

**KEEPING CHILDREN AT HOME**

***NEW YORK STATE'S HOME***

***AND***

***COMMUNITY BASED SERVICES WAIVER***

**New York State Office of Mental Health**

***Michael F. Hogan, PhD., Commissioner***

**Division of Children and Families Services**

***David Woodlock, Deputy Commissioner***

*New York State Office of Mental Health  
Division of Children and Families Services'*

## **Home and Community Based Services Waiver**

### **Background**

In chapter 170 of the Laws of 1994, the NYS Legislature provided the authority for the NYS Department of Social Services to apply for a general waiver on behalf of the Office of Mental Health, pursuant to section 1915(c) of the Federal Social Security Act. The general waiver provides Medical Assistance to children and adolescents who meet the eligibility criteria and reimbursement of several home and community-based services not previously included in the Medical Assistance program. The children and adolescents that the Home and Community Based Services (HCBS) Waiver is designed to serve are those who, if not for the Waiver, would be admitted to institutional levels of care including long term Residential Treatment Facilities and intermediate inpatient care.

The Federal Health Care and Finance Administration approved New York's request to waive three statutory requirements of Section 1915(c) of the Social Security Act on January 1, 1996. The **statewideness and comparability** requirements were waived to allow the implementation of the HCBS Waiver on a demonstration basis in select counties and the five boroughs of New York City. Secondly, the requirements relating to **amount, duration and scope of services** were waived which made it possible to offer six new Medicaid services (individualized care coordination, respite care, skill building services, intensive in-home services, crisis response services and family support services) in addition to existing State Medicaid Plan services. The third statutory requirement waived was **parental deeming**. For children who are enrolling in the HCBS Waiver, their parents'/ guardians' income and resources are not considered when determining a child's eligibility for Medicaid; children are considered a "*family of one*".

## **The Home and Community Based Services Waiver**

Data has shown that children with serious emotional disturbances are more apt to attain optimal development when supported in their home and community environment. The Office of Mental Health recognizes that these children and adolescents are at unique risk of missing opportunities necessary to meet the developmental imperatives of their age. The HCBS Waiver ensures that New York's children and families have access to services and supports that lead to improved resiliency, the achievement of age specific developmental imperatives and a supportive home environment.

The goals of the HCBS Waiver are:

- to serve children with complex and significant mental health needs in their homes and communities,
- to decrease the need for placements in psychiatric inpatient levels of care, including Residential Treatment Facilities,
- to increase the array of Medicaid reimbursable community-based services available to children and adolescents with serious emotional disturbance and their families,
- to use a culturally sensitive, individualized, strength-based approach to build resiliency, assist in the achievement of age related developmental tasks and promote emotional well-being,
- to provide the services and supports that are specifically needed by each unique family to develop the ability to care for the child in their home in a supportive environment,
- to offer children and families a choice of providers, when possible;
- to provide services that promote better outcomes that are also cost-effective, and
- to demonstrate an integrated model of partnership with the family, treatment provider, core waiver services and other natural supports that are involved with the child and family.

## **Target Population**

The target population for the HCBS Waiver is children and adolescents:

- < with serious emotional disturbance;
- < between the ages of 5 and 17 years (prior to 18th birthday);
- < who demonstrate complex health and mental health needs;
- < who require institutional level of care;
- < who are at imminent risk of admission to an institutional level of care or have a need for continued hospitalization;
- < whose service and support needs cannot be met by just one agency/system;

- < who are capable of being cared for in the home and/or community if services are provided; and
- < have a viable and consistent living environment with parents/guardians who are able and willing to participate in the HCBS Waiver and support their child in the home and community.

### **Local Infrastructure**

For each HCBS Waiver site, an Individualized Care Coordination (ICC) Agency is selected as the lead agency that is responsible for:

- < the development and administration of a network of HCBS Waiver service providers;
- < hiring, supervising and training the Individualized Care Coordinators (ICC);
- < coordinating, evaluating and documenting all the services the child and family receive under the HCBS Waiver;
- < being the primary biller of Medicaid HCBS Waiver services;
- ensuring collaboration with treatment providers;
- < monitoring the costs associated with each child's care; and
- < program reporting requirements.

