

Changes to Licensed Practitioner of the Healing Arts (LPHA) Attestation Form

The New York State Department of Health is pleased to announce that effective December 1, 2020 with CMS' approval, the Licensed Practitioner of the Healing Arts (LPHA) Attestation form as part of the Home and Community Based Service (HCBS)/Level of Care (LOC) Eligibility Determination has been revised based upon stakeholder feedback.

1. To allow for easier completion and limit confusion on part of the practitioner completing the LPHA Attestation, there are now *separate forms* for each target population – Serious Emotional Disturbance (SED), Medically Fragile (MF), and Developmental Disability who are Medically Fragile (DD/MF).
2. After hearing from several previous waiver providers, the list of allowable LPHA practitioners who may complete the LPHA attestation form has been expanded to include licensed practitioners who are under supervision of an LPHA. Now the LPHA Attestation form must be signed by an LPHA who has the ability to diagnose within their scope of practice under NY State law **OR** who is under supervision of an LPHA who has the ability to diagnose within their scope of practice under NY State law. Please reference the LPHA Attestation or Instructions for the list of allowable practitioners.
3. Additionally, to address concerns of care managers regarding the difficulty of obtaining the LPHA Attestation, the LPHA Attestation Form will **only** be needed during the initial HCBS/LOC Assessment and not as part of the annual reassessment, **unless there is a break in services**.

As of December 1, 2020, when an HCBS/LOC Eligibility Determination re-assessment is being conducted to maintain HCBS for the child/youth, a new LPHA attestation form **is not** required as part of the re-assessment, provided the following conditions are met:

- An initial Children's Waiver HCBS/LOC eligibility determination in the UAS-NY was conducted;
- The member was determined eligible; **and**
- A valid Children's Waiver LPHA Attestation form was signed and obtained at that time of the initial (previous) HCBS/LOC eligible determination.

Previous 1915(c) transitioning child/youth who received an override due to being found HCBS/LOC ineligible and have not already completed another HCBS/LOC re-assessment meeting the criteria above, are **excluded from this allowance** and would be required to conduct the re-assessment obtaining newly signed LPHA Attestation

When completing the UAS-NY for the HCBS/LOC reassessment with an existing LPHA Attestation form, enter the date of on the initial (previous) signed and obtained LPHA form in the LPHA date area of the UAS-NY. **Note:** At this time, the UAS-NY language in the LPHA section of the HCBS/LOC assessment has not yet been updated to indicate an LPHA date longer than a year is allowed as outlined in this guidance.

Additional changes to the LPHA form sections and fields are found in the [LPHA Guide to Edits document](#). The updated LPHA forms ([SED](#), [MF](#), [DDMF](#)) and [instructions](#) can be found on [NYSDOH website](#) under *Eligibility Forms* subsection.

If you have any questions, please contact BH.Transition@health.ny.gov.