



To: Care Coordination Organizations
CEOs of Voluntary Provider Agencies
Developmental Disabilities State Operations Offices (DDSOO) Directors
Developmental Disabilities Regional Offices (DDRO) Directors
Provider Associations
Willowbrook Consumer Advisory Board

From: Allison McCarthy, Director, Office of Strategic Initiatives
Abiba Kindo, Deputy Commissioner, Regional Offices
Katherine Marlay, Deputy Commissioner, Division of Policy and Program
Development

Date: April 19, 2023

Subject: **Public Health Emergency (PHE) End Date and Policies:** Care Coordination
Organization/Health Home (CCO/HH) Provider Policy Guidance and Manual
Updates

I. Introduction

The purpose of this Memorandum is to address all applicable policies related to OPWDD Care Management that were impacted during the federal Public Health Emergency (PHE) and to rescind those flexibilities as applicable. With the federal notification that Department of Health and Human Services (HHS) is planning to end the PHE on May 11, 2023, the flexibilities available during the pandemic will end and agencies should return to operational requirements as described in OPWDD Administrative Memoranda (ADMs), rules, regulations, and other guidance.

Information regarding the end of COVID-19 flexibilities related to providers planning for a return to regular operations across HCBS waiver settings, ICF/DD programs and Article 16 Clinic services can be found at: <https://opwdd.ny.gov/coronavirus-guidance/covid-19-public-health-emergency-unwinding-guidance>.

Absent further notification from HHS that the PHE will end on a date other than May 11, 2023, the effective dates provided in this guidance document will remain applicable, and provider agencies should commence planning unwinding activities accordingly.

II. End of the Federal PHE

The end date of the federal PHE is **May 11, 2023**. Some of the flexibilities applicable to CCO/HHs end when the PHE ends on May 11, 2023, and some flexibilities end no later than six months after the end of the PHE (November 11, 2023). Since March 2020, flexibilities providing relief on requirements were afforded through various mechanisms including federal waivers under Section

1135 of the Social Security Act, and Appendix K to the OPWDD 1915(c) Comprehensive Home and Community Based Services (HCBS) Waiver.

III. Expectations for Care Planning Post PHE

The Memo titled *Care Planning and Service Options Post Pandemic* issued August 2, 2021, remains in effect outlining the expectations for care planning post PHE. This Memo can be found here: https://opwdd.ny.gov/system/files/documents/2021/08/cp-and-service-options-post-phe-memo_final.pdf

IV. Revised Policies/End date of PHE Flexibility

The Interim Care Planning Memorandum, last revised September 18, 2020, should now be considered rescinded. The chart below establishes the end dates of each PHE flexibility related to Care Management and references where to find the applicable policy in effect when the flexibility ends.

Policy Area	Flexibility that is Ending	End Date of Flexibility	Where to find Post-PHE Policy & Resources
A. In-person Face-to-Face requirements	Face-to-Face requirements, beyond those deemed medically necessary are waived.	May 11, 2023	OPWDD Care Management Remote Technology Service Delivery Policy
B. Level of Care Eligibility Determination (LCED) Annual Redetermination	The annual LCED redeterminations are deferred for no more than one (1) year from the original due date	May 11, 2023	ADM #2020-02 Revised Intermediate Care Facilities for Individuals with Intellectual Disabilities ICF/IDD Level of Eligibility Determination (LCED)
C. Life Plan Signatures	Verbal or email approval of proposed changes and additions to the Life Plan are acceptable.	May 11, 2023	ADM #2018-06R2 Transition to People First Care Coordination

Policy Area	Flexibility that is Ending	End Date of Flexibility	Where to find Post-PHE Policy & Resources
D. Timeframes for Finalization of Non-COVID 19 Related Life Plan Changes and corresponding changes to the Staff Action Plan	Timeframes for finalization of non-COVID-19 related Life Plan changes that were in-process prior to March 7, 2020, or which result from any Life Plan meetings or reviews held during the PHE, are waived. The corresponding changes to the Staff Action Plans can similarly be deferred.	May 11, 2023	<ul style="list-style-type: none"> • CCO Provider Guidance and Manual • ADM #2018-09R Staff Action Plan Program and Billing Requirements • ADM #2018-06R2 Transition to People First Care Coordination
E. Life Plan Annual Meetings	<ul style="list-style-type: none"> • Ability to hold the annual Life Plan meeting remotely versus face-to-face. • The annual Life Plan review date may be extended if the Care Manager made reasonable efforts to hold the meeting on time, and the reason for the delay is well documented in the Care Management Record. 	May 11, 2023	<ul style="list-style-type: none"> • CCO Provider Guidance and Manual • ADM #2018-06R2 Transition to People First Care Coordination • OPWDD Care Management Remote Technology Service Delivery Policy
F. Immediate Life Plan/Staff Action Plan Changes related to COVID-19	The COVID-19 Life Plan/Staff Action Plan Addendum may be used to describe any needed updates per the addendum instructions.	November 11, 2023	<ul style="list-style-type: none"> • Care Planning Post PHE Service Options Memo August 2021 • Willowbrook Class Member Request to Return to Day Service • ADM #2021-02

Policy Area	Flexibility that is Ending	End Date of Flexibility	Where to find Post-PHE Policy & Resources
			<p>Requirements for Com Hab-Res (CH-R) Services</p> <ul style="list-style-type: none"> • ADM#2021-03 Ability to use Technology to Remotely Deliver HCBS OPWDD • ADM #2018-09R Staff Action Plan Program and Billing Requirements
G. Life Plans and Service Authorizations and Amendments	Requirement for a Life Plan or in-process Life Plan to justify the need for service authorization or amendment are waived.	November 11, 2023	<ul style="list-style-type: none"> • In process Life Plan requirements: Life Plans and Service Authorization Memo 3.15.22 • HCBS Waiver Application Requirements for Parental Deeming <p>March 30, 2022 Quarterly CM Conference Training :Enroll here in SLMS.</p>
H. Request for Service Authorization (RSAs) and Service Amendment Request Forms (SARFs) Signature	<ul style="list-style-type: none"> • Electronic signatures on the RSA and SARF are allowed. • Individual/family/representative signature is not required. 	N/A Adopted as OPWDD Policy on March 15, 2022, requiring only one signature from a CCO staff.	<ul style="list-style-type: none"> • Updated Request for Service Authorization Form, 3-15-2022 • Service Amendment Request Form.pdf (ny.gov) • Training at March 30, 2022 Quarterly CM Conference Enroll here in SLMS.
I. Willowbrook Class Members	<ul style="list-style-type: none"> • The Care Manager Observation Reports (CMOR) for 	November 11, 2023	<ul style="list-style-type: none"> • CCO Provider Guidance and Manual

Policy Area	Flexibility that is Ending	End Date of Flexibility	Where to find Post-PHE Policy & Resources
	<p>Willowbrook Class Members due during the PHE are waived.</p> <ul style="list-style-type: none"> (If during a face-to-face visit something of concern is noted, a CMOR and required procedures must be completed) 		<ul style="list-style-type: none"> OPWDD Willowbrook webpage
J. Medicaid Extensions	No person who currently has Medicaid coverage will lose their coverage during the COVID-19 public health emergency.	Medicaid cases ending June 30, 2023 (or later) will require renewal	<ul style="list-style-type: none"> DOH policy guidance Changes to New York Medicaid