



Consumer Directed Personal Assistance Program (CDPAP) Medicaid Managed Care Plan (MMCP) Aid to Continue Guidance

Date of Issuance: August 1, 2025 Revised: August 11, 2025

Purpose

The purpose of this policy is to instruct Medicaid Managed Care Plans (MMCPs) about their responsibilities and actions regarding aid to continue for individuals who timely request a hearing when their Consumer Directed Personal Assistance Services (CDPAS) are reduced or discontinued.

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.

Aid to Continue

When a MMCP has made a decision to reduce, suspend, or discontinue an individual's CDPAS, and the individual or their designated representative disagrees with the decision, the individual or their designated representative has the right to appeal the decision pursuant to the MMCP's appeal process. Individuals have the right to request a Fair Hearing after exhausting the MMCP's appeal process. Individuals have one hundred twenty (120) days from the date of the final adverse appeal decision to request a Fair Hearing.

Pursuant to federal law and state regulation 18 NYCRR 360-10.8 individuals also have the right to continue their previously authorized services without interruption until a Fair Hearing decision is issued, as long as the individual requests a Fair Hearing prior to the effective date of a proposed action as contained in the MMCP's final appeal determination or within 10 days of the mailing of the MMCP's notice of the action, whichever is later. For more information on requesting a Fair Hearing and aid to continue generally, visit [OTDA's Fair Hearing website](#).

MMCP Aid to Continue Guidance

For more information and details on aid continuing for MMCP service authorization determinations for individuals who are enrolled in a Medicaid managed care plan please see the [Guidance on the Department of Health Website](#).

Notwithstanding the information on the Websites, the Social Security Act Section 1902(e)(14) waiver regarding fair hearings has been extended through December 31, 2025. Under this waiver, individuals who make a timely request for a hearing will be granted Medicaid aid continuing automatically for discontinuances or reductions regardless of whether the appellant

requests aid continuing or makes an aid continuing request more than 10 days from the notice date.

If the decision from the Fair Hearing is favorable to the individual requesting the Fair Hearing (Appellant), the MMCP should reauthorize the individual in accordance with the Fair Hearing decision. If the decision from the Fair Hearing is adverse to the Appellant, the MMCP should align the authorization with the Fair Hearing decision to reflect the reduction in authorized hours or end-date to reflect the discontinuance of services. The MMCP should modify the authorization accordingly as soon as possible effective as of the date of the Fair Hearing decision.

PPL Aid to Continue Guidance

In the case where aid to continue is authorized, the statewide fiscal intermediary, Public Partnerships, LLC (PPL), will accept and recognize the validity of such authorization from the MMCP. If the Fair Hearing decision determines that services must continue, PPL will extend the authorization in their system in accordance with the authorization provided by the MMCP. If there is an adverse decision in the Fair Hearing, PPL will reduce the benefit or end-date the authorization in their system in accordance with the authorization provided by the MMCP.

Potential Payment Owed

If there is an adverse decision in the Fair Hearing and the individual received aid to continue, the individual may be held financially liable for services that they received during the aid to continue period. However, through at least December 31, 2025, this responsibility is waived in accordance with the Social Security Act Section 1902(e)(14) waiver regarding fair hearings. Consequently, any aid continuing granted prior to December 31, 2025 is not subject to recoupment, even if the agency's action is sustained by the fair hearing decision.

Effective Date

This policy is effective immediately.