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GENERAL INFORMATION SYSTEM

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DIVISION: Office of Medicaid Management

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TO: Personal Care Services Program Directors; Social Services Attorneys

FROM: Ann Clemency Kohler, Director, Office of Medicaid Management

SUBJECT: Task-based Assessment Plans, Rodriguez et al.v DeBuono
and Wing (S.D.N.Y.)

EFFECTIVE DATE: Immediately

CONTACT PERSON: Personal Care Program Monitoring Staff

This is to advise you of the preliminary injunction decision and order in Rodriguez et al. v. DeBuono and Wing (S.D.N.Y.). This decision applies to social services districts which use task-based assessments (TBA) (assessment tools which lists tasks and includes task time frames or guidelines for completion of the task) in their personal care programs.

To comply with this decision, a social services district that uses a TBA plan must include safety monitoring as a separate task on its TBA form, assess the need for safety monitoring as a separate task and calculate any minutes allotted for safety monitoring as a part of the total personal care services hours authorized for both applicants and recipients. This requirement is effective immediately and will remain in effect until further notice from the department.

Districts having questions regarding this message should contact the Bureau of Long Term Care's Personal Care Services Program field monitors: George Fleury or Margaret O. Willard at (518) 476-7508, or 473-5569, or on-line at, AW5610 or AW8310, respectively.