

People Inc. Family Support Services Family Reimbursement Guidelines 7/1/2022 rev.

PURPOSE: The Administrative Directive Memorandum (ADM) sets forth the requirements for the New York State Office for People with Developmental Disabilities (OPWDD) Family Support Services (FSS) Family Reimbursement program. The FSS Family Reimbursement Program is a grant that enhances a family's ability to provide in-home care to their family members with an intellectual or developmental disability. FSS Family Reimbursement includes, goods, services and subsidies as determined appropriate by the family, People Inc. and OPWDD. Reimbursements through FSS are provided only after families seek funding through all other funding sources, including but not limited to Medicaid, private insurance, HCBS Waiver, and other city, county, state and federal sources. Priority will be given to those goods and services which directly address health and safety issues, as well as people or who are not in the HCBS waiver.

OPWDD states that Family reimbursement through the FSS program is a resource for families who do not have access to other funding sources and as a limited state resource, is intended to be funded when other options are not available. Reimbursement through FSS may only be provided after families have sought funding through other funding sources (e.g. private sources, early intervention or school services, etc.) FSS services are to be prioritized to support families of individuals who are not enrolled in the OPWDD HCBS waiver. With this statement, People Inc.'s committee will review all packets with this mindset.

ELIGIBILITY: People are eligible to participate if they have established OPWDD eligibility and live with one or more **non-paid** family members or caregiver, in the absence of biological, adoptive or extended family. Unfortunately, people who live alone or are in foster care are not eligible to apply. Care Management is not a requirement to request FSS family reimbursement.

FSS SPENDING CAP: *The funding cap has been increased to \$3000 per calendar year but while a person may be eligible for the full amount, this is not guaranteed. This increase becomes effective on 7/1/2022.* Contract year is from January 1 to December 31 and to qualify for reimbursement in that contract year, the receipt must be dated in the current calendar year. People Inc. has limited funding, so once this annual funding is exhausted, requests will be denied, as there are no more funds available for that year. Funding is not guaranteed and funding one year does not mean an application will be automatically approved for the following years. Applications cannot be accepted for reimbursement for an item/service purchased in a previous calendar year.

APPLICATION PROCESS: Funding is provided as a reimbursement for item(s) or services purchased. Applications may be submitted by the person, family, care manager or advocates on behalf of the person and their family. People Inc. encourages the care manager to assist with the initial application. Application must have an original (wet) signature and be accompanied by the following paperwork per the OPWDD ADM:

- 1. *Application:*** Application must be completed in full and **may have digital/electronic signatures**. Justification needs to be completed for all goods and services, including respite. ***Only 2022 applications can be accepted for reimbursements after 7/1/2022.***

2. **Life Plan: People Inc. will now require a copy of the Life Plan with the service listed in Section V. of the Life Plan. People Inc. will need to be listed as the provider. The only exception is if person is not enrolled in care coordination.**
3. **Verification of OPWDD eligibility (Notice of Determination)** – this is typically provided by the care manager or People Inc. may already have this on file. We only need to receive one time.
4. **Receipts:** Included in the packet should be receipts for the item or service to be reimbursed – these may be photocopied or be digital copies. Receipts must include the date and name of vendor. For multiple items, such as food or supplements on a grocery receipt, a separate receipt from the family’s grocery receipt would be appreciated, if possible. We need to be able to clearly note the item being reimbursed. Please do not highlight as this may degrade over time. Handwritten receipts are acceptable if signed by vendor. Receipts should be submitted within 90 days.
5. **Respite Verification:** Respite verification form completed. Requests should be submitted within 90 days. People Inc. is required to verify the provider of the service (percentage of those received). Ensure that AM/PM is included.
6. **Clinical justification:** Required for medical/clinical services, diets, technology, adaptive equipment, etc. Justification from an appropriate physician, clinician, specialist, therapist documenting rationale for the good or service, as well as **relating the item/service to the developmental disability**. All services must be provided by a licensed and/or certified practitioner.
7. **Funding denial letters,** if applicable: Funding denial letters should be attached to demonstrate seeking initial funding. FSS Family Reimbursement is the funding of “last resort”, if other primary source of funding is not available.
8. **Self-direction expense report:** For those people with a self-directed plan, a recent expense report must be submitted with verification of FSS Family Reimbursement in the plan.

Please note: The application must clearly indicate how the request is directly **related to the individual’s developmental disability**. The review committee will be utilizing this justification when making a determination if the request can be reimbursed. Please ensure a strong justification of need is provided, even for respite.

