



## Office for People With Developmental Disabilities

Dear OPWDD Community Habilitation Provider,

Beginning July 1, 2019, New York State is implementing the Community First Choice Option (CFCO). CFCO, authorized in the Affordable Care Act, allows states to expand access and availability of long term services and supports. Through CFCO, New York State is expanding access and availability by offering some services and supports that have, until now, only been available through waivers.

The Office for People With Developmental Disabilities (OPWDD) is writing to inform you that beginning July 1, 2019, Community Habilitation services will be available under the OPWDD Comprehensive 1915(c) Home and Community Based Services (HCBS) Waiver **and** the Community First Choice Option (CFCO) in both the Fee for Service and Medicaid Managed Care delivery systems. The implementation of CFCO will not affect individuals who currently receive Community Habilitation services. However, providers may need to change business processes to work with Medicaid Managed Care Plans. Therefore, we are asking that each Community Habilitation provider agency identify a staff person who will act as point of contact for managed care readiness activities.

### **Community First Choice Option (CFCO) Program Overview**

CFCO expands and enhances State Plan home and community-based services and includes an array of services that were previously only available to people enrolled in HCBS Waivers. With the inclusion of Community Habilitation services under the CFCO umbrella, beginning July 1, 2019, if an individual who is income-eligible under regular Medicaid rules, does not self-direct his or her own Community Habilitation Services, and does not live in a provider-owned or controlled residence, then that individual will receive Community Habilitation as a CFCO State Plan Service. Individuals not meeting these criteria will continue to receive Community Habilitation as a 1915(c) HCBS Waiver service.

Agencies that are certified by OPWDD to deliver Community Habilitation will be automatically designated to deliver Community Habilitation under CFCO. OPWDD's designation of your agency as a Community Habilitation provider will allow you to deliver Community Habilitation under CFCO only to individuals who are eligible for OPWDD services.

### **Which Community Habilitation Agencies will need to work with Managed Care Plans**

If your agency delivers Community Habilitation to a person who is eligible for CFCO and is enrolled in a Mainstream Managed Care Plan, then your agency must be prepared to bill a Mainstream Managed Care Plan for Community Habilitation services on July 1, 2019. Currently, there are 255 Provider Agencies that deliver Community Habilitation to a person who has opted to enroll in a Mainstream Managed Care Plan for their healthcare and other Medicaid services. Community Habilitation billed

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by a Fiscal Intermediary (FI) that pays for "self-hired", self-directed Community Habilitation will remain an HCBS waiver service and be subject to the same hourly rate limits.

### **Next Steps**

We ask that each HCBS Waiver provider that delivers Community Habilitation identify a staff person with whom OPWDD will work to ensure provider readiness to implement these billing operational changes. Please e-mail the name, title, phone number and e-mail address of your agency's liaison to: [peoplefirstwaiver@opwdd.ny.gov](mailto:peoplefirstwaiver@opwdd.ny.gov) . Please provide this information by January 24, 2019. Later this month, we hope to schedule a webinar with all provider agency liaisons to provide additional information regarding the needed business changes and next steps.

Thank you for your on-going support to the people we serve. We look forward to working with your agency regarding this exciting initiative.

Sincerely,



Kate Marlay  
Deputy-Director  
Division of Person Centered Services

### **Attachment**

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## **Who is Eligible for Community First Choice Option (CFCO)?**

Individuals living in the community who have any Institutional Level of Care are eligible to receive CFCO State Plan services, with a few exceptions.

- Individuals residing in a provider-owned or controlled residential setting, such as an Individualized Residential Alternative (IRA), are **not** eligible to receive CFCO services. If an IRA resident receives Community Habilitation today, he or she will continue to get Community Habilitation through the HCBS Waiver.
- Individuals who use special income rules for Medicaid eligibility are **not** eligible to receive CFCO services. For example, some children who receive Community Habilitation today are eligible for Medicaid based on Parental Deeming rules that waive parental income (also called "Family of One"). These children will continue to receive Community Habilitation as an HCBS Waiver service.
- Additionally, individuals who self-direct their Community Habilitation services with budget authority will **not** receive Community Habilitation through the CFCO State Plan. These individuals will continue to receive Community Habilitation through the HCBS Waiver.

## **Will Anyone Lose Community Habilitation because of CFCO?**

No. Everyone who receives Community Habilitation today will continue to receive the same services from the same provider agency after July 1, 2019. If a person who receives Community Habilitation under CFCO is also enrolled in a mainstream Medicaid Managed Care Plan, the provider must begin billing the Mainstream Managed Care Plan after July 1, 2019.

## **How will Community Habilitation Providers Bill Medicaid Managed Care Plans?**

Beginning July 1, 2019, CFCO Community Habilitation will become a part of the mainstream Medicaid Managed Care Benefit Package. Community Habilitation providers serving individuals enrolled in a mainstream Medicaid Managed Care Plan, must *either* contract or use a 'single case agreement' with the mainstream Medicaid Managed Care Plan. Claims will be submitted to, and payment will be issued by the Mainstream Managed Care Plan. Future CFCO service amendment requests will be submitted to the Mainstream Managed Care Plan.

For CFCO eligible individuals who are **not** enrolled in a Mainstream Managed Care Plan, providers of Community Habilitation will continue to bill Medicaid Fee-for-Service directly.

Additional information regarding CFCO is available at [https://www.health.ny.gov/health\\_care/medicaid/redesign/community\\_first\\_choice\\_option.htm](https://www.health.ny.gov/health_care/medicaid/redesign/community_first_choice_option.htm)

