



April 17, 2020

During the COVID-19 state of emergency, declared by Governor Andrew M. Cuomo through [Executive Order 202](#), the top priority for the Office for People With Developmental Disabilities (OPWDD) is the health and safety of New Yorkers with intellectual and developmental disabilities, and our state and voluntary workforce. In response to this state of emergency, and to ensure health and safety, OPWDD, in conjunction with the New York State Department of Health, is working to provide as much flexibility as possible for the delivery of OPWDD 1915(c) Home and Community-Based Waiver services. The following temporary modifications to the service system will be effective and in place throughout the state of emergency. Please note, however, that Administrative Directive Memorandum #2015-01, *Service Documentation for Community Habilitation Services Provided to Individuals Residing in Certified and Non-Certified Locations*, remains in force for the duration of the state of emergency, unless otherwise amended by the temporary provisions of this directive.

## Use of Technology

Community Habilitation may be temporarily provided remotely via telehealth (e.g. using a telephone or other technology) and without prior approval. The Community Habilitation provider must:

- Use good clinical judgment to determine that the telehealth encounter is appropriate;
- Verify that the service can be delivered effectively via verbal prompting/cueing only; and
- Ensure the health and safety of the person will continue to be met via this service modality.

In addition, Community Habilitation providers must follow OPWDD's Interim Guidance Regarding the Use of Telehealth/COVID-19, available at <https://opwdd.ny.gov/coronavirus-guidance/covid-19-guidance-documents>.

## Location of Community Habilitation Services

The service definition and limits for Community Habilitation services have been temporarily modified to allow people who live in a certified residence with less-than 24-hour staffing (Supportive Individualized Residential Alternative, Supportive Community Residence or Family Care Home) to receive Community Habilitation services in the residence, when the following is true:

- The person's day service is suspended due to the emergency, or the person is unable to participate in the day service;
- No day services can be delivered in the residence; and
- The daily Community Habilitation billing does not exceed six (6) hours of service per day, five (5) days per week, Monday through Friday.

In addition, Community Habilitation services may be provided in out-of-state locations, if necessary, for the safety of the service recipient. Services provided in another state must be provided in accordance with the waiver service definition and the person's Life Plan. Community Habilitation staff must continue to provide services to the recipient out-of-state in the same scope, frequency, and duration, as described in the person's Community Habilitation Staff Action Plan. There will be no duplication of billing for Community Habilitation services and services otherwise rendered in provider-owned or controlled residential settings.

### **Schedule of Services for School Age Children and Young Adults**

During the period of New York State's COVID-related mandatory school closures, Community Habilitation may be temporarily delivered during weekday daytime hours, to students who are authorized to receive Community Habilitation. This allows the provision of Community Habilitation, during what would regularly be considered part of the school day, up to the amount previously authorized for that individual. Additional hours will not be authorized.

### **Delivering Services and Maintaining Social Distancing**

During this public health emergency, Community Habilitation agencies may temporarily provide and bill Medicaid for services that support the person and his/her family while maintaining social distancing. For example, Community Habilitation staff may deliver groceries or other supplies, or assist with necessary outdoor household chores (such as taking garbage cans to the curb and returning cans to the home). For these types of services, the time that staff spend traveling to the person's home, running the errand, and returning to the worker's home, may be billed as Community Habilitation.

### **Billing Guidance**

Community Habilitation providers will continue to bill the appropriate fee for services delivered per the current Community Habilitation fee schedule, available at [https://www.health.ny.gov/health\\_care/medicaid/rates/mental\\_hygiene/](https://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene/).

When calculating the effective reimbursement rate for Community Habilitation services delivered by self-hired staff that are funded through a person's Self Direction budget, the time staff spent as described in the 'Use of Technology' and 'Delivering Services and Maintaining Social Distancing' sections of this document, may be counted as part of the total billable service units.

### **Care Planning and the Update of Life Plans**

A person's current Life Plan and Staff Action Plan(s) remain in place. Community Habilitation providers should ensure that Community Habilitation staff know how to safely serve the person, but the formal updates of the Staff Action Plan may occur later. Additional information regarding

the timing of Life Plan and Staff Action Plan adjustments will be released under separate guidance.

**Community Habilitation in Self Direction**

The foregoing provisions also apply to Community Habilitation services delivered by self-hired staff that are funded through a person's Self Direction budget.