



To: Care Coordination Organizations
CEOs of Voluntary Provider Agencies
Developmental Disabilities State Operations Offices (DDSOO) Directors
Developmental Disabilities Regional Offices (DDRO) Directors
Provider Associations
Willowbrook Consumer Advisory Board

From: Allison McCarthy, Director of Office of Strategic Initiatives

Date: February 6, 2023

Subject: Care Coordination Organization/Health Home (CCO/HH) Consent Form Changes

The purpose of this Memorandum is to streamline and clarify the use of CCO/HH consent forms developed by New York State Department of Health (NYSDOH) and to outline associated policy revisions, effective the date of this memorandum. The CCO/HH Provider Policy Guidance and Manual (Version 2018-1) will be updated to reflect these changes. Until such time please refer to Appendix A to see detailed information on CCO Policy Manual updates.

It is the responsibility of CCOs to update their Internal Policies and Procedures to align with the following updates by 8/6/2023.

CCO/Care Manager Responsibilities

Prior to enrollment into a CCO/HH, a person and/or their family member/representative are required to review and sign consent forms developed by NYSDOH. The CCO/HHs are responsible for securing completed consent forms for all CCO/HH enrollees including assisting all parties with understanding and completing the required forms. Care Managers are also responsible for facilitating any revisions to the required consent forms as needed to ensure that all providers or supports for which information is shared are included and up to date.

The purpose of the consent forms is to improve the coordination of supports and services by allowing information sharing among service providers identified by the person and/or their parent, guardian, or legally authorized representative. At a minimum, the person's Care Management Agency, Medicaid Managed Care Plans (MMCP) (when applicable), Home and Community Based Services (HCBS) providers, as well as the primary care physician and/or health care provider the person utilizes the most (i.e., mental health provider) must be listed on the consents.

Consent Form Changes

The most up to date forms are summarized in the chart below and can be found on the [Health Home Serving Children \(HHSC\) \(ny.gov\) website](#). Further information on how these changes impact current OPWDD policy and additional requirements will be listed in the sections following this summary chart.

Please note, the chart below captures only those DOH HH forms used by the CCOs that have been changed or eliminated.

Update	Form Number	Form Title	Used For:
Eliminated (combined into the 5201)	DOH-5200	Health Home Consent Enrollment for Use with Children and Adolescents Under 18 Years of Age	Children/Adolescents under age 18 who are <i>not</i> a parent, pregnant and/or married and cannot self-consent and need a parent, guardian, or legally authorized representative to consent.
Revised	DOH-5201	Health Home Consent Enrollment and Information Sharing for Use with Children and Adolescents Under 18 Years of Age	
Eliminated	DOH-5202	Health Home Withdrawal of Health Home Consent Form for Use with Children and Adolescents Under 18 years of Age	
Added	N/A	Health Home Care Management Tracking Form for Section 2 of 5201	For internal use by Health Home Care Management Agency/Care Manager only when section 2 of the 5201 cannot be completed due to the reason listed on the 5201-consent form.
Eliminated	DOH-5059	Health Home Opt-Out	Adults and Children/Adolescents
Eliminated	DOH-5058	Health Home Patient Information Sharing Withdrawal of Consent	<ul style="list-style-type: none"> • Adults • Children/Adolescents 18 years of age or older • Children/Adolescents under age 18 who are a parent, pregnant or married and able to self-consent.
Revised	FAQ	Health Home Consent Frequently Asked Questions for Use with Children and Adolescents Under 18 Years of Age	Care Manager conversation with enrollee prior to completion of the 5201.

APPENDIX A

Policy Manual Updates

For clarity, outlined below are the specific sections of the 2018 CCO/HH Provider Policy Guidance and Manual that are amended as a result of the above consent form changes. Revisions and additions are denoted by underline.

1. Section 6.4: Enrollment and Information Sharing for Use with Children Under 18 Years of Age: 5200, 5200 FAQ, and Care Manager Tracker form for Section 2 Policy updates:

There are two (2) consent forms that Care Managers must review with enrollees under 18 years of age:

- **Frequently Asked Questions (FAQ) For Use with Children Under 18 Years of Age**
 - Care Managers must review with enrollee prior to completion of the 5201.
- **DOH 5201 - Enrollment and Information Sharing for Use with Children Under 18 Years of Age**
 - Section two (2) of the DOH 5201 form should be left blank if the child is unable to complete or is otherwise not capable of understanding the information presented in this section; the child does not identify any protected services; the child does not identify any mental health or developmental disabilities services; OR, permission is denied by the child's Parent/Guardian/Legally Authorized Representative to have the CM meet alone with the child for review of Section 2. If any of these reasons apply, the Care Manager must clearly document the reason(s) in the child's record and complete the Health Home Care Management Tracker for Section 2 and continue with attempts to obtain this information at a later date to assist the child with coordinating these services. This tracking form was developed as an internal tool for Care Managers to use to document ongoing attempts when Section 2 Parts A and B cannot be completed due to the reason(s) identified in the policy above and on the consent form.

