



## **New York State Department of Health Memo**

### **Employment and Payment of Personal Assistants (PAs) through Pendency of Preliminary Injunction**

**Date of Issuance: April 14, 2025**

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The purpose of this policy is to provide guidance on the options and process for employment and payment of PAs until the expiration of the preliminary injunction.

#### ***Background***

The State Fiscal Year 2024-25 Enacted Budget amended Social Services Law Section 365-f (4- a) to require the Commissioner of Health to contract with a single Statewide Fiscal Intermediary (SFI) to provide fiscal intermediary services to Consumer Directed Personal Assistance Program (CDPAP) consumers. In response to this legislative requirement, the Department of Health (the Department) issued Request for Proposals (RFP) [#20524](#) New York State Fiscal Intermediary Services on June 17, 2024.

Public Partnerships LLC (PPL) was selected as the vendor authorized to provide fiscal intermediary services on a statewide basis per Social Services Law section 365-f. See the announcement [here](#).

#### ***Introduction***

The purpose of this policy is to provide guidance for consumers on the options and process for employment and payment of Personal Assistants (PAs) until the expiration of the preliminary injunction. It provides clarity on when a consumer or Direct Representative (DR) may request a prior fiscal intermediary (FI) provide payment for their PA. The prior FI can only provide payment through the processes laid out in this policy, including the requirements that payment may only be issued when an authorization for a consumer is in place and only until a PA is fully onboarded with PPL. Fully onboarded means the PA has completed all legal requirements to become a PPL employee, including eligibility verification, and has been notified of their status. The policy outlines the possible onboarding status of PAs and the required actions needed on the part of the Managed Care Organization (MCO) to confirm appropriate payment is distributed to PAs for their work in CDPAP.

#### ***Definitions***

The definitions in [18 NYCRR 505.28\(b\)](#) are incorporated into this policy and will retain their respective meanings as articulated there. Any conflicting interpretations or alternative definitions will be clearly delineated within this policy.

### ***Category A: Fully Registered Consumer, Fully Onboarded PA***

This category includes consumers who are fully registered with PPL and their PAs who are fully onboarded with PPL and capable of being fully and timely paid by PPL. PAs in this category may submit time worked via PPL's app Time4Care, the telephony system, and via paper timesheets for those who qualify (any consumer may submit paper timesheets before April 26, 2025 without prior approval. MCOs can confirm the status of the worker and the consumer via the daily reports they receive or the PPL@Home system. The MCO may not change authorizations for CDPAP services from PPL to any other fiscal intermediary for consumers/PAs in this category.

### ***Category B: Fully Registered Consumer, Not Fully Onboarded PA***

In this scenario, there is an option for the PA to be paid by the Prior FI, but only if the conditions below are met. The consumer or their DR must personally initiate the request to their MCO for the PA to be paid by the prior FI. MCOs must accept a request made via reasonable means, such as telephone or email. If a request comes to the MCO from a consumer or DR, the MCO must confirm that requirements, outlined below, are met. If the requirements are met, the MCO should then check with PPL to confirm if the worker status has recently moved to fully onboarded. If the worker is fully onboarded, the MCO should not change the authorization to the prior FI.

If the MCO confirms the requirements are met such that the PA can return to the Prior FI for payment, the MCO will make the system adjustments to allow claims payment to the Prior FI. In addition, the following supplemental documentation regarding the payment must be provided to the Department. The MCO is required to provide their contract/single case agreement (SCA) with the FI and document the FI is able to meet the requirements laid out below.

MCOs should communicate changes to their dedicated PPL Account Manager in addition to following the established process for updating authorizations. Consumers must complete their registration with PPL no later than May 15 and their worker must be fully onboarded by June 6.

### ***Requirements***

The following are the requirements that must be met in order for the Prior FI to provide payment to a PA:

1. The Consumer's MCO is capable of updating the authorization from PPL to the Prior FI in sufficient time that the worker can be paid by the Prior FI within seven calendar days of the consumer making the request.
2. The Prior FI exists, is operational, and does not have a legal impediment to pay PAs. The Prior FI must have made timely payments to the PA through March 31, 2025, and agree to employ and make timely payments to the PA, until that PA is fully onboarded with PPL.
3. The Prior FI agrees to an economic arrangement with the MCO that does not significantly differ from the arrangement that existed prior to April 1, 2025. This includes payment and terms of payment.

