



April 6, 2020

Office for People With Developmental Disabilities
Attn: Roger Bearden, Acting Executive Deputy Commissioner
roger.a.bearden@opwdd.ny.gov

Re: Accessing Community Habilitation & Respite on School Days

Dear Mr. Bearden:

The seven NYS Care Coordination Organizations/Health Homes (CCO/HHs) recently received numerous concerns from members and families who receive Fiscal Intermediary (FI) and agency sponsored services. As a result of the COVID-19 public health crisis, Region 2 DDRO and the Central Office Self-Direction Coordinator provided notification that services such as Community Habilitation, Respite, Individual Goods and Services and Other Than Personal Services are not allowed during planned school hours. This action is causing significant hardships for individuals with Intellectual and/or Developmental Disabilities (I/DD) and their families/natural supports and is not compliant with either the Office for People with Developmental Disabilities (OPWDD) HCBS Approved Waiver or OPWDD Administrative Memorandums.

The COVID-19 public health crisis forced children to be at home during the day and the distance learning model is very limited. Schools are only able to provide minimal services online and children who are on alternative assessments/Individualized Education Programs (IEPs) are reportedly receiving even fewer educational supports.

The quality of life for our members and their families is at stake. A child with I/DD thrives on routine. The absence of their normal educational activities during the day often escalates behavioral issues. In other instances, parents who are members of the State's essential workforce (e.g. healthcare workers, etc.) require support for their children.

According to the Federal 1915 (C) waiver for the Office for People with Developmental Disabilities (OPWDD) dated October 2019 (Application for 1915(c) HCBS Waiver: NY. 0238.R06.00 - Oct 01, 2019 Page 103):

“Individuals living in their own home/leased residence or family home may receive Community Habilitation services at any time.”

In addition, the following OPWDD ADM 2017-1 (HCBS Waiver Respite services) regarding the “Same day delivery for Respite and Other services” states the following:



“For students who are home schooled or receiving homebound instruction, Respite services can be delivered during traditional school hours, but the Respite service must be outside the scheduled time for the educational instruction provided to the child.”

Also, with respect to IDGS and OTPS there is nothing in the Federally approved 1915 (C) OPWDD waiver or in the 2015-5 ADM (IDGS) that restricts when IDGS services can be delivered or OTPS utilized.

We are asking that OPWDD leadership immediately revise the guidance given to the DDRO and Central Office staff and comply with the Federally approved HCBS waiver and the applicable OPWDD ADM’s and allow these services to be provided as articulated above which are needed more than ever during this COVID-19 public health crisis.

Sincerely,

Lewis Grossman, CEO, Advanced Care Alliance NY
Jim Moran, CEO, Care Design NY
Nick Cappoletti, CEO, LIFEPlan CCO NY
Bridget Bartolone, President & CEO, Person Centered Services
Lindsay Gozzi-Theobald, Interim CEO, Prime Care Coordination
Meghann Andrews-Whitaker, Executive Director, Southern Tier Connect
Yoel Bernath, CEO, Tri-County Care

Cc: Abiba Kindo, Deputy Commissioner, Regional Offices, OPWDD
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