



Liability for Services Regulations

Quick Reference Guide Appendix 2

Billing and Collection for OPWDD Services

The Liability for Services Regulations [14 NYCRR §635-12](#) require service providers to issue viable monthly bills and pursue collection of unpaid balances owed by people and/or liable parties who do not have Medicaid coverage that pays for their services and/or HCBS Waiver enrollment. Billing is not required if the person has an OPWDD approved waiver of fees, OPWDD state funding authorization, or when people choose to privately pay for their services. The following rules apply to both preexisting and other than preexisting services for people who will be billed for their services:

1. Service providers must issue a billing account notice.
2. The service provider must issue bills to people and/or liable parties for the services they receive.
3. Service providers must give 30 days written notification of changes to the OPWDD approved reduction or waiver of fees.
4. Service providers must make reasonable attempts to collect unpaid bills.

Billing Account Notice

People and/or liable parties who are billed must first be provided with a [Billing Account Notice \(OPWDD LIAB 03\)](#). The charge for service(s) entered on the Billing Account Notice is the full cost of services or an OPWDD approved reduced rate. The amount charged may change in the future if OPWDD changes the Medicaid rate, fee, or price for the service, or if the provider-specific rate, fee, or price changes. If the amount changes, the service provider must issue a new bill, but is not required to issue a revised Billing Account Notice. The Billing Account Notice is in addition to the bill and the [liability notices](#) that providers are required to send.

Bills

Bills for services must be issued no later than 30 days after the month of service. Example: Services received in July must be billed no later than August 30th. There is no required format for bills. Service providers are encouraged to develop standard forms or templates for their use. Service providers must retain documentation of bills.

Collection

Service providers must attempt to collect unpaid bills. There is no required format or method for collection efforts. Service providers are encouraged to develop standard procedures, forms, or templates for their use. Service providers must retain documentation of collection efforts.

People Approved for a Fee Waiver

OPWDD will pay the service provider the full fee. The service provider does not need to bill the person or their liable parties when a fee waiver is approved. Fee waivers are only considered for preexisting services.

People Approved for a Fee Reduction

OPWDD will pay the service provider the difference between the full fee and the reduced fee. The service provider will bill the person and/or liable party the amount of the reduced fee. Fee reductions are only considered for preexisting services.

Medicaid Funding/HCBS Waiver Effective Dates

When a service provider has received state funding for a person's service(s) and the person is subsequently approved for Medicaid funding of the service(s) and/or enrolled in the HCBS Waiver, the service provider must submit claims to eMedNY for Medicaid reimbursement retroactive to the onset of Medicaid funding eligibility (e.g., the effective date of Medicaid eligibility or for HCBS Waiver services, the HCBS Waiver enrollment date).

Reimbursement of State Payments

OPWDD will recover any state payments made for services that are subsequently funded by Medicaid or by the person and/or liable party privately paying. If the service provider receives payments, it must reimburse OPWDD the total amount of state funding received for the person. The service provider should submit a Standard Voucher with Billing Form, applicable to the service for which they received state payment. The voucher and billing form should be completed similarly to when sending in the voucher and billing form for payment, except the service provider will identify negative units (e.g., -19 units) on the billing form, a negative amount totaled on the billing form, and a negative amount on the voucher. OPWDD will enter the negative units into Voucher Processing and offset the negative amount against a future voucher for the provider.

Continuation of Service Based on Payment

Preexisting Services

The service provider cannot discontinue preexisting services to the person based on nonpayment. The service provider will continue to receive OPWDD payments if the service provider complies with the requirements set forth in the regulations. OPWDD funding will be discontinued to service providers who do not comply with the regulatory requirements.

Other than Preexisting Services

The provider can discontinue services based on nonpayment unless receipt of services is subject to a court order. The provider should use the procedures specified in OPWDD regulations, §633.12. Otherwise, the service provider can continue to provide services with waived or reduced fees at their discretion, with the understanding that OPWDD payments are not available when such concessions are granted.