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| LOCAL COMMISSIONERS MEMORANDUM |  
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DSS-4037EL (Rev. 9/89)

Transmittal No: 94 LCM-137

Date: November 17, 1994

Division: Health & Long Term  
Care

TO: Local District Commissioners

SUBJECT: The Home & Community-Based Services Waiver (HCBSW) New  
Restriction Exception Codes

ATTACHMENTS: A: HCBS Waiver Notice of Decision [Not Available On-Line]  
B: Revenue Support Staff Contact List [Not Available On-  
Line]

This Local Commissioner Memorandum (LCM) provides social service districts with current information regarding new restriction exception codes, 46, 47 and 48 for individuals enrolled in the Office of Mental Retardation and Developmental Disabilities' (OMRDD) Home and Community Based Services (HCBS) waiver.

1. HCBS Waiver Background

New York State's HCBS waiver for individuals with developmental disabilities was approved for implementation by the Federal Health Care Financing Administration, (HCFA) effective September 1, 1991. The authorized providers of waiver services as well as the individuals receiving those services have been monitored through a number of "off line" systems while modifications to the Medicaid Management Information System (MMIS) and Welfare Management Systems were being completed. These modifications have been taking place incrementally to accommodate programmatic changes under the HCBS waiver.

The first phase of systems implementation occurred after the HCFA approval of Medicaid coverage of HCBS waiver residential habilitation services for individuals living in community residences effective March 1, 1993. OMRDD certified community residences began to bill for HCBS residential habilitation services through MMIS in November of 1993 retroactive to March 1, 1993.

The second system enhancement was completed effective June 1, 1994. This enhancement made it possible for individuals enrolled in the HCBS waiver to be identified and exempted from co-payments and Medicaid Utilization Thresholds, (MUTS). This was accomplished by adding 3 new restriction exception codes to the WMS Restriction/Exception Subsystem. Social Service districts were notified via GIS 94 MA011. (HCBS waiver information has also been shared via 92-LCM-33, 92-LCM-170, and 93-LCM-62).

Effective June 1, 1994, 11,441 CIN numbers of HCBS participants were automatically entered onto the WMS restriction/exception subsystem via a "mass load". The 11,441 individuals were automatically assigned one of the three NEW RESTRICTION EXCEPTION CODES for HCBS waiver participants. The determination for the appropriate waiver code was made by OMRDD for currently enrolled waiver recipients. The automatic entry avoided the need for social service districts to data enter each of the codes manually.

The system load was effective for any OMRDD HCBS waiver participant enrolled by OMRDD into the waiver prior to May 1, 1994.

## 2. New MA Restriction Exception Codes

OMRDD has produced a report of individuals who have been added to the HCBS waiver since the mass load of 5/1/94. Your local Revenue Support Field Office (RSFO) will be contacting the Medical Assistance Director in your district to provide them with the names and appropriate restriction exception codes for any individuals for whom appropriate action in the Restriction Exception Subsystem has not been taken, until the new Notice of Decision Forms are in place.

When the new NODS are in place the OMRDD staff will continue to provide the appropriate recipient exception codes to districts via the revised "Notice of Decision" form, see (attached). The Notice of Decision form currently in use (see 92-LCM-170) has been revised for social service district convenience and includes a new section indicating the appropriate restriction exception code/s for HCBS waiver participants.

The codes and their descriptions are as follows:

- 46: "PURE WAIVER" (HCBS waiver participants living either at home or in an OMRDD certified Individualized Residential Alternative, (IRA) or Family Care home).
- 47: "CR WAIVER/SUB A" (HCBS waiver participants living in an OMRDD Certified Community Residence AND receiving Sub Chapter A day treatment services).
- 48: "CR WAIVER" (HCBS waiver participants living in an OMRDD Certified Community Residence).

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Questions regarding restriction exception codes for specific HCBS waiver participants may be addressed to the OMRDD Administration and Revenue Support staff for your County (see contact list attached). For general questions regarding the HCBS waiver please contact Ms. Linda Kelly (518) 473-3827, or electronically at User ID AW3250.

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Sue Kelly  
Deputy Commissioner  
Division of Health and Long Term Care