Applications should be submitted to FRP Coordinator at:

Western New York: FSS Family Reimbursement, 280 Spindrift Dr., Williamsville, NY 14221

Monroe County: FSS Family Reimbursement, 1860 Buffalo Road, Rochester, NY 14624.

PEOPLE INC. PROCESS:

- Once an application is received, the packet will be reviewed to ensure that all relevant documentation is present. The packet must be complete and follow up by agency staff may be necessary. People Inc., due to its fiscal responsibility to OPWDD, will verify aspects of the application based on a monitoring system.
- All completed packets are presented to the People Inc. Family Reimbursement committee and reviewed. This committee is made up of various members of People Inc. staff, as well as people from the community, including people receiving services, parents, advocates, etc. The committee meets typically on the last Tuesday of the month to review applications to ensure that all the relevant documentation is available, accurate and determine if it meets the criteria for approval. A request can be declined if it does not meet FSS or the agency’s requirements or the amount requested may be altered based on the information provided.
- Once approved by the committee, the request is submitted to the DDRO for further review, which may take up to one week.

- After the DDRO consent, a notification will be sent to the family regarding the status of the application with the fiscal amount approved.
- The business office will then process the check, which may take up to 1-2 weeks to mail out. Direct deposit is available.

RECONSIDERATION PROCESS: If an application is denied, notification will be provided stating the reason for denial, as well as information on the reconsideration process. Any person who would like People Inc. to reconsider an application in the event that it is denied, in whole or part, may request a review utilizing the following procedure:

1. Written request for review should be received with 15 days of receiving People Inc.'s denial to request reconsideration.
2. Additional information, documentation or justification should be provided at that time or once available.
3. The Program Support Specialist will follow up to ensure that all relevant documentation has been received and any additional information is provided. This will be sent to the committee for review.
4. The People Inc. committee will review the additional documentation provided and render a decision. This decision will additionally be reviewed by members of People Inc. Senior Management. Once a decision is made, written notice of that decision will be sent to the person/family and the Care Manager. If the previous denial is upheld, the decision can be appealed to the DDRO (contact information will be provided) within 7 days of receipt of the written notice.

FRAUDULENT CLAIMS: People Inc. is required to ensure that all reimbursements are appropriate and necessary and all reimbursed goods and services must be substantiated with appropriate documentation, which the agency will maintain for 10 years. People Inc. will review each application and verify claims as needed, documents are available and accurate. If a claim for goods and services is discovered to be fraudulent by anyone involved in the reimbursement process, People Inc. will investigate the request in question and all relevant documentation provided with that reimbursement request. People Inc. must notify the DDRO Family Support Services Coordinator upon discovery. People Inc. will conduct an investigation and will provide a written summary of the investigation in seven (7) days once completed. This will include:

- Description of the fraudulent activity
- Results of the investigation by People Inc.
- The amount of money that must be repaid
- Statement included that the person/family is suspended from future FSS Family Reimbursements
- How to appeal

If a fraudulent claim is confirmed, the person/family will be required to pay the amount of reimbursement back to the agency and will be suspended from any future reimbursement for goods and services. This decision can be appealed by submitting a letter to the DDRO Director for review.

EMERGENCY REIMBURSEMENT: On a short-term basis, as a result of crisis or great need, supports that are typically available through natural or community resources, may be available through FSS Family Reimbursement. This includes housing, utilities, food, clothing, emergency respite or durable medical goods. This is not intended for chronic, ongoing crisis situations and are available one time per lifetime per family. In addition to the application with all attachments (including "yes" for question 5), emergency requests must include:

1. Documentation of the need for emergency reimbursement, which may include eviction notices, letter of justification from Care Manager, verification of services, etc.
2. Description on how these funds will relieve the immediate short-term crisis situation and ensure the health and safety of the person.
3. A written plan documenting a plan to prevent reoccurrence in the future.

Upon receipt of an emergency reimbursement request, People Inc. will contract the DDRO regional office immediately and designate this as an emergency expenditure. Once all documentation is provided, the information will be sent to committee members to review and decide on immediately. If denied, the person/family can request appeal or submit to another agency.

Rent, Mortgage, and Utilities:

1. Cannot be more than 2 months behind on their rent/utilities payment.
2. For rental reimbursement, the individual demonstrate that they are at risk of eviction. This can include a statement from their landlord or eviction notice.
3. There must be plan in place to prevent reoccurrence.
4. This a onetime assistance, up to \$3000.

Pest Control – the following is considered:

1. Pest or bed bugs pose a health and safety hazard or prevent access to other OPWDD services.
2. Risk of being homeless due to the infestation
3. Landlord should be asked to remediate the situation and document refusal.
4. Precautions must be in place before, during and after and are the responsibility of the family.

