



HCBS/TBI

Attention Providers: Important Information About the Ten Day Notice to TBI Waiver Participants



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Dear Provider:

Recent investigations in several regions revealed that TBI waiver service providers have inconsistently implemented the Ten (10) day notice to TBI waiver participants. This has caused confusion for waiver participants, and several participants have requested a fair hearing regarding the action. As established in the Provider Agreement: services must be provided in a manner that promotes and does not jeopardize the participant's health and welfare. The participant must be informed of the provider's decision to terminate the agency's services.

An approved TBI waiver service provider may choose to no longer serve an individual waiver participant and does not require cause for the service termination. For services other than Service Coordination, the provider must send a letter to the waiver participant, the participant's Service Coordinator and the Regional Resource Development Center (RRDC) at least ten (10) days prior to the last day of service provision. The letter must be sent via certified mail or delivered directly to the participant. The participant may request a conference to discuss the notice and to seek assistance in selecting another service provider.

Click the link to view the letter: [here](#)

When a provider is discontinuing the provision of Service Coordination services, a thirty (30) day calendar notice to the waiver participant is required. The notice must direct the participant to contact the RRDC to select another Service Coordination provider. The Service Coordination agency must ensure that all services and documents are current prior to service termination and facilitate service transition. Since billing is done on a monthly basis, the agency may only terminate services at the end of the month to permit the new agency to initiate services at the beginning of the next month.

Click the link to view the letter: [here](#)

The attached documents are to be used by TBI waiver service providers when providing notice of intent to discontinue the provision of waiver services. Providers may utilize their agency letterhead for the notice, but the content must remain the same.

If there are any questions regarding this information inquiries may be sent to the TBI mailbox at: tbi@health.ny.gov.

If you are having problems viewing content within this newsletter, please email emednyalert@csc.com for further assistance.

The Department has attempted to ensure that the information contained in these notifications is as accurate as possible. However, no e-mail transmittals or materials provided are intended to constitute legal or medical advice.