



## Office for People With Developmental Disabilities

**ANDREW M. CUOMO**  
Governor

**THEODORE KASTNER, M.D., M.S.**  
Commissioner

**ROGER BEARDEN, J.D.**  
Executive Deputy Commissioner

March 8, 2021

Dear Friends and Colleagues,

This letter is to inform you of extended relief to Office for People With Developmental Disabilities (OPWDD) Home and Community-Based Services (HCBS) providers in response to the COVID-19 state of emergency. These extensions affect Day Habilitation and Site-Based Prevocational Services.

OPWDD, in conjunction with the NYS Department of Health (DOH), has received approval from the Centers for Medicare and Medicaid Services (CMS) for an update to the Appendix K: Emergency Preparedness and Response Waiver Amendments for the OPWDD HCBS Waiver. The Appendix K is now approved through March 31, 2021, and a further extension is anticipated soon from CMS. In addition to the extension, this Appendix K will provide continuing flexibility for Day Habilitation and Prevocational Services providers that have closed programming as part of the COVID-19 containment efforts. Effective October 15, 2020, under certain circumstances, the program day duration for billing Day Habilitation and Site-Based Prevocational Services is modified to allow a program day duration of two hours to qualify for a full unit and a program day duration of one hour to qualify as a half unit.

This temporary modification is in place for services provided to individuals whose Day Habilitation or Site-Based Prevocational Services program closed because it is located in areas of the State with mandated closures due to high rates of COVID-19 or where the local public health agency directs a program closure due to increased rates of COVID-19 cases among individuals and/or staff at the program site. This flexibility is also being made available in situations where a provider is not required to close its Day Habilitation and/or Site-Based Prevocational Services, but closes pre-emptively due to elevated percentages of individuals and staff at a particular site that have either tested positive for COVID-19 or are required to quarantine because of close contact with a person who tests positive for COVID-19.

For more information and additional guidance and resources related to the Appendix K changes, please visit the OPWDD website at: <https://opwdd.ny.gov/providers/home-and-community-based-services-waiver>. A webinar for Day Habilitation and Site Based Prevocational Service providers will be held on **March 12, 2021 at 11:00am**. Registration is available [HERE](#)\*.

OPWDD anticipates CMS approval of a further extension of the effective date of Appendix K flexibilities past the end of the public health emergency. Additional information will be forthcoming regarding this next action. Thank you for your continued dedication to New Yorkers with intellectual and developmental disabilities.

Sincerely,



Kevin M. Valenchis  
Deputy Commissioner  
Division of Enterprise Solutions



Kate Marlay  
Deputy Commissioner  
Division of Policy and Program Development

***\*Please note that changes have been made to the WebEx conference to increase attendee capacity. These changes may result in limitations for people to call-in into the WebEx. As such, we encourage attendees to plan to use audio devices such as computer, tablet, and smartphone speakers instead of the phone-in option. A microphone connection is not required for attendees.***