4. The Prior FI agrees not to make misrepresentations to any Consumer or PA regarding the CDPAP transition.

### ***Category C: Not Fully Registered Consumers***

Consumers in this category are those who began the registration process with PPL but have not completed (i.e. they have not signed their MOU) or who have not started the process. MCOs are required to contact all consumers in Category C, by their preferred communication method, before April 15, 2025. The MCO will confirm whether the consumer wishes to complete their PPL registration and support the consumer in doing so. For those consumers who request their PA(s) be paid by the Prior FI- and only the Prior FI- while the consumer registration and PA onboarding with PPL is being finalized, the MCO should explore whether the requirements detailed above can be met and support the consumer accordingly. At the end of the day on April 15, 2025, the MCO must provide the Department with documentation of outreach to all consumers in Category C according to the template the Department has provided to report this information.

All consumers in this category must complete the registration process with PPL before the registration deadline of May 15, 2025.

### ***Moving from 'Not Fully Registered or Onboarded' to 'Fully Registered and Onboarded'***

When a consumer finalizes their registration, and their PA is fully onboarded, PPL will provide a communication via the consumer's preferred method. This communication will inform them they have completed the process for registration and onboarding and provide guidance on submitting and approving time.

These communications will be sent routinely as consumers and workers complete the registration and onboarding process.

### ***New Consumers***

Consumers newly beginning an authorization for CDPAP services or after April 1, 2025 must register with PPL, and cannot use another FI to provide payments to a PA. This includes individuals voluntarily transitioning from one MCO to another, from the Local Departments of Social Services (LDSS) to an MCO, transitioning into CDPAP from another service, or who are fully new to CDPAP as of April 1, 2025.

### ***Expedited Onboarding Process***

MCOs are responsible for assisting consumers and their workers with PPL registration and onboarding and should exhaust their ability to do so before escalating the member to PPL. Assistance may include providing information about the steps in the registration and onboarding process, monitoring their progress through those steps, answering frequently asked questions, and proactively attempting to resolve issues. MCO staff should utilize the resources and FAQs posted on both the PPL and DOH websites to assist consumers with frequently asked questions and common trouble-shooting support such as checking consumer registration status and PA onboarding status, uploading required documents, checking timesheet status, checking authorization hours, and utilizing PPL's time management options (Time4Care app, telephony, PPL@Home manual entries, and paper timesheets).

Authorization issues are the responsibility of MCOs to address proactively with PPL to resolve as quickly as possible. Access to PPL@Home to assist consumers with registration is available to all MCOs – which includes the ability for the MCO to assist the consumer with signing the MOU; MCOs may sign the MOU on behalf of the consumer with the consumer's consent and if the call is recorded. This access also allows MCOs to check the status of consumer registration and PA onboarding, including viewing the status of authorizations.

MCOs with view-only access to PPL@Home are also able to view registration for consumers and onboarding status for PAs, view status of authorizations, and view timesheet information.

MCOs can also connect consumers with PPL consumer and worker webinars to address common challenges, virtual and in person registration events, in-office PPL and Facilitator events, or supporting a Consumer in home visit where appropriate.

Once the MCO staff has made all attempts to assist the consumer, then they should appropriately escalate issues to PPL through the specific pathways that have uniquely been identified for each MCO – including by initiating warm-transfer to PPL, and escalating to PPL through PPL escalation channels.

### ***Consumer and PA Status and Category Combinations***

The following table outlines the possible statuses of consumers and their PAs. This captures the status of the consumer's registration with PPL, the PA's onboarding status with PPL, and which category (as defined above) each status aligns with.

The Consumer registration status categories are as follows:

- In Progress: identified as authorized for CDPAP but has not started registration with PPL
- Registration Started, but Not Complete: consumer action needed to complete registration with PPL (i.e. sign MOU)
- Paperwork Complete: fully registered and no additional consumer action is needed
- New: consumer is new to CDPAP as of April 1, 2025, consumer is voluntarily transitioning between MCOs, or consumer is transitioning between managed care and fee-for-service; consumers who are transitioning to CDPAP from another long-term service and support are considered 'new' even if they were authorized for CDPAP previously.

The PA onboarding status categories are as follows:

- In Progress: identified as being associated with a consumer but has not yet started registration with PPL
- Registration Started, but Not Complete: PA action needed to complete registration with PPL (i.e. sign offer letter, complete required forms, upload required documents).
- Returned: PPL reviewed PA's submitted materials and has requested clarification and/or additional documents (i.e. support documents for I-9 verification such as

passport, driver's license, social security card, etc.)

- Paperwork Complete: fully onboarded and no additional PA action is needed
- New: PA has not previously provided CDPAP services to this consumer

	Personal Assistant (PA)				
Consumer	In Progress	Registration Started, but Note Complete	Returned	Paperwork Complete	New
In Progress	C	C	C	C	N/A – must work with PPL
Registration Started, but Not Complete	C	C	C	C	
Paperwork Complete	B	B	B	A	
New	N/A – must work with PPL				