PRE-APPROVAL AND DIRECT PURCHASING:

Pre-approval: People Inc. may grant pre-approval for specific items/services through the People Inc. Family Reimbursement committee. If granted, reimbursement will be provided upon receipt or other accommodations are agreed upon.

Direct Purchasing: In extraordinary circumstances, a request can be made to pay the vendor directly for the goods and services. An explanation must be provided with the request, including financial hardship or why the family cannot pay for the service and receive reimbursement later. People Inc. will consider family income and may request an attestation of household income, including all sources from persons residing in the home and the number of people residing in the home. Any item purchased from the vendor directly must be maintained in their possession for the life of the item and used as intended. If item is returned or sold, or is no longer in the person/family's possession, the family must notify People Inc. and make arrangements to reimburse the FSS provider for the cost of the item. Any non-compliance with this may jeopardize future participation in FSS Family Reimbursement and direct purchasing.

SELF-DIRECTION: People enrolled in self-direction must include FSS family reimbursement in their self-direction budget and will be counted against their total Personal Resource Account (PRA). In the self-direction plan, alternative funding lines, including Individual Directed Goods and Services (IDGS), Other than Personal Services (OTPS) or Family Support Services (FSS) must be utilized first if pertinent for relevant goods and services. Individuals can only request reimbursement through FSS Family Reimbursement if funding is not available via IDGS, OTPS, or Family Reimbursed Respite (FRR). The inclusion in FSS Family Reimbursement in the self-directed plan does not guarantee reimbursement and will be reviewed using the FSS application process. Any unused FSS funds can be

utilized elsewhere in the self-directed plan by amending the budget. People Inc. will ensure that any FSS Family Reimbursement will be sent to the FI agency to be included in the expense report. ***Additional respite funds through FSS Family Reimbursement will no longer be available to people in self-direction.***

REIMBURSABLE GOODS AND SERVICES: This is not an all-inclusive list and any reimbursement request for goods and services that are not covered or available through other funding sources or excluded by the ADM may be submitted. See end of document for list of those items that are considered non-reimbursable. Items shared by others in the household must directly relate to the person with an intellectual or developmental disability and will be pro-rated by the number of people in the household.

Adaptive Equipment & Environmental Modifications (E-mods):

1. Requests for adaptive equipment and E-mods must be explored and denied through the adaptive equipment and E-mod process, as well as other possible community funding, such as State Education, Medicaid, Health Insurance, Early Intervention, etc. Documentation of denial or a referral from the DDRO must be provided.
2. Justification must be provided from an appropriate physician or clinician (OT, PT, Speech Pathologist) stating that the specific item requested is needed and would be beneficial for the person with the developmental disability.

Camp

1. All camp requests can be considered; the camp does not need to be specific to children with developmental disabilities.
2. ***Reimbursement will occur after receiving verification that the individual attended camp.***
3. ***In order for camp to be reimbursed through FSS Family Reimbursement, the camp must have a permit issued by the New York State Department of Health and/or Local Department of Health pursuant to Subpart 7 of the New York state Sanitary Code unless the camp is operated or certified by OPWDD.***

Clothing

1. Requests for clothing will be considered by the committee if related to the person's intellectual or developmental disability and necessary for their health and safety.
2. Need should be clinically documented in the Life Plan or other clinical documentation.

Dental

Families are responsible for providing documentation showing the link between the individual's developmental disability and the need for oral or dental intervention. Ex: provide documentation on Williams Syndrome if that is the cause.

Incontinence Supplies (including diapers, wipes, etc.)

1. Parents are responsible for the purchase of diapers/pull-ups/wipes for children ages 0 to 3 years old.
2. For Individuals ages 3 and over, a denial from Medicaid is required.
3. If the diapers/wipes/pull-ups covered through Medicaid do not meet the individual's needs, a justification is needed. Additional source for incontinence supplies include <https://www.activstyle.com/Medicaid/>

Diet (Special Diet) – Reimbursement for specialized diet purchases may be considered for approval following the guidance below:

1. A current written recommendation or prescription by a physician for such a diet accompanies the request or is on file with the reimbursement agency.

2. Diet items, even though listed as allowable under the specific diet regimen, should only be covered if they are considered “special foods”; routine grocery or naturally gluten free items will not be considered.
3. For diets with a specific menu plan, a copy of the menu must be submitted with the application for items to be considered.
4. People Inc. staff must be able to clearly determine from the receipt that the item is gluten free or specialized. For items that are not clearly indicated as gluten free on the receipt, further documentation of the item may be necessary.
5. All special diet items will be reimbursed at 75% of the cost of the item.
6. People Inc. requests when possible, items designated for this reimbursement be on a separate receipt.

