



Consumer Directed Personal Assistance Program (CDPAP) Medicaid Managed Care Plan (MMCP) Policy for the Amended Preliminary Injunction

Date of Issuance: July 3, 2025

Purpose

The purpose of this policy is to supplement the presentation given to Medicaid Managed Care Plans (MMCPs) on Friday June 27th, 2025, to instruct MMCPs about their responsibilities and actions that must be taken under the Amended Preliminary Injunction so ordered by the Court on June 27, 2025 in Engesser, et al v McDonald in the US District Court in the Eastern District of New York (the “agreement”).

Definitions

The definitions in [18 NYCRR 505.28\(b\)](#) and the [CDPAP SFI Transition Policy for MMCPs](#) 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.

Amended Preliminary Injunction Overview

The full agreement is available on the Department of Health website. The actions required of MMCPs are included in this policy. The terms of the agreement require that letters be sent to: (1) consumers authorized for but not in receipt of CDPAP services; (2) consumers who are utilizing a Fiscal Intermediary (FI) other than PPL as authorized under the original preliminary injunction; and (3) consumers who are fully registered with PPL.

The agreement terms further require that additional outreach attempts be made to consumers enrolled in Managed Long Term Care (MLTC), specifically those in Managed Long Term Care Partial Capitation (MLTCP) and Medicaid Advantage Plus (MAP).

Per the terms of the agreement, consumers who are not in receipt of CDPAP or not in the process of registering with PPL by August 1, 2025, may be issued a Discontinuation of Services Notice and/or an MLTC Disenrollment Notice with fair hearing rights.

The final deadline for consumers and personal assistants (PAs) to register with PPL is August 1, 2025. As of August 1, 2025, PPL is the only FI that can provide FI services for CDPAP. Effective June 27, 2025, no additional consumer authorizations for CDPAP can move to a prior FI and no payment may be made to a prior FI for CDPAP services that are delivered on or after August 1, 2025. PAs who were being paid by a prior FI, and who are not able to onboard with PPL by August 1 but who do onboard with PPL by August 15, 2025, will receive payment from PPL for hours worked retroactive to August 1, 2025.

Consumers Currently Utilizing a FI Other Than PPL

This category includes any consumer currently authorized to receive CDPAP services from a FI other than PPL.

MMCPs will mail a letter to consumers, and designated representatives (DR) as applicable, by Monday July 7, 2025. The letter informs consumers that they must register with PPL as their CDPAP FI by the final registration deadline of August 1, 2025. It also provides information about resources available to assist with this registration. MMCPs must use the letter template provided by the Department of Health (the Department) on Friday June 27, 2025 (English) and Monday June 30, 2025 (Spanish) and include the language access insert provided on Monday, June 30, 2025.

MMCPs will send a discontinuation of services notice to consumers who do not take steps to register prior to August 1, 2025. The notice must be sent by August 15, 2025, with an effective date of September 1, 2025. The Department will provide a template of this notice in early July.

MMCPs must notify the Department of any consumers within this group that request a Fair Hearing. The Department will contact anyone in this group who requests a Fair Hearing to support the consumer in expeditiously registering with PPL.

Non-MLTC Consumers with Unused CDPAP Services

This category includes any consumers not in MLTCP or MAP, currently authorized for CDPAP but who have no record of using CDPAP in the entire month of June 2025.

MMCPs will mail a letter to consumers (and DRs where applicable) by Monday, July 7, 2025. The letter informs consumers that they must register with PPL as their CDPAP FI by the final registration deadline of August 1, 2025. It also provides information about resources available to assist with this registration. MMCPs must use the letter template provided by the Department on Friday June 27, 2025 (English) and Monday June 30, 2025 (Spanish) and include the language access insert provided on Monday, June 30, 2025. For consumers who do not comply with the final registration deadline and/or who also do not take any step to re-start CDPAP services or indicate an intent to re-start CDPAP services, MMCPs will provide these consumers with a discontinuation of services notice by August 15, 2025, with an effective date of September 1, 2025. DOH will provide a template of this notice in early July.

MMCPs must notify DOH of any consumers within this group that request a Fair Hearing. DOH will contact anyone in this group who requests a Fair Hearing to support the consumer in expeditiously registering with PPL.

MLTC Consumers with Unused CDPAP Services

This category includes MLTCP and MAP consumers currently authorized for CDPAP but who have no record of using CDPAP in the entire month of June 2025.

MMCPs will mail a letter to consumers, and designated representatives as applicable, by Monday July 7, 2025. The letter informs consumers that they must register with PPL as their CDPAP FI by the final registration deadline of August 1, 2025. It also provides information about

resources available to assist with this registration. MMCPs must use the letter template provided by the Department on Friday June 27, 2025 (English) and Monday June 30, 2025 (Spanish) and include the language access insert provided on Monday, June 30, 2025.

MMCPs are required to conduct outreach to these consumers a minimum of ten (10) times between June 27, 2025 and August 1, 2025. These attempts must be conducted at different times of day and different days of the week and fit the following parameters:

- At least one of the 10 outreach attempts will be to the consumer's authorized representative instead of the consumer when an authorized representative is identified with the MMCP
- At least one of 10 attempts will be a home visit to the consumer. MMCPs are required to attempt a second home visit in the event no one answers the door during the initial home visit attempt
- At least five of the attempts, including the home visit and contact with an authorized representative, must be after the consumer notification letter is sent on July 7, 2025.

The Department of Health will provide a template for MMCPs to report these 10 outreach attempts.

For consumers who have not responded to contact to indicate an intent to re-start CDPAP services or have not taken any step toward re-starting CDPAP services, MMCPs will provide these consumers a notice of intent to disenroll if they are not in receipt of any other Community-Based Long Term Care Services (CBLTCS). For consumers who are in receipt of other CBLTCS, MMCPs will provide these consumers with a discontinuation of services notice by August 15, 2025, with an effective date of September 1, 2025. DOH will provide templates of these notices in early July.

MMPs must notify the Department of any consumers in this group that request a Fair Hearing. The Department will contact anyone in this group who requests a Fair Hearing to support the consumer in expeditiously registering with PPL.

Consumers Fully Registered with PPL

MMCPs will send a letter to this group of consumers. The letter will contain the following information:

- Contact information for PPL and the Department
- Availability of Facilitators, list of Facilitators, process for requesting a Facilitator, and an optional form to select a Facilitator
- Additional resources for timekeeping and approving time (Time4Care guide, Telephony guide, Approving Time with PPL, How to Manage Time with PPL)
- PPL@Home User Guide

This informational letter can be provided via the consumer's identified preferred method of communication. The below information provides a guide for communicating via the consumer's preferred method:

- Email: If the consumer's preferred method is email, the consumer will be sent an email that includes a link to a webpage containing the information required.
- Text: If the consumer's preferred method is text, the consumer will be sent a text that includes a link to a webpage containing the information required.
- Phone with Email Address: If the consumer's preferred method is phone and the consumer has an email address, the consumer will be sent an email that includes a link to a webpage containing the information required.
- Phone without Email Address: If the consumer's preferred method of communication is phone and the consumer does not have an email address, the consumer will be sent a letter via regular mail.
- Regular Mail: If the consumer's preferred method of communication is regular mail the consumer will be sent the letter template.

The Department will provide a template for these communications.

Effective Date

This policy is effective immediately.

Questions regarding the SFI transition should be directed to the Department at StatewideFI@health.ny.gov