

TO: Local District Commissioners, Medicaid Directors

FROM: Deborah McClure, Director
Bureau of Medicaid Long Term Care Policy
Division of Program Development and Management

SUBJECT: Temporary Increases of Hours in the Consumer Directed Personal Assistance Program (CDPAP)

EFFECTIVE DATE: Immediately

CONTACT: services@health.ny.gov

The purpose of this General Information System (GIS) message is to instruct Local Departments of Social Services (LDSS) of procedures to follow when an individual receiving support through the Consumer Directed Personal Assistance Program (CDPAP) requests additional temporary hours for situational reasons during their authorization period.

Additional CDPAP hours cannot be authorized solely for the provision of transportation, accompaniment to/from medical appointments, travel purposes, respite purposes, or any other tasks that are not defined or determined to be activities of daily living using an evidence-based validated assessment instrument approved by the Department in accordance with Social Security Law § 365-f, regulations of the Department, and applicable state and/or federal laws.

Per CDPAP regulation at 18 NYCRR § 505.28(f)(2)(i), when an LDSS is contacted for reasons of authorizing additional hours due to an unexpected change in an individual's social circumstances including, but not limited to, loss or withdrawal of informal supports or a designated representative, the LDSS shall review the most recent valid assessment, document the consumer's changed social circumstances and make changes in the authorization or reauthorization as needed. Where the LDSS determines a consumer's request for additional hours based on social change in circumstances the LDSS may adjust hours as needed to meet the documented needs in a consumer's existing plan of care.

If the request is for an emergency or temporary increase in authorized hours, the LDSS must ensure the following:

- The request is coming directly from the individual receiving services or their designated representative if they are not self-directing; and
- Hours are being requested only for documented activities of daily living in the individual's Person-Centered Service Plan (PCSP) and/or plan of care; and
- Hours are not being requested for the sole purpose of supervision and/or cueing; The individual cannot proceed with their backup plan as listed on their PCSP; and
- The individual or their Designated Representative cannot activate informal supports as listed on their PCSP; and
- The individual does not request duplicative services; and
- The existing eMedNY authorization has been ended and a new authorization is entered;

and

- A notice of intent, DOH-CDPAP-02 is provided to the individual or their designated representative.

If a change in hours is due to regular or predictable circumstances, (e.g., additional hours are required during the summer, with fewer hours required during the school year) the LDSS must plan for this fluctuation in hours when authorizing services; either by building it into the annual authorization or ending the current authorization and replacing it with an adjusted authorization during these periods. The LDSS must send a proper Notice of Intent DOH-CDPAP-02 when changes to authorized hours are made that would legally require such notice, including the valid reason(s) for increasing hours.

Individuals receiving CDPAP must only have one active authorization in the statewide fiscal intermediary's system at a given time to avoid service disruption.

All districts must ensure that their internal procedures are immediately updated to reflect this authorization protocol. Questions related to this message may be sent to services@health.ny.gov.