Each lead agency is required, in consultation with the respective county Department of Mental Health, to ensure that a network of service providers is available and to guarantee access to the full array of HCBS Waiver services to enrolled children and adolescents. This includes recruiting additional providers should a service not be available or accessible as the population requires.

The county Department of Mental Health is responsible for: determining the individual need for the HCBS Waiver level of care by initial and annual evaluation of referral information and review of initial service plan and budget. The county departments assist the ICC agency in monitoring the costs associated with service provided through the HCBS Waiver.

### **The Six Waiver Services**

There are six specific services that comprise the HCBS Waiver. The services are: Individual Care Coordination, Respite, Intensive In-Home, Skill Building, Family Support Services and Crisis Response. Each child must have Individual Care Coordination. The remaining five services are selected as indicated by the child, family and ICC to support goals and objectives in the Service Plan. These five Waiver services may be provided by the Waiver program directly or the Waiver agency may subcontract with other providers for these services.

The HCBS Waiver services are defined as follows:

**Individualized Care Coordination (ICC):** This service provides the first and ongoing point of engagement for the child and family. It performs the case management functions for the HCBS Waiver and oversees delivery of the remaining five services. It ensures on-going partnership with the Waiver child and family as well as on-going collaboration with treatment providers. Individualized Care Coordination encompasses development and oversight of culturally relevant, strength-based, individualized service plans that compliment the psychiatric treatment that the child and family are receiving from their treatment provider.

**Respite Services (RS)** provides a needed break for the family and the child to ease the stress at home and promote overall wellness for the child and his/her family. Respite Services' activities include providing supervision and recreational activities that match the child's developmental stage and/or transporting a child to school, an appointment or a program. Respite care may be provided on a planned or emergency basis, day or night, in the child's home or in the community by trained respite workers with one Waiver child or a group of Waiver children.

**Family Support Services (FSS)** is comprehensive, flexible, individualized and family driven. It builds on the family members' strengths to assist them in ultimately developing safe, stable, and supportive families who are connected to formal and informal supports and activities in their communities. Family Support Services provide resources, including, but not limited to: education, training, advocacy and supports.

**Skill Building Services (SBS)** focuses on helping the child to be successful in the home, community and school by acquiring both social and environmental skills associated with his/her current developmental stage. Support is offered through a variety of activities in areas such as completing homework, problem solving, social skills, verbal skills, the development of play skills and imagination, organizational skills, cooperation, peer relationships, managing public transportation, etc. Skill Building Services may be provided to the child's family prepare them for supporting the child's development and maintenance of functional skills.

**Intensive In-Home Services (IIH)** provides intensive, on-going interventions that are specified in the child's Waiver Service Plan that support the child and family in implementing both their Treatment Plan (from the clinical provider) and the Waiver Service Plan (established by the Waiver program). This service reinforces the desired behavioral or cognitive changes by assisting the child and family in everyday application of the clinical treatment plans' strategies and resultant insights. Interventions may include psycho-education, crisis de-escalation, support in working through safety plans, parent-child relationship building, parenting skills, feedback on emotional self-regulation in situational contexts, sibling relationship building, developing healthy coping mechanisms, making healthy choices, building self self-esteem, identity issues, etc.

**Crisis Response Services (CR)** reinforces the agreed upon safety plan that the child and family have developed and attempts to stabilize occurrences of child/family crises when they arise. These services may include assessment, consultation, linkage and immediate

intervention wherever necessary, for example, in schools, at home and work. This service is available 24 hours a day, seven days a week.

### **Program Growth**

The HCBS Waiver seeks to be responsive to the needs of New York State's children and families. Since its inception in 1996 with 125 slots statewide, the HCBS Waiver program has expanded to its current 1326 slots. In January 2008, the HCBS Waiver will expand by an additional 180 slots for a total of 1506. The HCBS Waiver is now operational in 61 of New York's 62 counties. As of 2008 the HCBS Waiver program is being provided by 30 ICC Agencies across the state.

### **FOR MORE INFORMATION ABOUT NEW YORK'S HCBS WAIVER, PLEASE CONTACT:**

Gary Hook  
HCBS Waiver Coordinator  
NYS Office of Mental Health  
Division of Children and Families  
44 Holland Avenue  
Albany, New York 12229

*Phone:* 518-474-8394

*Fax:* 518-473-4335

*E-mail:* COCFGWH@omh.state.ny.us