

**Children’s Home and Community Based Services (HCBS) Provider Designation: Non-licensed/Designated/Certified Provider**

**Frequently Asked Questions**

The [HCBS Provider Designation: Non-licensed/Designated/Certified Provider Policy](#) was developed to expand HCBS designation opportunities to additional, qualified organizations. This process allows agencies with relevant experience who are not currently licensed, designated, or certified by a participating State Agency (as is required under the [HCBS Designation Policy](#)) the ability to obtain designation as a Children’s HCBS provider. The State has developed a list of Frequently Asked Questions related to this process:

Category	Question	Answer
Provider Qualifications	If my agency does not have 5 years of qualifying experience, but the staff at my agency have 5 years of qualifying experience, can we apply for designation?	The organization applying for HCBS Provider designation through the non-licensed/designated/certified provider process must have at least 5 years of experience as an agency serving high needs children, including children who are medically complex/fragile, have developmental disabilities, have diagnosed behavioral health needs, and/or children in foster care.
Provider Qualifications	Are there any HCBS that are not eligible for designation through the non-licensed/designated/certified provider process?	Certain HCBS require a license or certification and are not eligible for designation through the non-licensed/designated/certified provider process. These HCBS are Community Habilitation, Day Habilitation, and Palliative Care: Pain and Symptom Management. Additionally, The State does not designate providers of HCBS Environmental Modifications, Vehicle Modifications, Adaptive and Assistive Technology, or Non-medical Transportation.
Provider Qualifications	Can non-profit agencies apply for designation?	Registered non-profit and for-profit agencies who meet provider requirements can apply for designation as a Children’s HCBS provider.
Provider Qualifications	My agency is currently sub-contracted to provide HCBS through another agency. Does this count as qualifying experience?	Children’s HCBS provided through sub-contracting or similar arrangements could count towards the 5 years of qualifying experience requirement in certain circumstances Specific information would need to be produced by the agency and verification of the HCBS provided would have to occur Providers with sub-

		contracting experience <b>only</b> would not meet experience requirements.
Provider Qualifications	Can I establish an agency with the sole purpose of providing Children’s HCBS?	Agencies applying for designation must have at least 5 years of experience serving high needs children. Newly established agencies, including those established with the sole purpose of providing HCBS will not be considered for designation until they have 5 years of experience.
Provider Qualifications	Do I need to be a currently enrolled NYS Medicaid provider to apply for designation as a Children’s HCBS provider?	Agencies are not required to be enrolled Medicaid providers at the time of application. However, agencies must be enrolled Medicaid providers with an active Medicaid Management Information System (MMIS) ID and enrolled in Category of Service (COS) 0268 prior to providing any Children’s HCBS. A formal Designation Letter will not be granted to an agency until they are enrolled as a NYS Medicaid provider. Agencies who are/have been Medicaid providers must be in good standing in order to be eligible for designation as a Children’s HCBS provider.
Provider Qualifications	I’m licensed/certified by a State Partner Agency, do I need to follow the Non-licensed/Designated/Certified Policy for Designation, or is there an alternate process that I should follow?	Organizations with a qualifying license/certification from a participating State Agency will follow the <a href="#">Children’s HCBS Provider Designation and Re-designation Procedure</a> . Note, not all State licenses/certifications qualify an organization for this process. Providers should contact the Designation Mailbox at <a href="mailto:OMH-Childrens-Designation@omh.ny.gov">OMH-Childrens-Designation@omh.ny.gov</a> to confirm their eligibility to apply for designation through either the licensed/certified pathway or the unlicensed/un-certified pathway.
Designation Process	How long does the designation process take?	The length of process depends on the accuracy and completeness of submitted documentation. If agency submissions are incomplete or inadequate, resubmissions and/or revisions will be requested which can lengthen the timeframe associated with issuing a determination on a designation request. Additionally, we recommend potential providers to become familiar with the Children’s Waiver provider manual and other policies

