



HCBS/LOC Eligibility Determination Override Policy

Policy:

This policy is specific to any child who transitioned from January through March 31, 2019 from one of the six previous waivers to the new Children's Waiver, without break in HCBS, where the annual Level of Care (LOC) recertification is due on or after April 1, 2019, and the new HCBS/LOC Eligibility Determination will need to be completed.

- If an annual LOC recertification is due for a transitioned child/youth between April 1, 2019 – March 31, 2020, and the child does not meet the new HCBS/LOC criteria **but is at risk for institutionalization (hospital/nursing home/residential) in absence of the waiver**, the Health Home care manager (HHCM) or C-YES will contact the waiver capacity management team at capacitymanagement@health.ny.gov through the HCS Secure File Transfer, for a review of eligibility to determine if the child can remain enrolled in the waiver.
- Reminder: HCBS/LOC Eligibility exist for one-year to the date (365 days), thus eligibility redetermination is due on an annual basis. HCBS/LOC eligibility redetermination must be completed prior to the lapse of the one-year eligibility. HHCM/C-YES staff can begin gathering eligibility paperwork for HCBS/LOC redetermination two (2) months prior to the month eligibility is due to ensure no lapse in eligibility.

If the child is eligible under the eligibility criteria of the former Waiver, a Level of Care exception will be issued for one year (unless significant life event occurs that requires a new HCBS/LOC eligibility determination to be conducted). **This exception process will no longer exist after March 30, 2020.**

Required Steps for Requesting a LOC Override:

1. The HHCM/C-YES staff complete the HCBS/LOC eligibility determination through the UAS and the child/youth is determined no longer HCBS eligible.
2. The HHCM/C-YES staff believe that the child/youth is at imminent risk of being hospitalized/institutionalized if the current HCBS is discontinued.
 - If the HHCM/C-YES does not believe that the child/youth is at imminent risk of being hospitalized/institutionalized, then there is no need to request an override. The child/youth should be discharged from HCBS with proper Notice of Decision (NOD) issued. The HHCM/C-YES will notify capacity management regarding the discharge from a slot.
 - Note: If the child/youth meets Health Home eligibility criteria, they can be enrolled in HHSC or remain enrolled in HHSC even if discharged from HCBS.



3. The HHCM/C-YES will submit the “**HCBS/LOC Eligibility Determination Override Form**” to Capacity Management through the capacitymanagement@health.ny.gov Secure File Transfer mailbox due to PHI, to notify DOH that a child/youth meets this policy (one email request per child/youth).
 4. Once received, Capacity Management will send the **Override form** to the appropriate State agency who will have ten (10) business days to determine if the child/youth is granted the HCBS/LOC Override or not and inform Capacity Management.
 5. Capacity Management will notify the HHCM/C-YES of the outcome of the Override review.
- * **During the Override review process outlined above, the HHCM/C-YES should continue to serve the child/youth, continue HCBS, and should not issue a NOD until the override decision is made.**

If Override IS Granted:

- The HHCM/C-YES will notify the child/youth/family of HCBS eligibility and issue the appropriate Notice of Decision (NOD), following the process established.
 - The HHCM/C-YES will notify the Medicaid Managed Care Plan, if the child/youth is enrolled.
 - The HHCM/C-YES will notify all HCBS providers and other involved Care Team providers.
 - The HHCM/C-YES will document in the case record the override and a copy of Capacity Management granted override email.
- * DOH is working on an override notification within UAS/MAPP to ensure clear notification to MMCP and lead Health Homes, that the child/youth continues to be HCBS eligible even through the systems indicates the child/youth was deemed HCBS/LOC ineligible.

If Override is NOT Granted:

- The HHCM/C-YES will notify the child/youth/family of HCBS denial and issue the appropriate Notice of Decision (NOD), following the process established.
- The HHCM/C-YES will notify the Medicaid Managed Care Plan, if the child/youth is enrolled
- The HHCM/C-YES will notify all HCBS providers and other involved Care Team providers
- The HHCM/C-YES will document in the case record the override **denial** and a copy of Capacity Management override denial email.

Note: HHCM/C-YES should ensure they are following the NOD policy and proper notification to Capacity Management

Any questions surrounding this policy should be directed to the Capacity Management mailbox at capacitymanagement@health.ny.gov. Questions can be sent directly through email if there is no PHI information otherwise the information needs to be sent to Capacity Management by way of HCS secure file transfer.