



Coalition Of Provider Associations

Representing More Than 250 Provider Agencies in New York State

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Provider Association Meeting Notes – December 12, 2016

1. OPWDD Accomplishments in 2016. The Commissioner reviewed the following positive accomplishments during 2016. The Commissioner's Power Point presentation is attached.
2. Care Coordination Update. OPWDD conducted a survey to assess capacity of system to provide new care coordination services and existing MSC workforce. Work groups have been formed to consider various steps in the implementation of care coordination and develop recommendations to Governor's work group on Medicaid managed care implementation. A Medicaid state plan amendment will be submitted to CMS to permit individuals with DD to enroll in health homes. This is a key element of the new care coordination service that will permit the state to receive enhanced FFP to finance the development costs of care coordination (if such enhanced funding is still available under Affordable Care Act). One of difficult issues is transition from MSC to care coordination and impact on current provider agencies of MSC and MSCs themselves. OPWDD hopes to issue RFA for care coordination organizations this Spring.
3. Transportation Mobility Study Update. Study should be issued by end of this year or early January. Report will include identification of best practices (Massachusetts model) and strategies for enhancing access to transportation.
4. Community First Choice Option. This is a Medicaid state plan option authorized under ACA. This option is available to all Medicaid enrollees not just individuals with DD. DOH is delaying implementation to July 1, 2017, to address concerns from Medicaid managed care organizations and local social services agencies regarding implementation. CFCO will be covered by Medicaid managed care and localities for those not enrolled in Medicaid managed care. OPWDD Community habilitation is already a CFCO service. Starting July 1st (if implementation begins on that date), Medicaid managed care plans will have to pay for comm hab for the 1,500 individuals w/DD currently enrolled in mainstream managed care.
5. OPWDD Standards for Determining Fiscal Viability. There has been no change in the past four years regarding audit standards for fiscal viability – net assets, cash on hand, current ratio of 1 or higher, debt level and related party transaction.
6. 2016 Legislative & Regulatory Update. OPWDD has created a regulatory work group that meets monthly to review OPWDD regulatory activity. OPWDD was authorized by the Legislature to appoint a temporary operator for up to 90 days. Governor did sign bill establishing Autism Advisory Board of 19 individuals with an annual reporting requirement.
7. Medicaid Transportation Update. An ADM will be issued incorporating previously issued directives on enrollment and documentation. Effective January 1, 2017, providers must be enrolled as transportation providers. Documentation requirements will also start

January 1st. OPWDD will be holding provider trainings. OPWDD vehicle survey is being completed and will be distributed.

8. Heightened Scrutiny Update. The heightened scrutiny process involving public comment and CMS involvement is on hold pending DOH direction for a statewide process for all state agencies (e.g., OMH, OASAS) required to implement heightened scrutiny. However, OPWDD is continuing its assessment of residential and day program locations as part of re-certification process. When a program is designated as subject to heightened scrutiny based upon its location (e.g., on grounds of a state institution), such determination is not subject to correction or remediation. However, when a survey identifies certain physical and operational characteristics (e.g., insufficient community integration activities as identified by surveyors or architectural issues), these can be corrected through a POCA.
9. Rate Transformation Update. Supportive IRA rates effective July 1, 2016, were loaded last week. Prevoc and Respite 7/1/16 rates will be reloaded with a 1.0 budget neutrality factor next week. Supervised rates effective July 1, 2016, will also be loaded by end of the year with capital added. DOH is reviewing 2015 CFR data to assess use of extra hours over 2014 to see whether the hours moved to hours or to salary and part of July 1, 2017 rebasing. Review is limited to NYC agencies. Providers can use DOH cross-walk with 2015 CFR data to calculate July 1, 2017 rates with high degree of precision. All pending DOH recoupments or amounts must be paid in full by end of 2017 calendar year or have an agreed-upon payment plan in place. The agreed upon plan should show a payment schedule that will have the recoupment paid by December 31, 2017 unless there is an agreement with DOH to extend the time. This is very important because DOH will recoup during 2017 whatever is necessary to have all paid by December.
10. NYS DOL Overtime Exemption Thresholds. Federal overtime rules are now subject to a judicial stay. However, NYS DOL has proposed regulations effective January 1, 2017, to increase the threshold for overtime exemption triggered by the increase in the state minimum wage. Under state law, when the minimum wage is increased, the state threshold for the exemption from overtime automatically increases. These increases will have a signature impact on OPWDD providers similar to the federal requirements. However, there is no expectation that there will be any judicial relief. OPWDD will discuss with DOH.
11. Rate Increases Addressing Minimum Wage Issues. DOH is working on minimum wage adjustments of rates and hopes to issue by second week of January.