

**TO:** Local District Commissioners, Medicaid Directors

**FROM:** Judith Arnold, Director  
Division of Coverage and Enrollment

**SUBJECT:** Change in Eligibility for the Office of Mental Health Home and  
Community-Based Services Waiver

**EFFECTIVE DATE:** January 1, 2009

**CONTACT PERSON:** Local District Liaison  
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The purpose of this General Information System (GIS) message is to advise local districts of a change in the provisions of the Office of Mental Health's Home and Community-Based Services waiver.

The Office of Mental Health (OMH) Home and Community-Based Services (HCBS) waiver for Children with Serious Emotional Disturbance was introduced in select districts in 1996 and phased-in statewide (with the exception of Oneida County) by 2005. As the waiver became available to serve seriously emotionally disturbed children in any given district, a Dear Commissioner letter was sent to the district providing information about the program and eligibility criteria for waiver children.

The OMH HCBS waiver was most recently renewed by the Centers for Medicare and Medicaid Services (CMS) for a five year period, effective January 1, 2009. Effective with this renewal, CMS approved the State's request to include children whose income exceeds the Medicaid Income Level in the waiver. This change will allow children with excess income to be enrolled in the waiver, if the child incurs medical expenses equal to or greater than his or her monthly excess amount or pays the amount of the monthly excess income directly to the local district. Districts are reminded that when disregarding parental income and resources for an OMH HCBS waiver child, the child's net income, after applying the appropriate ADC-Related or SSI-Related disregards, must be compared to the medically needy income level for a household of one, not to a federal poverty level percentage.