

**TO:** Local District Commissioners, Medicaid Directors, Medicaid Managed Care Coordinators

**FROM:** Jason A. Helgerson, Medicaid Director, Office of Health Insurance Programs

**SUBJECT:** Changes to the Statute for the Consumer Directed Personal Assistance Program (CDPAP)

**EFFECTIVE DATE:** April 1, 2016

**CONTACT:** State Plan Services (518) 474-5888

The purpose of this General Information System (GIS) message is to inform local departments of social services (LDSS), eligibility and managed care staff of revisions to the Consumer Directed Personal Assistance Program (CDPAP). Effective April 1, 2016, and in accordance with Chapter 511 of the laws of 2015, changes will go into effect that modify who can work as a CDPAP personal assistant for an eligible participant. The purpose of these changes is to permit parents of adult children to be hired and work as CDPAP personal assistants.

Specifically, this amendment to Social Services Law Section 365-f made changes which include a revision to the definition of the "personal assistant", which expands the scope of who this may include. LDSS workers must be aware of, and apply, effective April 1, the clarification and revised definitions and eligibility requirements when conducting CDPAP assessments and reassessments.

**Statutory changes for CDPA include:**

1. The new law bars persons from being hired as CDPAP assistants if they are legally responsible for the eligible individual's care and support. This means that an adult who is not legally responsible for the eligible individual's care and support may be a CDPAP assistant for that eligible individual. In particular, this means that a parent of an adult child (21 years of age or older) may serve as that adult child's CDPAP assistant. Parents of children who are younger than 21 cannot be hired as that minor child's CDPAP assistant. Consistent with current regulations, spouses and designated representatives also cannot be hired as CDPAP assistants.
2. Any other adult relative of the CDPAP eligible individual may serve as the individual's CDPAP assistant. In all cases, the CDPAP authorization is based on the eligible individual's assessed needs. This applies regardless of whether the CDPAP assistant is a parent or other adult relative of the individual or not related to the individual.

All districts should ensure that their policies and procedures are appropriately and expeditiously updated to reflect these new requirements. If you have any questions, please email [services@health.ny.gov](mailto:services@health.ny.gov).