

TO: Local District Commissioners, Medicaid Directors

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

SUBJECT: Overlapping 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 establish consistent policy and guidelines for the administration of the Consumer Directed Personal Assistance Program (CDPAP) through the statewide fiscal intermediary, ensuring compliance with program regulations, proper documentation, and appropriate billing practices.

CDPAP enables consumers to direct their own care by selecting and scheduling consumer directed personal assistants who are paid through the statewide fiscal intermediary. A consumer or designated representative is permitted to schedule consumer directed personal assistants to work overlapping hours only when such overlaps are specifically authorized within the consumer's approved plan of care.

Overlapping hours required must state the reason as identified within the consumer's approved plan of care, along with the duration of the services (e.g., When overlapping hours are required, a plan of care might state, "Overlap time of 30 minutes/shift required due to two person lift requirement. No informal support available.")

Should an overlap occur due to shift change, overlaps of time under seven (7) minutes are permitted, however, the statewide fiscal intermediary will only be authorized to pay one (1) personal assistant when presented with overlapping time sheets.

All hours worked must align with the activities and tasks outlined in the approved plan of care. Tasks not explicitly supported or authorized in the CDPAP plan of care and tasks that are not allowable in CDPAP including but not limited to transportation, supervising, and cueing are ineligible for scheduling or payment.

Questions regarding overlaps may be sent to services@health.ny.gov.