		on our website to assist with information that will be requested or what a provider will need to know. Manuals and other resources can be found on the DOH website: <a href="https://www.ny.gov/1115-waiver-home-and-community-based-services-hCBS">1115 Waiver/Home and Community Based Services (HCBS) (ny.gov)</a>
Designation Process	If my agency submits all requested materials, does that mean I'm guaranteed designation?	The Non-licensed/Designated/Certified Provider Designation process requires the submission of multiple documents, some of which are collected for the purposes of determining provider eligibility to apply. Some agencies may be deemed inappropriate for designation after the review of their submitted documentation, if submitted documentation does not clearly indicate that agency meets requirements outlined in the Non-licensed/Designated/Certified Provider Designation Policy.
Designation Process	If my agency was not granted designation, can we re-apply?	Agencies are welcome to re-apply for designation at any time if their circumstances change.
Designation Process	Is a site visit required for HCBS designation?	A site visit is not a part of the HCBS designation process. Once designated, providers may be required to participate in a site visit as part of mandated compliance/oversight activities (i.e. related to <a href="#">Final Rule</a> requirements, etc.).
Designation Process	Can I work with a consultant to submit the required documentation to apply for designation as an HCBS provider?	The State does not preclude applicants from obtaining assistance from a consultant or similar entity. All documentation submitted must pertain to the agency seeking designation. Agencies must ensure that all documentation submitted is unique to their own agency. Any agency that submits documentation that is not unique to their own agency is at risk of not being designated.
Designation Process	After receiving a Preliminary Designation letter can I begin providing services?	Agencies must obtain a Formal Designation Letter prior to the delivery of any Children's HCBS.
Designation Process	After obtaining a Preliminary Designation Letter, how long will it take to receive a Formal Designation Letter?	A Preliminary Designation Letter is granted when an agency meets requirements for designation but is not yet actively enrolled as a Medicaid Provider. After receiving a Preliminary

		Designation Letter, a provider has 6 months to become an actively Enrolled Medicaid Provider. Length of the Medicaid Enrollment process will elongate if applications are submitted with incomplete or missing information. As soon as Medicaid Enrollment has been achieved, the agency must provide a copy of their enrollment letter via email to the Designation Team. Upon receipt, the Designation team will schedule a meeting with the agency to assess their preparedness to provide Children’s HCBS. If the agency is determined by the Designation Team to be ready to provide services, they will receive a Formal Designation Letter. If the agency is not ready to provide services, additional information and/or documentation may be requested by the Designation Team.
Designation Process	Who can I contact with questions about the designation process or my designation application? How do I check the status of my designation application?	Any questions related to Children’s HCBS designation can be sent to <a href="mailto:OMH-Childrens-Designation@omh.ny.gov">OMH-Childrens-Designation@omh.ny.gov</a>
Required Documentation	The non-licensed/designated/certified provider process requires that an agency seeking designation submit a copy of their annual report. What if my agency does not have an annual report?	Agencies that cannot produce a substantial annual report inclusive of service and financial status overview will be asked to submit a formal audit. The audit must be completed by a third-party entity and include a determination on the agency’s financial status. This information assists the State in determining fiscal viability.
Required Documentation	Who should I ask for a Letter of Support?	Three letters of support are required. Agencies must obtain one Letter of Support from a local Government agency. Details about what to do if an agency does not have an existing relationship with a government agency can be found in the Non-licensed/Certified/Designated Provider Designation policy. The additional two Letters of Support required should come from organizations who have established relationships with your agency. Letters should speak to your agency’s relationship within the community and your history of service

		delivery. Letters of Support can be Addressed to the NYS Interagency Designation Team.
Required Documentation	Why might a designation submission be returned?	A lack of clarity, consistency, and/or detail are common reasons for submission return. Agencies must ensure alignment between all submitted documentation. Additionally, agencies must ensure an appropriate level of detail is included in each submission (i.e. provide timeframes, clear service descriptions, definitions when applicable, etc.). Vague narratives that lack descriptive detail and/or concrete evidence of requested information will not be accepted. Repeated incomplete submissions may result in being denied designation.

Additional information about Children’s HCBS can be found in the [Children's HCBS Manual](#).