

INSTRUCTIONS

HCBS Level of Care (LOC) Determination is comprised of meeting three factors: Target Population, Risk Factors, and Functional Criteria. Each of the 3 factors require collection of supporting documentation and materials. The Health Home Care Manager (HHCM), Child and Youth Evaluation Service (C-YES), or Developmental Disability Regional Office (DDRO) Children's liaison should obtain the supporting documentation and materials prior to completing the Home and Community Based Services (HCBS)/Level of Care (LOC) Determination in the Uniform Assessment System (UAS). This form is part of the enrollment application for HCBS for a Medicaid (or Medicaid eligible) member <21 years of age.

Functional Criteria will be completed by the HHCM, C-YES or DDRO and be considered as part of the LOC determination prior to the Medicaid (or Medicaid eligible) member receiving HCBS services.

The HHCM, C-YES or DDRO will refer the member to an approved LPHA to review appropriate materials and supporting documentation and complete this form to support Target and Risk factors that contribute to the member's HCBS Level of Care (LOC) to determine HCBS eligibility.

A Licensed Practitioner of the Healing Arts (LPHA) who has the ability to diagnose within their scope of practice under NY State law must attest that the member meets the target and risk eligibility requirements to receive HCBS (see Appendix A below for complete list of LPHAs). The LPHA must determine in writing that the child, in the absence of HCBS is at risk of institutionalization (i.e hospitalization). The LPHA must provide documentation to support the target and risk criteria and complete this form.

1. Section A- MUST be completed

- 2. The LPHA must complete ONE of the following sections B, C OR D. The Medicaid (or Medicaid eligible) member should be identified in ONE of the following Target populations, Serious Emotional Disturbance (SED), Medically Fragile (MF), or Developmentally Disabled (DD), which correspond to Sections B, C, OR D respectively.**

Risk will be identified within each of Sections B, C, or D based on the Target population identified.

- 3. Section E MUST be completed for ALL target populations.**

Section A

Demographics

Child/Youth First Name	Middle Initial	Last Name	
Date of Birth	Biological Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Gender Expression	CIN# (if available)
Preferred Language	Current/Primary Address		

Section B

Serious Emotional Disturbance (SED) Target Criteria

1. Ages 0 to their 21st birthday

Child/youth is currently between the ages of 0 to their 21st birthday

AND

2. Child/youth meets any one of the DSM diagnoses below as determined by the appropriately qualified LPHA

Serious Emotional Disturbance (SED) – the member has at least one of the Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnoses categories

- Schizophrenia Spectrum and Other Psychotic Disorders
- Bipolar and Related Disorders
- Depressive Disorders
- Anxiety Disorders
- Obsessive-Compulsive and Related Disorders
- Trauma- and Stressor-Related Disorders
- Dissociative Disorders
- Somatic Symptom and Related Disorders
- Feeding and Eating Disorders
- Disruptive, Impulse-Control, and Conduct Disorders
- Personality Disorders
- Paraphilic Disorders
- Gender Dysphoria
- Elimination Disorders
- Sleep-Wake Disorders
- Sexual Dysfunctions
- Medication-Induced Movement Disorders
- Attention Deficit/Hyperactivity Disorders
- Tic Disorders

Diagnoses Name and Code

#

Diagnoses Category

AND

The Medicaid member has experienced serious emotional disturbance over the past 12 months on a continuous or intermittent basis, as determined by a the LPHA.

Serious emotional disturbance means a child or adolescent has a designated mental illness diagnosis according to the most current Diagnostic and Statistical Manual of Mental Disorders (DSM) AND has experienced functional limitations due to emotional disturbance over the past 12 months on a continuous or intermittent basis.

The functional limitations must be moderate in at least two of the following areas or severe in at least one of the following areas:

- ability to care for self (e.g. personal hygiene; obtaining and eating food; dressing; avoiding injuries); or
- family life (e.g., capacity to live in a family or family like environment; relationships with parents or substitute parents, siblings and other relatives; behavior in family setting); or
- social relationships (e.g. establishing and maintaining friendships; interpersonal interactions with peers, neighbors and other adults; social skills; compliance with social norms; play and appropriate use of leisure time); or
- self-direction/self-control (e.g. ability to sustain focused attention for a long enough period of time to permit completion of age-appropriate tasks; behavioral self-control; appropriate judgment and value systems; decision-making ability); or
- ability to learn (e.g. school achievement and attendance; receptive and expressive language; relationships with teachers; behavior in school).

Section B, continued

Serious Emotional Disturbance (SED) Risk Factors

The child meets one of the following factors 1–4 AND MUST also meet factor 5.

