



STATE OF NEW YORK DEPARTMENT OF HEALTH

One Commerce Plaza Albany, New York 12210

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

April 29, 2009

Dear TBI Waiver Service Provider:

In August 2007, the Centers for Medicare and Medicaid Services (CMS) approved an amendment to the Traumatic Brain Injury (TBI) Medicaid (MA) waiver that impacts Home and Community Support Services (HCSS) provider eligibility requirements. The approved amendment requires HCSS provider agencies to:

- be licensed by the New York State Health Department as a licensed home care services agency (LHCSA), as specified in Article 36 of Public Health Law; and
- assure HCSS staff have successfully completed a NYS Department of Health (DOH) approved Personal Care Aide (PCA) or Home Health Aide training program prior to the provision of HCSS.

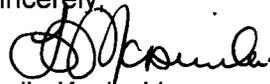
HCSS provider agencies that have applied to become a DOH LHCSA, but which have not yet been licensed, are not eligible to provide the personal care services component of the HCSS scope of practice. HCSS services provided by unlicensed agencies are instead, limited to provision of supervision/cuing and/or safety monitoring tasks in accordance with the service plan approved by the TBI Regional Resource Development Centers (RRDCs). Waiver participants who require assistance with personal care services and who are presently served by a HCSS provider agency with a home care agency license *pending*, will be referred to the respective Local Department of Social Services (LDSS) by the waiver participant's Service Coordinator (SC). Once the HCSS provider agency is licensed and qualified to provide the full scope of HCSS services, the SC will collaborate with the LDSS and make arrangements for personal care service provision by the HCSS provider. A General Information System (GIS) directive regarding this transition will be sent to the LDSS (Enclosed).

HCSS provider agencies with LHCSA applications pending, must contact their project manager at the Department of Health, Office of Long Term Care, Bureau of Licensure and Certification at (518) 408-1624 within 30 days of receipt of this letter to confirm their continued interest in becoming a LHCSA. HCSS providers that have a LHCSA application pending but who fail to contact their project manager may be notified by the Department that their LHCSA application has been withdrawn. HCSS provider agencies whose licensure applications have been approved by the Public Health Council but have not yet received their opening survey, should contact the Department of Health Regional Office to ascertain the status of their survey and resolve any outstanding issues. (enclosed).

HCSS provider agencies that have not already submitted a LHCSA application to the Department or who submitted a licensure application but is notified that their LHCSA application has been withdrawn are no longer eligible to provide **any** HCSS to TBI waiver participants. Ineligible HCSS provider agencies must immediately contact the TBI waiver participant's Service Coordinator (SC) so that alternative arrangements can be made for the provision of HCSS.

Enclosed are pages from the 2009 revised TBI Program Manual which relate to these changes to the provision of HCSS. The complete revised manual will be available on the DOH website in the near future. Questions regarding the information contained in this letter may be directed to your Regional Resource Development Specialist (enclosed).

Sincerely,



Lydia Kosinski
Interim Director
Division of Home and Community Based Services

Enclosures

cc. TBI RRDC/RRDS
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Laura Beck