



**Office for People With
Developmental Disabilities**

COVID-19 Webinar Self-Direction 5/29/20

Overview of this Presentation

- This presentation will provide an overview of current information on the OPWDD Self-Direction service model during the COVID-19 Emergency.
- This presentation links information pertaining to Self-Direction that has been shared at previous webinars and in guidance documents.
- Links to various websites that provide useful information related to Self Direction are provided throughout this presentation.



Guidance Related to Self-Direction

- Guidance regarding OPWDD services, including those that are self-directed, during the current COVID-19 Emergency is available on the OPWDD website. The most recent version of the guidance can be found here <https://opwdd.ny.gov/coronavirus-guidance/covid-19-guidance-documents>.
- Note that the guidance is periodically updated in response to questions submitted to OPWDD. Therefore, it is recommended that you periodically visit the OPWDD website to learn about any new or updated guidance that may be available.



Agenda

- Remote Delivery of Services
- Billing and Budget Modifications
- Retainer Payments for Self-Hired Community Habilitation Staff
- Staffing Issues
- Personal Protective Equipment (PPE)
- Additional Information and Questions

REMOTE DELIVERY OF SERVICES

Remote Delivery of Services

- [The Interim Guidance Regarding the use of Telehealth](#) was developed in response to concerns related to COVID-19 pursuant to Executive Order #202.1.
- The recording of the April 17 webinar which provided an overview of the interim guidance on the use of Telehealth is available here: <https://www.mc-cop.com/webinars>.



Remote Delivery of Services

- Self-Directed services with face to face requirements that may be delivered by Telehealth or Telephonically include:
 - Community Habilitation
 - Supported Employment
 - Support Brokerage
- Respite may be delivered via Telehealth using synchronous, two-way, audio-visual technology.
- Live-in Caregiver services may not be delivered via Telehealth or Telephonically.



Remote Delivery of Services

- The use of technology to deliver Community Habilitation, Supported Employment, Respite, and Support Brokerage does not require prior approval, however the Fiscal Intermediary, with input from the person's Circle of Support, 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.



Remote Delivery of Services

- OPWDD will consider the Interim Guidance Regarding the Use of Telehealth/COVID-19 applicable to the Support Broker face-to-face meeting requirement in ADM 2019-06.
- The Fiscal Intermediary (FI), as the provider of Support Broker services, must exercise good clinical judgment and determine it is appropriate to substitute a telehealth type meeting for the face-to-face meeting.
- Telehealth Circle of Support Meetings may “count” toward the annual face-to-face billing requirement during the timeframe of the interim guidance.

Remote Delivery of Services

- Individual Directed Individual Directed Goods and Services (IDGS) Community Classes delivered by remote means must include an interactive component.
- The interactive/chat component is necessary to meet the requirement in the ADM for community inclusion.



BILLING AND BUDGET MODIFICATIONS



Billing and Budget Modifications

- Modifications to Self-Direction services are effective and in place throughout the state of emergency.
- All current Self-Direction Administrative Directive Memoranda (ADMs) and Self-Direction guidance for providers remain in force for the duration of the state of emergency, unless amended by the temporary provisions of this directive or other COVID-related directives issued for individual services.

Billing and Budget Modifications

Schedule of Services for School Age Children and Young Adults

- During the period of New York State's COVID-related mandatory school closure, Community Habilitation and Respite services provided by self-hired staff, and services funded through Individual Directed Goods and Services (IDGS) or Other Than Personal Services (OTPS) may temporarily be delivered during weekday, daytime hours to students who are authorized to receive these services.
- This allows the provision of Community Habilitation and Respite, during what would regularly be considered part of the school day, up to the amount previously authorized for that individual.



Billing and Budget Modifications

Delivering Services and Maintaining Social Distancing

- During the state of emergency, self-hired staff delivering Community Habilitation, Respite and Supported Employment services may temporarily provide (and be paid by Medicaid for) services that support the person while maintaining social distancing.
- 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 the appropriate service in accordance with the person's self-directed budget.



Billing and Budget Modifications

- For Self-Hired services, the Effective Reimbursement Rate cap continues to be the prevailing rate, per the current fee schedule available at:
https://www.health.ny.gov/health_care/medicaid/rates/mental_hygiene/.
- The time self-hired staff spend as described in the *Use of Technology and Delivering Services and Maintaining Social Distancing* sections of the [Interim COVID-19 Guidance Regarding Community Habilitation](#) may be counted toward total billable service units.



Billing and Budget Modifications

- The limit on daily Community Habilitation to six (6) hours of service per day, five (5) days per week, Monday through Friday from the [Interim COVID-19 Guidance Regarding Community Habilitation](#) applies to people who live in certified residences.
- This daily limit does not apply to people who live in a non-certified home.

Billing and Budget Modifications

- Services must remain within existing authorization levels.
- Existing services can be modified by Budget Amendments but the Total Services in the Self-Direction Budget cannot be increased.
- Increases to agency supported or direct provider purchased services must also include a Service Amendment Request.
- New service approvals for self-directed services, including Community Habilitation, are being approved.
 - People should contact local Front Door teams for more information



Billing and Budget Modifications

- IDGS Membership participation may occur remotely.
 - Memberships may need to be cancelled if there is no remote participation option.
- Academic tutoring remains prohibited as an OPWDD service.

