations, if the child/youth resides in New York City, Administration of Children's Services should be copied on this transmittal using the following email address: OCFH.Waiver@acs.nyc.gov

The step-by-step process to coordinate Children's Waiver eligibility with OPWDD Children's Liaisons for the two target populations of DD/Medically Fragile or DD and in Foster Care can be found in the [OPWDD Manual](#).

Children's Waiver HCBS/LOC in the Uniform Assessment System (UAS) - Process

Current UAS Process:

- For DD in Foster Care – the DDRO Children's Liaison completes the HCBS/LOC for this Target Population within the UAS
- For DD/MF - the HHCM/C-YES completes the HCBS/LOC for this Target Population within the UAS in collaboration with the DDRO Children's Liaison
 - This target population has not been utilized due to the complexity and tracking this target population has been outside the UAS

Future UAS Process:

- Next UAS release will include whether the child/youth already has ICF/IID LCED (including Provisional Eligibility) and the renewal date. This will allow the HHCM/C-YES to be able to complete the two target population within the UAS and be aware when the LCED will expire
- The HHCM/C-YES will still need to collaborate with the DDRO Children's Liaisons for initial and maintaining LCED



Transitional Planning for Children/Youth Prior to the Age of 21

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Transitional Planning Prior to the Age of 21

At age 14-years-old:

- The transition process begins when the child/youth reaches age 14.
- This process includes assessing and developing the member's skills in self-determination, self-advocacy, and independent living tasks.
- The child/youth's self identified goals for the future and the resources needed to reach these goals should be reflected in the POC.
- Children/youth who may have a suspected developmental disability should be connected to OPWDD if they are not already.
 - Determining ICF/IID LCED eligibility is important to secure easier access to transition to OPWDD services

Transitional Planning Prior to the Age of 21 (cont.)

At age 17-year-old:

- The formal transition plan will be developed by the HHCM/C-YES no later than age 17.
- Transition planning should occur during the Interdisciplinary Team (IDT) Meeting.
- It's important that the current care manager explains the various options, services, providers, and eligibility processes to the child/youth and their family and that the family makes an informed decision to transition to the OPWDD Comprehensive Waiver
- Proper consent should be obtained from the child/youth/family while planning for transition, to ensure that the current care manager can share all the necessary information with the appropriate parties.
- The ICF/IID LCED form is used for the initial determination and annual redetermination (i.e., re-evaluation) for individuals seeking to access or maintain OPWDD HCBS Waiver, Comprehensive Care Coordination and other State Plan services.

Additional information can be found in the [Transfer Process between Children's and OPWDD Comprehensive Waiver for Care Management and Waiver Services](#)



UPCOMING WEBINARS

Please register for **Collaboration process and steps between OPWDD and Children's Waiver for Eligibility of DD/MF and DD in Foster Care** on Wednesday **May 19, 2021 1:00 PM EDT** at:

<https://attendee.gotowebinar.com/register/7577622347228204816>

Required for Health Home Serving Children's care managers, Lead HHSC, and OPWDD Children's Liaisons

Please register for **Transfer Process between the Children's Waiver and OPWDD Comprehensive Waiver** on Wednesday **May 26, 2021 1:00 PM EDT** at:

<https://attendee.gotowebinar.com/register/6022689704692592656>

Required for Health Home Serving Children's care managers, Lead HHSC, and OPWDD Children's Liaisons. Recommended for HCBS providers

