



# Department of Health

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## ADMINISTRATIVE DIRECTIVE

**TRANSMITTAL:** 25 OHIP/ADM-03

**TO:** Commissioners of Social Services

**DIVISION:** Office of Health  
Insurance Programs

**DATE:** 06/30/2025

**SUBJECT:** New Minimum Needs Requirements for Personal Care Services (PCS) and  
Consumer Directed Personal Assistance Services (CDPAS) Eligibility

**SUGGESTED  
DISTRIBUTION:**

Director of Social Services  
Medicaid Staff  
Home Care Staff  
Fair Hearing Staff

**CONTACT  
PERSON:**

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**ATTACHMENTS:**

None

## FILING REFERENCES

Previous Ref. ADMs/INFs	Releases Cancelled	Dept. Regs, Law	Soc. Serv. & Other	Manual Ref	Misc.
12 ADM-01	None	18 NYCRR 505.14	SSL 365-a	None	None
16 ADM-02			SSL 365-f		
21 OHIP ADM-04		18 NYCRR 505.28	PHL 4403-f		
22 OHIP/ADM 01					

## **I. PURPOSE**

The purpose of this Office of Health Insurance Programs Administrative Directive (OHIP ADM) is to provide Local Departments of Social Services (LDSS) notice of a change to the eligibility criteria for all Medicaid recipients (adult and pediatric) to receive personal care services (PCS) and consumer directed personal assistance services (CDPAS), and to enroll in Managed Long Term Care (MLTC) plans on or after **September 1, 2025**. The Minimum Needs Requirements, defined below in the Definitions section, apply to all individuals seeking an initial assessment for PCS or CDPAS beginning on September 1, 2025. The Minimum Needs Requirements will also apply to their subsequent reassessments. Individuals assessed and authorized for PCS/CDPAS prior to September 1, 2025, or continuously enrolled in MLTC, will be granted Legacy Status, defined below in the Definitions section, and will not be subject to the Minimum Needs Requirements.

The Minimum Needs eligibility criteria applies to individuals initially seeking assessment for PCS or CDPAS and those initially seeking enrollment into Managed Long Term Care (MLTC) after September 1, 2025. Programs of All-Inclusive Care for the Elderly (PACE) plan enrollment is not subject to the Minimum Needs Requirement.

## **II. DEFINITIONS**

**PCS/CDPAS Legacy Criteria (Legacy Criteria)** – the eligibility criteria **in effect before** September 1, 2025.

**Legacy Status** – a classification of eligibility criteria that applies to an individual who was enrolled in PCS, CDPAS, or MLTC prior to September 1, 2025. The Uniform Assessment System (UAS-NY) will include an indicator for legacy status that identifies individuals that will not be assessed or reassessed using the Minimum Needs Requirements.

**MLTC Plan Legacy (Plan Legacy)** – a status for individuals enrolled in MLTC, including PACE, before September 1, 2025. Plan Legacy individuals will be reassessed using Legacy Criteria if they remain continuously enrolled in any MLTC plan.

**Personal Care Services (PCS)/Consumer Directed Personal Assistance Services (CDPAS) Service Legacy (Service Legacy)** – a status for individuals receiving or authorized for PCS or CDPAS services before September 1, 2025. Service Legacy individuals will be assessed and reassessed using PCS/CDPAS Legacy Criteria.

**PCS/CDPAS Minimum Needs Requirements (Minimum Needs)** – the new eligibility criteria that requires individuals seeking initial eligibility for PCS and CDPAS be assessed as:

- needing at least limited assistance with physical maneuvering with more than two activities of daily living (ADLs); or

- individuals with a Dementia or Alzheimer's diagnosis as needing at least supervision with more than one ADL

### III. BACKGROUND

This ADM should be read alongside 12 OHIP/ADM-01, 16 OHIP/ADM-02, 21 OHIP/ADM-04, and 22 OHIP/ADM-01 and where they differ, this ADM supersedes.

In 2020, Chapter 56 of the Laws of 2020 amended Social Services Law §§ 365-a and 365-f, and Public Health Law § 4403-f to change the assessment eligibility criteria for Medicaid individuals seeking PCS/CDPAS, and for individuals seeking enrollment into an MLTC plan. These statutes, and updates to the accompanying regulations at 18 NYCRR §§ 505.14 and 505.28, establish the Minimum Needs Requirements for those individuals being initially assessed using the Community Health Assessment (CHA).