Note: The use of the DOH-5200 titled *Enrollment for Use with Children under 18 Years of Age* has been eliminated effective 2/6/2023.

For current enrollees, the revised consent form and tracker must be used at a minimum:

- By the next annual Life Plan review or within 12 months of implementation: 2/6/2024; or,

- When any changes to consent information occurs (e.g., child moves from DOH 5201 to DOH 5055; to add/remove provider or other entities; a change in signatories, etc.)

Additional information and guidance on completing these Health Home Consent Forms can be found on the [Health Home Serving Children \(HHSC\) \(ny.gov\) website](#). At this location, information can be found under *Health Home Serving Children Consent Guidance Documents and Supportive Information* including a document titled, [Health Homes Serving Children Consent Document Guidance](#).

Acceptable Practices for Obtaining Consent Form Signatures

The CCO should follow the consent enrollment process as outlined in the 14 NYCRR 635-11.8 entitled [CCO enrollment and review for persons residing in a residential facility operated or certified by OPWDD or a family care home](#) or 635-11.9 entitled [CCO enrollment and review for persons not residing in a residential facility or a family care home](#).

In addition to signing consent via wet signature (ink on paper) the practice of obtaining a person and/or their family/representative's signature via electronic means is acceptable as long as Health Homes and Care Management Agencies are in compliance with all applicable New York State and Federal laws.

Consent forms may be provided to and received back from the person and/or their family member/representative, completed and signed either in person, via regular mail, through email/scan or fax, or through other secured electronic means.

Refer to the following links:

- [Electronic Signatures and Records Act \(ESRA\) | New York State Office of Information Technology Services \(ny.gov\)](#)
- [15 U.S. Code Subchapter I - ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

2. Section 6.8 CCO/HH Enrollee Disenrollment/Opt-out Withdrawal of Consent for Adults and Children under 18 Years of Age

Consent to be enrolled in a CCO/HH and to allow the CCO access to a person's personal health information (PHI) as indicated on the DOH-5055/DOH-5201, may be revoked at the person and/or their family member/representative's request. It is important that Adults and Children under 18 who want to disenroll from the CCO/HH program be fully informed of the consent process.

It is the CCO/HH Care Manager's responsibility to ensure that the person and/or their family/representative understand the information, can ask questions, and are issued a written notification on agency letterhead that includes:

- a clear description of the reason for disenrollment;
- the agreed upon date of disenrollment and end of PHI and other information sharing;
- how to obtain copies of disenrollment documentation; and,
- how to re-enroll in a CCO at a later time, if desired.

The notification letter may be provided to the person directly, via mail, or through another method specifically requested by the person. A copy of this notice should be kept in the person's Care Management Record and uploaded to CHOICES.

If the DOH-5203 was completed and signed providing consent for release of educational records for children and adolescents, the DOH-5204 must be signed to withdraw this consent. It is the CCO/HHs responsibility to notify the person's care planning team and the State of a person's choice to withdraw and, if applicable, when a person's participation in OPWDD's HCBS waiver program should be reviewed for termination.

Note: The use of the DOH-5202 titled *Health Home Withdrawal of Health Home Consent Form For Use with Children and Adolescents Under 18 years of Age* and the DOH-5058 titled *Health Home Patient Information Sharing Withdrawal of Consent* has been eliminated effective: 2/6/2023.

Opt-Out

Also, effective 2/6/2023, the DOH-5059-Opt out form is no longer required. When a person wants to receive HCBS services and declines CCO/HH enrollment, the CCO/HH must educate them on the Basic HCBS Plan Support services. A person must be enrolled in a Care Management service in order to receive OPWDD HCBS services.

Section 6.9: Changing CCO/HHs

The current CCO/HH must issue the person and/or their family member/representative written notification on agency letterhead that includes:

- a clear description of the reason for disenrollment and the date of disenrollment (last day of the month that transfer occurs);
- the date all sharing of PHI and other information will cease;
 - Information sharing should end the last day of the month prior to enrollment in the new CCO.
- how to obtain copies of disenrollment documentation; and,

- how to re-enroll in a CCO at a later time, if desired.

The notification letter may be provided to the person directly, via mail, or through another method specifically requested by the person. A copy of this notice should be kept in the person's Care Management Record and uploaded to CHOICES.

If the DOH-5203 was completed and signed providing consent for release of educational records for children and adolescents, the DOH-5204 must be signed to withdraw this consent.

The new CCO/HH must obtain a Consent to Enroll Form (DOH-5055 or DOH-5201).