

Office of Administrative Hearings (OAH) Procedures Transmittal

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| Transmittal: | 19-03 |
| Date: | August 19, 2019 |
| Effective: | April 1, 2019 |
| Subject: | New FHIS Coding for 1915c Children’s Waiver and New Agency, CYES for Children and Youth Evaluation Service |
| Distribution: | <input checked="" type="checkbox"/> Albany OAH Staff <input checked="" type="checkbox"/> NYC OAH Staff <input checked="" type="checkbox"/> Rest of State Hearing Officers <input checked="" type="checkbox"/> ROS Supervising Hearing Officers <input checked="" type="checkbox"/> NYC Hearing Officers <input checked="" type="checkbox"/> NYC Supervising Hearing Officer <input checked="" type="checkbox"/> Rest of State Social Service Districts <input checked="" type="checkbox"/> Managed Care and Long-Term Managed Care Organizations <input checked="" type="checkbox"/> Department of Health <input checked="" type="checkbox"/> NYC Agencies |

Effective April 1, 2019, the following six (6) 1915(c) Home and Community Based Services (HCBS) waivers are consolidated into a single 1915(c) Children’s Waiver:

- Office of Mental Health (OMH) Serious Emotional Disturbance (SED) Waiver
- Department of Health (DOH) Care at Home (CAH) I/II Waiver
- Office for People with Developmental Disabilities (OPWDD) Care at Home (CAH) Waiver (formerly known as CAH IV)
- Office of Children and Family Services (OCFS) Bridges to Health (B2H) for children with Serious Emotional Disturbances (SED) Waiver
- OCFS Bridges to Health (B2H) Medically Fragile Waiver
- OCFS Bridges to Health (B2H) Developmental Disability (DD) Waiver

Note: The OPWDD Comprehensive Home and Community-Based Services 1915(c) waiver is not impacted by these changes.

For case management services, Children’s Waiver enrollees may enroll in a Health Home or instead receive services from Children and Youth Evaluation Service (C-YES), a Maximus entity. Health Homes also conduct HCBS/Level of Care (LOC) eligibility determinations for children with Medicaid who are seeking enrollment in the Children’s Waiver. For children with Medicaid who are not enrolled in a Health Home, C-YES will assist in choosing a Health Home and will refer the individual to the Health Home. If the child opts out of enrollment in a Health Home, C-YES will conduct the HCBS/LOC eligibility determination for the child seeking enrollment. C-YES is also responsible for conducting HCBS/LOC eligibility determinations for children without Medicaid, who are seeking enrollment in the Children’s Waiver.

Fair hearing requests regarding the consolidated children's waiver will include notice to the appropriate health home or C-YES. New Fair Hearings Information System (FHIS) agency code CYES has been created for the Children and Youth Evaluation Service (C-YES). Additionally, the county/NYC will receive notice of the fair hearing.

FHIS issue code 267 will be used to identify issues pertaining to the 1915c Children's Waiver Program, i.e. denial of enrollment; enrollment; and authorization or denial of waived services.

Requests should be coded as follows:

Primary Agency: LDSS or NMAP
Secondary Agency: Appropriate Health Home or CYES
Action: DISC/DENY/INAD
Category: MA
Subcategory: HOLD
Issue Code: 267

No other unrelated issues should be included in these requests.

If you have any questions regarding this transmittal, please contact Jo Ann Gerber at (518) 486-5116 or joann.gerber@otda.ny.gov

----- Original Signed -----

Roy A. Esnard, Deputy Commissioner
Office of Administrative Hearings