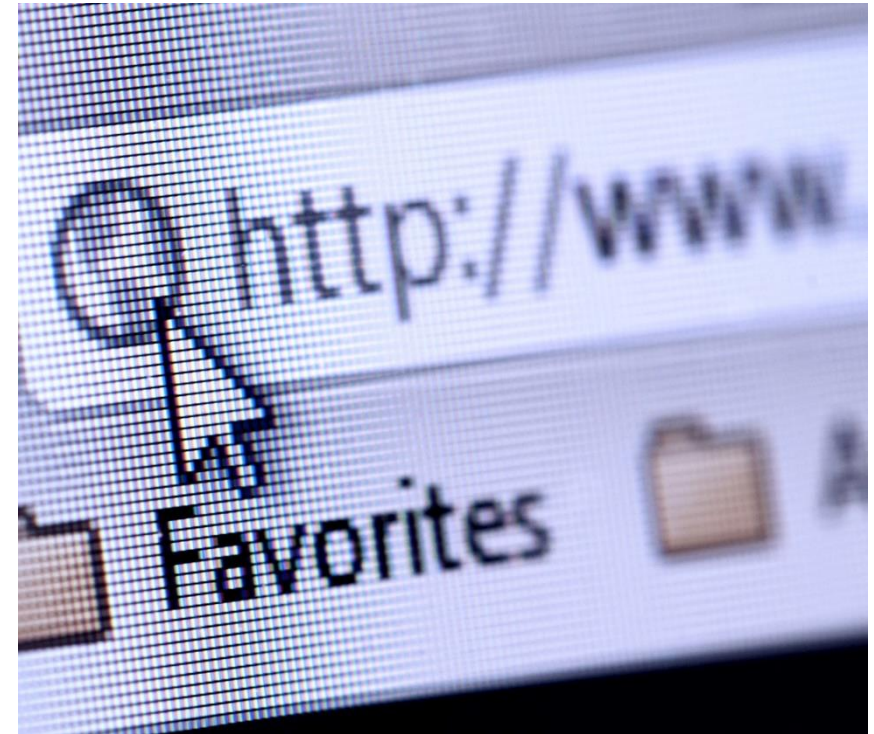


Appendix

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Resources and Questions

- HHCMs and HH CMAs should first talk with their Lead Health Home regarding questions and issues they may have
- Questions, comments or feedback on Health Homes Serving Children to: hhsc@health.ny.gov or contact the Health Home Program at the Department of Health at 518.473.5569
- Specific Questions/Comments regarding Transition services BH.Transition@health.ny.gov
- Subscribe to the HH Listserv http://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/listserv.htm



OPWDD Resources

OPWDD Website

<https://opwdd.ny.gov/>

OPWDD Front Door

<https://opwdd.ny.gov/get-started/front-door>

Care Management

<https://opwdd.ny.gov/providers/care-management>

For questions please contact:

hhidd@health.ny.gov



NYS DOH Website

Find guidance, policies, forms, webinars, and more on the NYS DOH 1915c Children's Waiver webpage located at, https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/1115_waiver_amend.htm

Department of Health
Individuals/Families Providers/Professionals Health Facilities Search

Children's Behavioral Health You are Here: [Home Page](#) > [Behavioral Health](#) > 1915(c) Children's Waiver and 1115 Waiver Amendments

1915(c) Children's Waiver and 1115 Waiver Amendments

As part of the Children's Medicaid System Redesign, the 1915(c) Children's Waiver and 1115 Demonstration Waiver work together to offer an array of services to provide the communities in the least restrictive settings. The goals of the Children's Waiver are to keep children/youth on their developmental trajectory, identify needs early and intervene to maintain accountability for improved outcomes and delivery of quality care, and make more services available to children/youth from birth to age 21.

This site provides information related to the Children's Waiver – including guidance and resources for providers, care managers, managed care organizations, families, and BH.Transition@health.ny.gov

IMPORTANT: Please visit our main Health Home page for COVID-19 Updates and Policy Guidance

CANS-NY Information and Resources can be found on the Health Home Serving Children page

Home Children's Medicaid System Transformation—Webinars/Trainings/Timelines Children and Family Treatment and Support Services 1915(c) Children's Waiver and 1115 Waiver Provider Designation Managed Care Organization (MCO) Qualification Process Billing Guidance Information for Consumers/Medicaid Recipients Children's Medicaid Redesign Team (MRT) 29-I Health Facility (VFCA Transition) Children's Health Homes Links/Learn More	Overview of 1915c Children's Waiver and 1115 Waiver	Family and Consumer Information	Children's HCBS Waiver Provider Guidance, Policies, & Training	Children's HCBS Manuals and Rates
Adult Behavioral Health Home MRT BH Subcommittees Archive Behavioral Health Home and Community Based Services (BH HCBS) Health Homes for Individuals in HARPs and HARP Eligibles in HIV	Capacity Management	Eligibility	Plan of Care	Care Management Guidance, Policies, & Training
	Child and Youth Evaluation Services (C-YES)	EMods, VMods, AT, & Non-Medical Transportation	OPWDD Resources	Archive



Department of Health Complaints

- Enrollees and providers may file a complaint regarding managed care plans to DOH
 - 1-800-206-8125
 - managedcarecomplaint@health.ny.gov
- When filing:
 - Identify plan and enrollee
 - Provide all documents from/to plan
 - Medical record not necessary
- Issues not within DOH jurisdiction may be referred
- DOH is unable to arbitrate or resolve contractual disputes in the absence of a specific governing law
- File Prompt Pay complaints with Department of Financial Services:
<https://www.dfs.ny.gov/insurance/provlhow.htm>





Referral Form Instructions

- The Children and Youth Evaluation Service (C-YES) accepts referrals from individuals and providers including a parent, wider family member, doctor, therapist, school guidance counselor, CBOs and others:
- Individuals and families should call C-YES so that we can send you a Referral Form and a pre-paid return envelope in the mail right away! You can mail back the form in the envelope at no cost to you. Call C-YES at 1-833-333-CYES (1-833-333-2937). TTY: 1-888-329-1541
- Providers and Organizations with secure email protocols can download the Referral Form below. Return the form to: CYESREFERRAL@MAXIMUS.COM. Be sure to include the child/youth's name and contact information.
- [C-YES Referral Form](#)