



September 18, 2020

**Interim Billing Guidance Regarding Intermediate Care Facility Day Services
effective July 22, 2020 through October 14, 2020**

On March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#) declaring a state of emergency to respond to the COVID-19 public health emergency. The top priority for the Office for People With Developmental Disabilities (OPWDD) continues to be the health and safety of New Yorkers with intellectual and developmental disabilities and our state and voluntary workforce. In response to this state of emergency, and to ensure health and safety, OPWDD, in conjunction with the New York State Department of Health (DOH), is working to provide flexibility for the delivery of Intermediate Care Facility (ICF) Day Services.

ICF Day Services are those services that are provided by agencies that operate Day Habilitation and/or site-based Prevocational Services programs and deliver active treatment to individuals who live in an ICF. Under OPWDD's Comprehensive Home and Community-Based Services (HCBS) 1915(c) Waiver, ICF Day Services are reimbursed at the applicable Day Habilitation and/or site-based Prevocational Services rate, less capital.

This document provides temporary billing guidance for the delivery of ICF Day Services that are associated with Day Habilitation and/or site-based Prevocational Services. These changes will allow providers to continue to meet the needs of the ICF residents they support to the greatest extent possible and will remain in place for the duration of the state of emergency or until revoked by OPWDD. This document only applies to ICF Day Services provided by the agencies described above and does not apply to other services delivered to ICF residents.

Modified Billing Standards for ICF Day Services

Effective July 22, 2020 through October 14, 2020, OPWDD is temporarily modifying the billing standards for the program day duration of ICF Day Services delivered as part of the agency's Day Habilitation and/or site-based Prevocational Services programs subject to certain limitations. The standards for the program day duration are temporarily modified as follows:

- A full unit of service may be billed when the program day duration is at least two (2) hours;
- A half unit of service may be billed when the program day duration is at least one (1) hour; and
- The program day duration may include mealtimes.

Full and half units of service that do not meet the program day duration requirements as described in the applicable HCBS Waiver service Administrative Memorandum (ADM) must be submitted to eMedNY and billed using the revenue code 0249. A provider may submit no more than one (1) full unit claim for ICF Day Services per person, per day.

Limitations for Providers Opting to Use the Modified Billing Standards

Providers billing for ICF Day Services rendered using the above flexible definitions of the program day duration are subject to the following conditions:

- Providers cannot bill ICF Day Service Units in excess of the person's pre-COVID-19 schedule for service delivery; and
- Any claims in excess of the person's pre-COVID-19 schedule for service delivery will be subject to immediate recoupment.

Minimum Billing Standards for Full Units and Half Units of Day Habilitation and Site-Based Prevocational Services for service dates July 22, 2020 through October 14, 2020

Current service documentation standards for ICF Day Services are based on Day Habilitation and/or site-based Prevocational Services requirements. All services require both the documentation of staff actions drawn from the person's Comprehensive Functional Assessment (CFA), accompanying Written Training Plan (WTP) and a minimum program day duration.

- i) The standards for the documentation of **staff actions are not** changed. Payment for a full unit of ICF Day Services continues to require that the provider document at least two (2) services in accordance with the applicable ADM. Payment for a half unit of ICF Day Services require that the provider document as least one (1) service in accordance with the applicable ADM.
- ii) The standards for the **program day duration are** temporarily changed. Payment for a full unit of ICF Day Services requires that the provider deliver and document a program day duration of at least two (2) hours (the standard in the ADMs is four (4) hours). Payment for a half unit of ICF Day Services require that the provider deliver and document a program day duration of at least one (1) hour (the standard in the ADMs is two (2) hours). Full and half units of service billed that do not meet the pre-COVID-19 standard for program day duration (of four (4) or two (2) hours minimum) must be billed using the revenue code 0249.

For additional information, please review the resources available on the OPWDD webpage: <https://opwdd.ny.gov/providers/home-and-community-based-services-waiver>. Questions may be directed to peoplefirstwaiver@opwdd.ny.gov.