### IV. PROGRAM CHANGES

Prior to September 1, 2025, New York State Department of Health (Department) regulations required that all individuals seeking PCS/CDPAS must have been assessed as requiring assistance with **one** or more personal care services.

Effective September 1, 2025, individuals seeking an initial assessment will have to meet the new Minimum Needs Requirements. The Minimum Needs Requirements will also be used for their subsequent reassessments.

Upon implementation, the New York Independent Assessor Program (NYIAP) will issue outcome notices that align with these determinations.

The individual will receive a notice from NYIAP providing next steps, including whether the individual may be eligible for MLTC plan enrollment (in which case they should contact NYIAP) or to contact the LDSS to complete the care planning and service authorization process if they are eligible to receive PCS/CDPAS. This notice will also include fair hearing rights.

#### A. CHANGES TO ELIGIBILITY CRITERIA

Social Services Law §§ 365-a and 365-f set forth the Minimum Needs Requirements and state that PCS/CDPAS will be available:

- for individuals, assessed as needing at least limited assistance with physical maneuvering with **more than two** ADLs; or
- for individuals with a Dementia or Alzheimer's diagnosis, assessed as needing at least supervision with **more than one** ADL.

#### B. DOCUMENTATION OF ALZHEIMER'S DISEASE OR DEMENTIA DISORDER

Individuals assessed for PCS/CDPAS under the Minimum Needs Requirements with a diagnosis of Alzheimer's disease or Dementia must provide proof of a diagnosis of Alzheimer's disease or Dementia during the assessment process.

The Alzheimer's Disease or Dementia Form (DOH-5821) must be completed with the individual's name, date of birth, diagnosis(es), diagnosis ICD-10 code(s), practitioner name, and practitioner license number. The information in this form can be completed by the licensed health care professionals listed on the form. However, the diagnosis must be made by a physician (M.D. or D.O.). The physician does not need to be a NYS Medicaid Provider.

**Note:** Documentation for Alzheimer's disease or Dementia is required at each assessment where the condition is present unless otherwise directed by the Department.

A copy of Alzheimer's Disease or Dementia Form (DOH-5821) must be retained in the individual's file. The LDSS must also document the date of documentation of Alzheimer's or Dementia diagnosis in the individual's case notes and in the UAS-NY "Section H: Disease Diagnoses".

## **V. LEGACY STATUS**

Legacy Status will be tracked in the UAS-NY. The LDSS will be responsible for adding Service Legacy for certain individuals as detailed below. Individuals with Legacy Status will not have to meet the Minimum Needs Requirements. They will be assessed and reassessed under the Legacy Criteria.

### **A. DETERMINATION OF SERVICE LEGACY STATUS**

Individuals will be granted Service Legacy status as follows:

1. **Assessed and authorized for PCS/CDPAS:** Individuals that are authorized for services prior to September 1, 2025, are granted Service Legacy status.
2. **Assessed but not yet authorized for PCS/CDPAS:** Individuals with a valid assessment completed after August 31, 2024, and before September 1, 2025, who are not yet authorized for PCS/CDPAS through the LDSS will be granted Service Legacy status if authorized within one year of that assessment.
3. **Assessment scheduled but not yet authorized for PCS/CDPAS:** Individuals with an initial assessment scheduled before September 1, 2025, whose appointment is rescheduled through no fault of their own to a date after September 1, 2025, will be assessed with the Legacy Criteria and granted Service Legacy status if they are authorized for PCS/CDPAS. **Note:** The rescheduling must occur before the date of the initial scheduled appointment.

### **B. REQUIRED ACTIONS DURING ASSESSMENTS AND REASSESSMENTS**

Documentation of Service Legacy status will be a combination of data loaded by the Department and UAS-NY documentation entered by the LDSS. The Service Legacy status will determine whether the LDSS uses the Legacy Criteria or the Minimum Needs Requirements to assess an individual for service eligibility.