Eyeglasses/Hearing Aid Devices – Reimbursement may be considered based on:

1. If the 1st pair/device breaks and there is sufficient documentation that shows the individual has a hard time maintaining the proper care for the initial pair, then a request can be submitted for a 2nd pair if not covered by insurance. Documentation must be provided that it is not covered.
2. Families are responsible for providing documentation to show the link between the person’s developmental disability and the need for eyeglasses/hearing aid devices.

Fences/Ramps – only if not approved through OPWDD E-Mod process

1. Request can only be considered if deemed a health and safety issue, which must be documented.
2. For a rental property, the request will require written approval by the landlord.
3. For own home, if the family moves within 5 years, a payback provision will be expected unless there are extenuating circumstances for the cause of the move.
4. The purchase of fences/ramps is on a one-time only basis for a 5-year period unless there are extenuating circumstances, which must be documented.
5. Each family will be responsible to obtain and purchase the necessary permit(s). All required permits and inspections must be completed to ensure codes are met.
6. Families will be responsible to cover maintenance costs of fence/ramp.

**Caution: Fences do not necessarily ensure safety and should not be used in lieu of supervision.*

Furniture

1. People Inc. will consider any request if it is primarily for the benefit of the person with the developmental disability, is adaptive, and/or necessary for the health and safety of the person.
2. Justification will be necessary.
3. If used by others in the home, the cost will be divided by number of people living in the home.

Guardianship and Special Needs Trusts

1. Funds are available to reimburse assistance in obtaining guardianship or establishing a special needs trust.
2. All services being provided by the vendor must be outlined on an itemized receipt.
3. For those that wish to utilize the Future Cares program in Monroe County, the maximum reimbursement amount is \$400.

Leisure, Recreation and Community Inclusion

1. Recreation, sports, and camp programs that are not specific to people with developmental disabilities can be covered, as long as there is justification as to how the interaction, benefits, or skill development is above and beyond what a typical child would experience.
2. Clinical justification is not required.
3. Expenses that parents would be responsible for providing to a typical child will not be covered, such as uniforms, shoes, materials, recitals, etc.
4. People Inc. does not cover vacations.

Medical or Clinical Services or Supplies (including Medications not covered by Medicaid)

1. All requests must be supported by an MD with clear justification as to how it relates to the person's developmental disability.
2. All requests must be FDA approved to be considered for reimbursement. No experimental methods.
3. All medical and therapy professionals that provide service are to be licensed or certified
4. Medical marijuana/CBD is not an FDA approved medication, therefore cannot be considered for reimbursement.
5. ***Co-pays are no longer being approved per ADM.***

Out of State Travel

1. People Inc. does not cover vacation travel but may assist with costs incurred due to medical needs, educational conference, etc. People Inc. will review on a case by case basis.
2. Each travel request for reimbursement will be approved for the person with the developmental disability and one family member.
3. Reimbursable expenses may include hotel costs, mileage, tolls, conference registration fees, airline costs, etc. Medicaid mileage should be requested but if denied will pay at medical mileage rate.

Respite – Respite is intended for temporary relief from the demands of caregiving. The following guidelines apply to respite reimbursement (please review carefully as there are changes to this):

1. ***Respite services should be reasonable based on the needs of the person and established rates. Pay rates should reflect at least minimum wage rate (\$13.20) and are capped at the rate set by New York State's Department of Health (DOH) (see www.health.ny.gov). Final amount to be determined by family.***
2. ***Respite can still be paid at less than minimum but require a justification of why the rate is less than minimum.***
3. Respite provided during hours of sleep is based on the health and safety of the person and the demonstrated need for support during night hours, that is why it is important to include AM/PM when completing. Respite rates may need to be justified to accommodate. Person should be awake when providing the support.
4. Respite may be provided by anyone at least **18** years of age with whom the primary caregiver is comfortable but this excludes anyone living in the family home and a parent or guardian.
5. Normal childcare costs can only be considered for a typical child over the age of 13, as a typical child over the age of 13 could be left alone during the day.
6. For any child under the age of 13, a parent would remain responsible to pay for childcare but may be reimbursed for extra expenses related to the developmental disability that are above and beyond the typical cost for day care. A clear justification is required on why additional expenses are required.
7. In order to use childcare after school, an attempt must be made to access after school respite programs and part of the application would need to specify attempts to apply for this service.
8. Justification is still required for respite in the application and should explain why additional respite is required.
9. FSS Family reimbursement cannot supplement hourly respite rates of pay; therefore, the hours cannot be duplicated.
10. ***Those people in self-direction can no longer utilize Family Reimbursement for respite.***
11. A percentage of all respite requests will be verified by calling the respite worker included on the respite verification.