Billing and Budget Modifications

- Service documentation requirements, including signatures, specified in the service specific [ADM](#) remain in place.
- OPWDD requirements for the signature of the person receiving services/their designee is limited (e.g., the Support Broker Agreement).
- Fiscal Intermediaries can consider waiving their own policies regarding requiring the signature of the person receiving services/their designee (e.g., on Community Habilitation Service Documentation).

RETAINER PAYMENTS FOR SELF-HIRED COMMUNITY HABILITATION STAFF



Retainer Payments for Self-Hired Community Habilitation Staff

- Retainer payments are available when a person cannot receive services because they are directly affected by COVID-19. Being directly affected by COVID-19 means:
 - The person receiving services or a family member with whom they live are under orders of isolation or quarantine because of COVID-19; or
 - The person cannot be safely served in a face-to-face manner and remote delivery of the service is not occurring or is happening on a limited basis.
- The earliest date for which retainer payments may be made is March 18, 2020.



Retainer Payments for Self-Hired Community Habilitation Staff

- **The person self-directing makes the decision** whether or not to use their budget to provide retainer payments to staff currently providing services less than usual or no services.
- If electing to provide retainer payments, hours billed for both services delivered and retainer payments cannot exceed the schedule of services in the person's approved budget.
- Retainer payments will impact the person's Personal Resource Account and must be reflected on their expenditure reports.
- In no instance can a retainer payment be made for a person's staff person who is receiving unemployment benefits related to those lost hours of work.



Retainer Payments for Self-Hired Community Habilitation Staff

- The FI will use the regular rate code and a special revenue code to identify the claim as a payment for a *leave of absence* (Revenue Code = 0180).
- When calculating the claim amount for submission of the retainer payment to eMedNY, the FI should use the staff wage, fringe, and total hours planned for work.
 - There is no need to calculate “indirect time” that may typically be included in a claim.
- OPWDD currently has authority to make retainer payments up to eighty percent (80%) of the published fee.

Retainer Payments for Self-Hired Community Habilitation Staff

HOURLY COMMUNITY HABILITATION RETAINER PAYMENT LIMIT for Community Habilitation Delivered by Self-Hired Staff		
Reimbursement Per OPWDD Interim Guidance		
REGION	“Regular Hourly Amount” Individual Serving 1	Hourly Retainer Payment Limit
1	\$41.07	\$32.86
2	\$42.59	\$34.07
3	\$41.61	\$33.29



Retainer Payments for Self-Hired Community Habilitation Staff

- In accordance with federal rules, the payment of the retainer day claim is currently limited to a fourteen (14) consecutive day period.
- There may be more than one fourteen (14) consecutive day period for retainer payments.
- Prior to initiating subsequent fourteen (14) day periods, the person must confirm the on-going need for retainer payments.
- Retainer Payments for Self-Hired Community Habilitation Staff are time limited and effective until such time as it is withdrawn or amended.



STAFFING ISSUES

Staffing Issues

- OPWDD has released [Interim Guidance Regarding Modified Background Check Requirements for Existing and New Staff Members of OPWDD Operated and Certified Providers During COVID-19 Emergency.](#)
- OPWDD has released [Interim Guidance Regarding Abbreviated/Refresher Training and Recertifications to Address COVID-19 Emergency Response](#)
 - Guidance on this was shared during the March 23rd General Overview of Comprehensive COVID-19 Response for I/DD Providers Webinar. That can be accessed here: [https://www.mc-cop.com/webinars.](https://www.mc-cop.com/webinars)



Staffing Issues

- OPWDD's standing guidance ([Self-Direction Guidance for Providers](#)) is that paid time off for self-hired staff should be captured in the fringe rate.
- Support Broker services can include backup broker coverage.
- Self-hired staff are fully trained Direct Support Professionals and identifying alternative assignments may be a viable option.

PERSONAL PROTECTIVE EQUIPMENT (PPE)



Personal Protective Equipment (PPE)

- Fiscal Intermediaries should assist with obtaining all appropriate PPE and/or face coverings for self-hired staff.
- PPE like gloves and masks for self-hired staff may be available through the FI provider agency and can be funded within OTPS, as related to health and safety.
- Cost Neutral Budget Amendments (CNBAs) can be approved retroactively and may be a viable mechanism for funding PPE that is needed immediately.

ADDITIONAL INFORMATION AND QUESTIONS

Life Plans & Staff Action Plans

- The person's current Life Plan and Staff Action Plans remain in place until changes are made in accordance with OPWDD's COVID-19 Guidance.
- Providers should be certain that staff know how to safely serve the person, but the formal update of the Life Plan and Staff Action Plan can occur later.
- More detailed information is available in the [Interim Guidance Regarding Care Planning Activities](#).

Additional Resources

Department of Health provider guidance can be found here:

<https://health.ny.gov/diseases/communicable/coronavirus/>

OPWDD Issued Guidance available at:

<https://opwdd.ny.gov/coronavirus-guidance/covid-19-guidance-documents>

Centers for Disease Control and Prevention:

<https://www.cdc.gov/coronavirus/2019-ncov/>

Guidance is updated frequently and providers are strongly encourage to continually review these resources

For questions related to self-direction, email:

self.direction.redesign@opwdd.ny.gov



Questions?