Before implementation, the Department will load data from eMedNY to the UAS-NY to capture Service and Plan Legacy status. Some discrepancies may occur because of a loading lag between August 1, 2025, and September 7, 2025. The LDSS must track new authorizations and end of authorizations in the month of August until the data load manually update the UAS-NY, unless otherwise directed by the Department. **The LDSS must verify the Service Legacy status of the individual at the time of each assessment or reassessment and note when an individual has Service Legacy status in the LDSS's case notes and in the UAS-NY.**

1. **Assessed and authorized for PCS/CDPAS:** the LDSS may need to manually update the Service Legacy status for individuals if changes to their PCS/CDPAS authorization need to be made during system updates because of the timing of data loaded into the UAS-NY.
2. **Assessed but not yet authorized for PCS/CDPAS:** for those assessed under Legacy Criteria between September 1, 2024, and September 1, 2025, who have not yet started services, the LDSS must update their Service Legacy status if the PCS/CDPAS authorization happens within one year of the date of the finalized assessment. If services are not authorized, the individual should be referred back to NYIAP for a new assessment.
3. **Assessment scheduled but not yet authorized for PCS/CDPAS:** The LDSS must manually update the Service Legacy status to indicate Service Legacy for individuals with a re-scheduled appointment that are assessed on or after September 1, 2025.

### **C. DETERMINATION OF MLTC PLAN LEGACY STATUS**

There is an additional category of MLTC Plan Legacy for those enrolled in an MLTC Plan. The MLTC Plan Legacy Status indicator in the UAS-NY identifies individuals that were assessed to be MLTC eligible prior to September 1, 2025. These individuals will not be assessed using the new eligibility criteria if they remain continuously enrolled in MLTC. Certain individuals will be granted MLTC Plan Legacy Status by their Plan. The LDSS will not be responsible for maintaining MLTC Plan Legacy Status.

**Note:** While PACE is not subject to the Minimum Needs Requirement for enrollment, individuals with PACE will be granted MLTC Plan Legacy and Service Legacy following the same process as other MLTC Plans. This status allows individuals in PACE to transfer within MLTC lines of business.

## **VI. ASSESSMENT PROCESS**

A. NYIAP INITIAL ASSESSMENTS

Upon the completion of the CHA and Clinical Appointment, NYIAP will send an outcome notice to all individuals and include conference and fair hearing language.

The daily NYIAP report will include: individual's assessment outcome, Appointment Type, and PCS/CDPAS Service Legacy Status. The LDSS **must** check this report daily and complete outreach to those individuals that are indicated to have requested an immediate need for services.

For individuals without immediate need, the outcome notice will instruct an individual that meets the qualifications for PCS/CDPAS to reach out to their LDSS to request these services.

The LDSS is required to review the assessment outcome and practitioner order to verify that the individual is medically stable and meets the appropriate eligibility criteria. This information is located on the outcome screen of the UAS-NY. If PCS/CDPAS is indicated to be appropriate, the LDSS will complete the care plan process, develop the plan of care and PCSP, authorize services, and notify the individual using the appropriate Notice of Decision or Notice of Intent.

When an individual's NYIAP assessment indicates they **do not meet** the Minimum Need Requirements for PCS/CDPAS, the outcome notice from NYIAP will provide that information and include fair hearing rights. In this instance, no action or Notice of Intent is required by the LDSS.

If a NYIAP Variance Process results in NYIAP conducting another initial assessment, the Legacy Criteria will be used if the original assessment date is prior to September 1, 2025. The Practitioner Order cannot be disputed as part of the Variance submitted by the District or Managed Care Plan.

B. PEDIATRIC INITIAL ASSESSMENTS AND REASSESSMENTS

The pediatric reassessment process continues to be initiated with a completed Physician's Order to the LDSS. The current process in place for assessing children (aged 0-17 years) is not changed except that:

Before PCS/CDPAS eligibility can be determined, the LDSS **must** locate the child's Service Legacy status found in the Assessment Outcomes field the UAS-NY. The Service Legacy status will determine whether the district uses the Legacy Criteria or the Minimum Needs Requirements to assess or reassess the child for service eligibility.

C. LDSS REASSESSMENTS

The LDSS reassessment process continues to be initiated with a completed Physician's Order to the LDSS. The current process in place is not changed except that:

Before PCS/CDPAS eligibility can be determined, the LDSS **must** locate the Service Legacy status of an individual because that determines whether the LDSS uses the Legacy Criteria or

the Minimum Needs Requirements to reassess for service eligibility. The Service Legacy status is located in the Assessment Outcomes field in the UAS-NY.

