

TO: Local District Commissioners, Medicaid Directors

FROM: **Trisha Schell-Guy**, Division of Program Development and Management

SUBJECT: Medically Fragile or Developmentally Disabled and Medically Fragile Consumers enrolled in the 1915(c) Children's Waiver and County's Children Single Point of Access (C-SPOA) role

EFFECTIVE DATE: April 1, 2024

CONTACT PERSON: 1915c Children's Waiver Team
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The purpose of this General Information System (GIS) is to clarify, for local departments of social services (LDSS), requirements related to the New York State's Consolidated Children's 1915(c) Waiver for Home and Community-Based Services (HCBS) and the role of the County and Children Single Point of Access (C-SPOA).

1) Disability Determination Requirements

For a child to be eligible for continued enrollment in the Children's Waiver under the Medically Fragile (MF), or Developmentally Disabled and Medically Fragile (DD/MF) target populations, the child must be determined disabled through either the State Disability Review Unit (SDRU), or the Social Security Administration (SSA).

For children who do not currently have a SDRU or SSA disability determination, the DOH-5151 Childhood Medical Disability Report, DOH-5152 Questionnaire of School Performance (if applicable), and the DOH-5153 Description of Child's Activities from the SDRU can be used as supporting documentation for the initial Children's Waiver eligibility determination. If the initial HCBS Eligibility Determination was completed without an active SSI Certification or DOH Disability Review Team Certification (i.e., based on the DOH-5151, DOH-5152, and DOH-5253), and an SSI determination is not being pursued, the Health Home Care Manager/Children and Youth Evaluation Services (C-YES) must request a disability referral through the local district of social services to the SDRU. The member's Health Home or C-YES care manager must initiate the disability determination process no later than 120 days after enrollment in the Children's Waiver. If it is determined that the child does not meet the SSI or SDRU disability criteria and not found disable, then the Health Home or C-YES care manager must disenroll the child from the Children's Waiver within 30 days of that determination, including during the initial Children's Waiver enrollment period.

To remain enrolled in the Children's Waiver, an annual HCBS Eligibility Determination must be completed. A disability determination will be required prior to the annual HCBS reassessment for children in the MF and DD/MF Target Populations. The DOH- 5151, 5152, and 5153 can only be used for the initial Children's Waiver eligibility determination.

The local district is responsible for sending all disability review requests to State Disability Review Unit, OCP-826, State of New York, Department of Health, Albany NY 12237.

For children in foster care, the HHCM/C-YES will send disability referrals directly to the SDRU. Disability referrals for Children's Waiver participants who are in foster care will not go through the local district. Further guidance on this topic can be found here: https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/docs/2023-07-27_guidance_disabilty_doc_1915c.pdf

The SDRU will no longer be sending out the disability certificate to districts/care managers/C-YES. The SDRU will only be sending the client notice of disability determination. Foster Care Children notices will be going to the authorized representative listed on the case. The care manager can request a copy with a signed HIPAA release by sending a request to sdru@health.ny.gov. The notice contains the information necessary to show proof of disability without revealing sensitive health information.

Local districts are advised to continue to follow the Children's Waiver ADM (19/OHIP ADM-02) [19adm02.pdf \(ny.gov\)](#) for Medicaid related budgeting eligibility and data entry of RRE K codes.

Please see Guidance Regarding the Medically Fragile Disability Determination Requirements for the Children's Waiver Home and Community Based Services : [guide_re_mfdd_req.pdf \(ny.gov\)](#).

2) County Children's Single Point of Access (C-SPOA) Involvement in Children's Waiver Eligibility Process

Effective January 1, 2024, C-SPOAs will be responsible for completing the HCBS eligibility determination for certain individuals and enroll them into the Children's Waiver. C-SPOAs will serve the same function as C-YES in establishing Waiver enrollment for participants and will be completing the [OHIP-0125](#) and submitting to the LDSS for processing. LDSS should process this form from C-SPOAs in the same manner they would if the form was received by C-YES..

Please send any questions relating to the Children's Waiver to BH.Transition@health.ny.gov.

Please send any questions relating to Medicaid eligibility and budgeting to your local district support staff.