Service Animals

1. Only dogs that meet the criteria of a service animal according to the ADA may be considered. A service animal is any dog that is individually trained to do work or perform tasks for the benefit of a person with a

disability including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

2. The work or tasks performed by a service animal must be directly related to the person's developmental disability.
3. Other funding sources/insurance/E-mods or adaptive tech must be explored before this can be covered under Family Reimbursement.

Supplements

1. **Supplements must have approval and efficacy stated by physician with the treatment goal** and how it relates to the developmental disability.
2. Each supplement being submitted should be aligned with the doctor's justification and should clearly note that particular supplement in their clinical justification.

Technology – Purchasing guidelines

1. Clinical justification is required for all technology and electronic equipment, including laptops, tablets, GPS, etc. It must specify how the device will be used (Applications and/or programs used and for what purpose) and this must relate to the person's developmental disability and needs.
 - If the device is being used for communication purposes, a communication assessment must be submitted that has been completed within the past year by a Speech Pathologist specifying the program/application to be used and how it relates to the person's developmental disability in relation to communication. In addition, it must indicate that the person has the necessary communication prerequisites and ability to use the device and its software.
2. For a school aged person, if the primary use is for educational purposes, this would be the responsibility of the school district to purchase this device based on a student's Free and Appropriate Public Education as required under the persons with Disabilities Education Act. However, if the device is utilized outside of school for other purposes, then this could be considered for reimbursement.
3. Any device that is lost, stolen, or damaged will not be replaced by FSS Family Reimbursement. Protective cases/covers and warranties **should** be purchased with the device and can be included in the reimbursement.
4. For individuals with a self-directed plan, funding must be explored through the plan first, before accessing FSS Family Reimbursement.
5. Limit to one electronic device will be approved every three years. Each request must indicate the date of last electronic device purchased through Family Reimbursement, if applicable.
6. **Family Reimbursement will reimburse the basic version of the device only**, unless justification is provided as to why other features or upgrades are necessary. If it is determined that the device is used by others in the home, it will not be considered as solely for the person with developmental disabilities communication needs and use, therefore if funded the cost will be prorated by the number of people in the home.

Therapies

1. Any therapy requested must be recommended by an appropriate physician or clinical therapist. A documented need should be submitted with the request and should be no more than 1-year-old.
2. Provision of therapy is not the responsibility of another provider/agency such as State Education Department.
3. Therapy is not covered by health insurance and/or Medicaid. FSS Family Reimbursement is funding a source of last resort.
4. Therapist is a recognized, credentialed professional in that specific therapy area.
5. Experimental therapies will not be funded.

Transportation

1. For cases that families must take extraordinary measure to transport a person with a developmental disability, expenses may be covered at the current federal rate of mileage, except for medical mileage, which is paid at the Medicaid rate.
2. Documentation needs to be provided indicating need and mileage to/from locations.
3. Reimbursement for transportation for programs such as day habilitation and respite cannot be covered, as transportation costs are included in the service rate.
4. Transportation to and from work can be covered on a short-term basis, until a long-term solution is in place.

Items not covered include but are not limited to (based on ADM):

- Real estate (home or apartment related costs)
- Finance charges
- Taxes, including sales tax, property tax, etc.
- Fines
- Shipping fees
- Co-pays
- Luxury items and/or items that hold inherent liability to the agency, including pools, trampolines, etc
- Vehicles
- CBD/marijuana products
- Upgrades to items/services covered by HCBS Waiver or other sources, including self-direction budgets (e.g., upgrading fencing materials, additional funding for a higher cost camp);
- Items and services that are available through State Education, including therapies, computers, tutors, etc.)
- Funeral expenses
- Health and medical costs available through insurance.

These guidelines are a compilation from the Administrative Directive Memo Family Support Services (FSS) Family Reimbursement program and previous Family Reimbursement Guidelines from Region 1. The ADM can be found online at [ADM #2022-02 Family Support Services \(FSS\) Reimbursement Guidelines | Office for People With Developmental Disabilities \(ny.gov\)](#) or by request. These guidelines go into effect 7/1/2022. **The new application and respite verification for 2022 must accompany any request of this date. For your convenience, forms and this guidance are available on www.People-inc.org under supports for families.**