An individual with Alzheimer's disease or Dementia who meets the Minimum Needs Requirements, must provide the Alzheimer's Disease and Dementia Verification Form (DOH-5821). If an individual with Alzheimer's disease or Dementia is assessed as needing limited assistance with more than two ADLs, no verification form is required. Refer to section [Documentation of Alzheimer's Disease or Dementia Disorder](#) for more information.

## **VII. SYSTEMS IMPLICATIONS**

### **A. UAS-NY**

The UAS-NY 1.18 Release in October 2024 includes the Minimum Needs Requirements. This Release included MLTC Plan Legacy Status and PCS/CDPAS Service Legacy status in the Assessment Outcomes and LTC Legacy Status fields. The UAS-NY will release the Legacy Node after September 1, 2025, that will allow viewing and editing of the Legacy Status information.

Individuals who are authorized for PCS/CDPAS or continuously enrolled in an MLTC plan as of August 1, 2025, will have Legacy Status applied, which will be viewable in the Assessment Outcomes and LTC Legacy Status fields. The Department will perform a one-time update of MLTC Plan and Service Legacy fields for individuals who have Legacy Status prior to implementation. Discrepancies may happen because of timing between the onetime update and the date of implementation on September 1, 2025. The LDSS must track new authorizations and end of authorizations in the months of August and September until the data load is completed and manually update the UAS-NY. The viewing and editing of Legacy Status mentioned above will not be visible until the one-time update is complete after September 1, 2025. The LDSS is expected to continue to track new authorizations and manually update Service Legacy up to one year after implementation or as directed by The Department.

### **B. UAS-NY CHANGES**

The UAS-NY will show information in the Assessment Outcomes and Legacy Status information to reflect the MLTC Plan or Service Legacy Status of individuals. Authorized users will be able to Edit Service Legacy by selecting this option in the UAS-NY. LDSS users are not responsible for entering MLTC Plan Legacy Status changes.

#### **A. Service Legacy Fields in UAS-NY**

When "No" is preselected in the PCS/CDPAS Service Legacy Status field, the individual does not have Legacy Status. The PCS/CDPAS Service Legacy Status field will be "Yes" when it was either added at implementation or afterward as described in this policy.

The LDSS must manually update Service Legacy UAS-NY for new authorizations in the month of August until the data load is completed.

**After Implementation:** For individuals that had a valid assessment dated August 1, 2024 through August 31, 2025, the LDSS must add PCS/CDPAS Service Legacy if the individual is authorized for services within one year of the date of their assessment. When Service Legacy is not already reflected, Service Legacy will need to be added by selecting “Yes” for the PCS/CDPAS Service Legacy Status field. The PCS/CDPAS Service Legacy Status Start Date should correlate to the new authorization date.

### **B. UAS-NY Roles Impacted**

All Long Term Care (LTC) user roles will have Read Only access to view the Legacy information. Authorized users will be able to edit the Legacy fields in the UAS-NY when adding or removing Legacy status. These include LTC-02, 15, 45, and 50 user roles.

### **C. UAS-NY TRAINING**

Legacy Status training in the UAS-NY will be available to all Long Term Care and Long Term Care Independent Assessor users prior to September 1, 2025. The training will go live in the weeks prior to September 1, 2025. This training will include how to locate and understand the LTC Legacy Status node, Legacy Status in the Assessment Outcomes node, and provide descriptions of the fields within the UAS-NY. This training will remain recommended until early September 2025, when the training will become required. Required dates are staggered for LTC and LTC-IA user roles.

Specific training for those with Edit Access will also be available prior to September 1, 2025 for roles: LTC-02, 15, 45, and 50. This course covers step-by-step procedure information to update Legacy Status using the most common scenarios users will encounter.

## **VIII. REPORTING**

NYIAP will make the CHA and CA Appt Outcomes Report available to the LDSS on a daily basis via the Department approved secure file transfer platform.

To request secure file transfer access to the reports, email [NYIAPHPA@maximus.com](mailto:NYIAPHPA@maximus.com) and include the following in the request:

- Member Name
- Email Address
- County
- Name of report as outlined above

For assistance with secure file transfer platform and/or NYIAP reports, please email [NYIAPHPA@maximus.com](mailto:NYIAPHPA@maximus.com).



**IX. EFFECTIVE DATE**

The provisions in this Administrative Directive regarding utilization of Minimum Needs Criteria are effective on and after September 1, 2025.