

Q&A and Post-Webinar Questions

May 2, 2023, Webinar:

2022 FFS reimbursement rates for: Certified Home Health Agencies (CHHA – Pediatric), Licensed Home Care Service Agencies (LHCSA – Personal Care), and Consumer Directed Personal Assistance Program/ Fiscal Intermediary (CDPAP – FI). January-December 2022 Rate Setting period

HCS QUESTIONS:

1. **I am unable to access any publications on the website / Who should we reach out to if we can't see the rates?**

The Bureau of Nursing Home and Long Term Care Rate Setting can be reached via the following e-mails: for CHHAs CHHA-Rates@health.ny.gov or LHCSAs and FIs PersonalCare-Rates@health.ny.gov.

2. **Are Personal Care, Consumer Directed Personal Assistance Program, and CHHA Pediatric rates still available on HCS?**

All rates are currently posted on the Department's Health Commerce System (HCS) site in the Healthcare Gateway: https://commerce.health.state.ny.us/public/hcs_login.html

For HCS account login problems and access to the proper service types within the Healthcare Gateway, please contact the Commerce Accounts Management Unit (CAMU) at 1-866-529-1890

PROVIDERS AND PROGRAMS, FFS or MLTC, NYC or NYS?

3. **What rates are set using the Home Care Cost Report?**

The Bureau of Nursing Home and Long Term Care Rate Setting uses the Home Care Cost Report to set rates for:

Fee-for-service Medicaid for any Personal Care services or Consumer Directed Services in counties outside of the 5 boroughs of NYC.

- Examples of Personal Care Services are: Personal Care Level 1, Personal Care Level 2, Nursing Administration of Personal Care Services (as identified above), and Nursing Supervision of Personal Care Services (as identified above).
- Examples of Consumer Directed Services include Consumer Directed, Enhanced Consumer Directed, and Consumer Directed Live-in.

If you do not bill for these specific services through a fee-for-service contract agreement established through a county (or if you are only located within the 5 boroughs of NYC – whose rates are set by NYC-HRA) there would be no new rates associated with this release.

Additionally, if you provide these services only through Medicaid Managed Care/MLTC– there would not be Medicaid Fee-For-Service rates released by the Bureau of Nursing Home and Long Term Care Rate Setting for your facility or program, as these are negotiated rates.

4. **Are CHHA Pediatric rates for NYC CHHAs set by the NYC DOH or your office?**
All CHHA Pediatric rates, including those for NYC providers, are set by the NYS DOH Bureau of Nursing Home and Long Term Care Rate Setting.
5. **Why do agencies that do not receive rates from the NYS DOH need to submit a Home Care Cost Report? (For example: A LHCSA that provides only FFS personal care services to NYC residents under a contract with NYC HRA; a provider that only serves individuals through an MLTC contract), or a Fiscal Intermediary (FI), Certified Home Health Agency (CHHA)**
The 2018-19 Budget included language requiring CHHAs, LHCSAs, and FIs operating in New York State to submit cost reports to the Department of Health [Public Health Law (PBH) §3612(8) and Social Services (SOS) Law §365-f (4-a)]. Cost report submissions are required from all agencies providing Medicaid Home Care services throughout New York State, including NYC providers and providers that provide services through a contract with an MLTC or other Managed Care entity.

RATE QUESTIONS:

6. **Is there a timeframe when the final and correct rates will be provided?**
The 2022 rates are posted in the Healthcare Gateway within the Health Commerce System for review. The rates will be loaded into eMedNY and posted on the NYS DOH website after the 90-day certification and appeal period expires and all approval processes are completed.
7. **Can you please explain how to read the rate sheet?**
The rates are based on the actual 2020 cost report submissions by the providers and already include the original base/prior rates and applicable minimum wage adjustments. The rates are complete; you do not need to make any additions. Additionally, the second page in the rate sheet describes the calculation methodology.
8. **In some instances, the legislative regional ceiling causes the rates to be below the minimum wage. What can be done? Are we able to appeal the Regional Ceiling requirement?**
The regional ceilings are established in statute and applicable regulations and can only be changed legislatively. The Department has included all minimum wage increases as a bottom-line adjustment in order to mitigate this concern as part of LHCSA & FIs rate development process.
9. **Why do the rates reviewed in the webinar not include the 2023 minimum wage increase?**
The rates that were reviewed in the webinar are for the 2022 calendar year, and include all 2022 increases (including minimum wage, one percent enhancement, and home care worker minimum wage increases) and are currently posted online. The 2023 minimum wage increases are not applicable to a prior period such as the 2022 rates; however, the 2023 rates will include the 2023 minimum wage increases. The 2023 rates are not yet available but are being calculated using the 2021 Home Care Cost Report submissions.
10. **Our agency is in the process of appealing our 2022 rates utilizing the web-based tool however we are finding that when making revisions, not all schedules allow edits. Is there a way to permit providers to edit schedules other than 3, 4, 5, and 7?**
For the purpose of appeals, only schedules 3, 4, 5 and 7 will be available for editing. Items on other schedules are not contributing to the rates under review, but there is a comment box available within the tool if a provider wants a record of the concern.

11. Do the minimum wage increases start in 2021, or do they include prior years?

The Bureau's rate setting methodology accounts for the minimum wage increases of prior years, so the 2022 rates include all applicable prior minimum wage adjustments back to 2017 for LHCSA & FI. CHHA rate development only includes minimum wage adjustments for 2021 and 2022, as prior year minimum wage costs would be included within the base calculation. Additionally, the rate sheet back-up document includes all values for prior year minimum wage increases.

12. Has the surplus/profit within the rate always been attached to the 6 month T-bill rate?

Yes, it has always been tied to the 6-month T-bill rate.

13. For the CHHA, there is a 13 hour conversion for Nursing. Is this a correction that can be made during the appeals process?

Yes. If corrections are needed, those can be submitted during the appeals process.

14. Will there be revised pediatric CHHA rates?

Yes, if corrections are needed then they can be submitted during the appeals process and the rates will be revised based on the new information submitted.

15. How do I get updates to a budgeted rate? How do I get a budgeted rate?

If a provider is requesting updates to their budgeted rates or new budgeted rates for either a CHHA rate or Personal Care rate, please contact DOH through the Bureau emails at CHHA-Rates@health.ny.gov or PersonalCare-Rates@health.ny.gov for the process.

COMMUNICATION AND RESOURCE QUESTIONS:

16. Will there be a copy of the slides and recording of the webinar presentation?

Yes, they are currently posted at https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/ under Current Direct Care Rates and at https://www.health.ny.gov/facilities/long_term_care/reimbursement/pcr/ under Current Rates.

17. In the past, the rates were listed on the DOH website. Will the 2022 ones be listed there as well?

Yes, the final rates will be posted on the DOH website after they are certified, approved, and loaded into eMedNY.

18. How do I enroll to receive notices from the rate setting unit?

Our Bureau obtains agency contact information (e-mail address) from the filed cost reports and from provider enrollment information in eMedNY. Please send your requests to be added to the list of contacts to the mailbox: for CHHAs, please use CHHA-Rates@health.ny.gov. For LHCSAs and FIs, please use PersonalCare-Rates@health.ny.gov.