- 1. The child is currently in an out-of-home placement, including psychiatric hospital, or
- 2. The child has been in an out-of-home placement, including psychiatric hospital within the past six months, or
- 3. The child has applied for an out-of-home placement, including placement in psychiatric hospital within the past six months, or
- 4. The child currently is multi-system involved (i.e., two or more systems) and needs complex services/supports to remain successful in the community,

AND

- 5. The child must be SED as determined by a licensed practitioner of the healing arts (LPHA) who has the ability to diagnose within his/her scope of practice under the state law. The LPHA signing this form has determined that the child (in the absence of HCBS) is at risk of institutionalization (i.e., hospitalization or nursing facility placement).

Out-of-home placement in LOC Risk Factor #1–4 includes: RRSY, RTF, RTC, or other congregate care setting, such as SUD residential treatment facilities, group residences, institutions in the OCFS system or hospitalization.

Multi-system involved means two or more child systems including: child welfare, juvenile justice, OASAS clinics or residential treatment facilities or institutions, OMH clinics or residential facilities or institutions, OPWDD services or residential facilities or institutions, or having an established IEP through the school district.

Institutionalization - admission to a hospital (medical or psychiatric), ICF/IID, RTF or nursing facility

Section C

Medically Fragile (MF) Target Criteria

1. Ages 0 to their 21st birthday

- Child/youth is currently between the ages of 0 to their 21st birthday

Note: MF children may optionally transition to MLTC on their 18th birthday

2. The child must have a documented physical disability

Check one:

- Current and approved SSI Certification or
- DOH--5144 or
- Completed and approved Forms: DOH-5151, DOH-5152 and DOH-5153

Medically Fragile (MF) Risk Factors

- The child must be Medically Fragile as determined by a licensed practitioner of the healing arts (LPHA) who has the ability to diagnose within his/her scope of practice under the state law. The LPHA signing this form has determined that the child (in the absence of HCBS) is at risk of institutionalization (i.e., hospitalization or nursing facility placement). The LPHA must submit written clinical documentation to support the determination.

Institutionalization - admission to a hospital (medical or psychiatric), ICF/IID, RTF or nursing facility

Section D

Developmental Disability who are Medically Fragile (DD/MF) Target Criteria

1. Ages 0 to their 21st birthday
 - Child/youth is currently between the ages of 0 to their 21st birthday
2. **Medically Fragile as defined by subset of questions from CANS-NY Algorithm- The HHCM, C-YES, or DDRO will complete the subset of questions from the CANS-NY**
3. Child has developmental disability as defined by OPWDD which meets one of the criteria a–c as well as criteria d and e
 - a. Is attributable to intellectual disability, cerebral palsy, epilepsy, neurological impairment, familial dysautonomia, Prader-Willi syndrome or autism, OR
 - b. Is attributable to any other condition of a child found to be closely related to intellectual disability because such condition results in similar impairment of general intellectual functioning or adaptive behavior of a child with intellectual disability OR requires treatment and services similar to those required for such children, OR
 - c. Is attributable to dyslexia resulting from a disability described above; and originates before such child attains age 22;

AND

- d. Has continued or can be expected to continue indefinitely; and
- e. Constitutes a substantial handicap to such child's ability to function normally in society.

Developmental Disability who are Medically Fragile (DD/MF) Risk Factors

- The child must be Medically Fragile as determined by a licensed practitioner of the healing arts (LPHA) who has the ability to diagnose within his/her scope of practice under the state law. The LPHA signing this form has determined that the child (in the absence of HCBS) is at risk of institutionalization (i.e., hospitalization or nursing facility placement). The LPHA must submit written clinical documentation to support the determination.

Institutionalization - admission to a hospital (medical or psychiatric), ICF/IID, RTF or nursing facility

Section E

LPHA information and signature

Name of LPHA: _____ License No. (Ex.-ML0000022222) _____

Business Street Address: _____ City, State, and Zip code _____

Signature: _____ Date: _____

Licensed Professional of the Healing Arts (LPHA)

Licensed Practitioner of the Healing Arts: An individual professional who is a Licensed Psychiatrist, Licensed Clinical Social Worker, Nurse Practitioner, Physician, Physician Assistant or Psychologist and practicing within the scope of their State license.

- a. **Psychiatrist** is an individual who is licensed and currently registered to practice medicine in New York State, who (i) is a diplomat of the American Board of Psychiatry and Neurology or is eligible to be certified by that Board, or (ii) is certified by the American Osteopathic Board of Neurology and Psychiatry or is eligible to be certified by that Board.
- b. **Licensed Clinical Social Worker (LCSW)** is an individual who is currently licensed and registered as a Clinical Social Worker by the New York State Education Department.
- c. **Nurse Practitioner** is an individual who is currently certified and currently registered as a nurse practitioner by the New York State Education Department.
- d. **Physician** is an individual who is licensed and currently registered as a physician by the New York State Education Department.
- e. **Physician Assistant** is an individual who is currently licensed and registered as a physician assistant by the New York State Education Department.
- f. **Licensed Psychologist** is an individual who is currently licensed and currently registered as a psychologist by the New York State Education Department from the New York State Education Department and who possesses a doctoral degree in psychology.