



1915(c) Children's Waiver Home and Community Based Service (HCBS) Amendment Approval

November 27, 2023

TO: 1915(c) Children's Waiver HCBS Providers, Health Homes Serving Children (HHSC), Care Management Agencies (CMAs), Children and Youth Evaluation Services (C-YES), and Medicaid Managed Care Plans (MMCPs) including Mainstream Managed Care Plans and HIV Special Needs Plans

The New York State Department of Health's (Department) [proposed amendment](#) to the Children's Waiver was **approved** by the Centers for Medicare and Medicaid Services (CMS) and, as a result, the following changes will be implemented:

Rate Adjustments

Revised rates are currently pending final state approvals and are available at [2023-11-01 hcbs rate summary.pdf \(ny.gov\)](#). Medicaid Managed Care Plans (MMCPs) may begin to configure their billing systems. A separate announcement will be issued when final approvals are received, and rates have been loaded in eMedNY. At that time, plans will be required to pay the revised rates, which will include the following adjustments.

Cost of Living Adjustment (COLA)

- HCBS rate increases implemented during the Public Health Emergency (PHE) have been made permanent.
- Effective November 1, 2023, Medicaid rates for Children's Waiver HCBS will be adjusted to include a 4% Cost of Living Adjustment (COLA), per the 2023-2024 New York State Enacted budget.
- Annual COLA increases are authorized by the amendment, subject to state budget allocation and other state requirements.

Group Respite Rate Revision

- Effective November 1, 2023, the size of allowable groups for the currently established Group Respite is no more than 3 children/youth.
- The amendment establishes a new rate for Group Respite involving two children/youth.

Rural Rates

- Effective December 1, 2023, the amendment authorizes higher rates for HBCS provided in seven rural counties: Allegany, Clinton, Delaware, Essex, Franklin, Hamilton, and St. Lawrence.

Service Adjustments

Policy and guidance documents regarding these changes will be updated and additional information will be provided as soon as possible.

Palliative Care Qualification Adjustment

- The amendment removes references to “life threatening”, “terminal” and “end of life” in all Palliative Care service definitions,
 - The references to Bereavement Counseling and Support Services after the passing of a child and End-of-Life per episode payments remain in Palliative Care: Counseling and Support Services.
- The amendment adjusts Palliative Care provider qualifications to reduce the years of experience required to serve the medically fragile pediatric populations from three years to one year to improve workforce availability. This includes:
 - Palliative Care – Massage Therapy
 - Palliative Care – Pain and Symptom Management
 - Palliative Care – Counseling and Support Services
 - Palliative Care – Expressive Therapy

Driver Modifications

- The amendment authorizes driver modifications within the Vehicle Modification Service definition.

Children’s Single Point of Access (C-SPOA)

- The amendment updates the qualifications of professionals permitted to perform HCBS Level of Care Eligibility Determinations to include C-SPOA through the Local County Departments of Mental Health for children/youth meeting Serious Emotional Disturbance (SED) criteria.

Pending Approval:

Transition of Environmental Modifications (EMod), Vehicle Modifications (VMod), Adaptive and Assistive Technology (AT) to a Financial Management Services (FMS)

In collaboration with CMS, approval of the FMS is dependent upon a submission of another amendment, which is in process. This amendment will authorize allow and FMS contractor, instead of the Local Department of Social Services or MMCP, to manage all aspects of all EMod, VMod, and AT requests. It will also authorize EMod, VMod, and AT to be paid through a fee-for-service delivery system for all children requiring these services, regardless of their managed care enrollment status.

Kindly direct your questions to BH.Transition@health.ny.gov