



Person-Centered Planning Addition of New 14 NYCRR Part 636 Amendments to 14 NYCRR Parts 633, 635, 671, & 686

Summary of Final Regulations

The final regulations identify new requirements for a person-centered planning process and a person-centered plan in a new 14 NYCRR Part 636 and make corresponding changes to regulations in 14 NYCRR Parts 633, 635, 671, and 686.

OPWDD's final regulations implement federal regulations in 42 CFR 441.301(c) that require a person-centered planning process and a person-centered service plan for each individual who receives Home and Community Based Services (HCBS) Medicaid waiver services. The regulations identify the elements that must be included in both the person-centered planning process and the plan. The regulations are applicable to OPWDD funded HCBS Waiver services and OPWDD funded service coordination. The regulations are also applicable to the service planning process for all HCBS waiver services funded by OPWDD.

The final regulations define the person-centered planning process as a process in which, to the maximum extent possible, an individual directs the planning of his or her services and makes informed choices about the services and supports that he or she receives. The planning process guides the delivery of services and supports to an individual in a way that leads to the individual's desired outcomes or results in areas of life that are most important to him or her (e.g., health, relationships, work, and home).

The final regulations specify that the person-centered planning process must involve parties chosen by the individual, often known as the individual's circle of support. The parties chosen by the individual participate in the process as needed, and as defined by the individual, except to the extent that decision-making authority is conferred on another by state law. Parties chosen by the individual assist the individual in decision-making by, among other things, explaining issues to be decided, answering the individual's questions, encouraging the individual to actively participate in decision-making and, where necessary, assisting the individual to communicate his or her preferences.

The final regulations specify that a person-centered planning process is a collaborative and recurring process between the individual and the service provider. The planning process is used at the time of initial plan development and during reviews of the plan. The planning

process is required for developing the person-centered service plan, including the HCBS waiver service habilitation plan, with the individual and parties chosen by the individual

The final regulations define the person-centered service plan as a plan that is created using the person-centered planning process. The person-centered service plan may also be known as the individualized service plan (ISP). The regulations specify what the plan must include.

The final regulations require that the service coordinator develop the person-centered service plan together with the individual, his or circle of support, and HCBS service providers. At a minimum, for the written plan to be understandable, it must be written in plain language and in a manner that is accessible to the individual, to the extent possible, and parties chosen by the individual. The plan must be finalized and agreed to with the individual's written informed consent and signed by the provider(s) responsible for implementing the plan. The service coordinator must distribute the plan to the individual and parties involved in its implementation. The regulations specify the timeframe requirements for review and revision of the plan, which are the same requirements found in existing regulations for review of the ISP.

The final regulations identify requirements for documentation of modifications of specific rights identified in the regulations. These documentation requirements are only applicable to HCBS Medicaid waiver services in settings certified by OPWDD. The regulations outline what must be documented when certain rights are modified and when rights modifications affect another individual receiving services who does not require the rights modification. The regulations specify that the service coordinator must ensure that the required documentation is in the person-centered service plan.

The final regulations identify requirements for notification of the individual's right to a person-centered planning process and a person-centered plan and of the right to object to services pursuant to OPWDD regulations in 14 NYCRR Section 633.12. Notification must be provided to the individual and a person upon whom decision-making authority is conferred by state law, if any. The regulations identify when to give notice for those individuals who do not have an ISP in place on November 1, 2015 and for those individuals who have an ISP in place on November 1, 2015.

The final regulations make amendments to existing regulations concerning requirements for service planning and rights of individuals receiving services. The regulations include cross-references to relevant material in existing regulations.

The definition of ISP is amended to require documentation concerning rights modifications that is required in the person-centered service plan. The regulations also make changes to the ISP definition so that it reads exactly the same wherever it is found in OPWDD regulations.