NEW YORK STATE | Department of Health

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Minimum Needs Requirements Frequently Asked Questions

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General

Q. Where can someone seeking services find more information on the New York Independent Assessor?

A. Information for individuals seeking Managed Long Term Care (MLTC) Enrollment or authorization for Personal Care Services (PCS) and Consumer Directed Personal Assistance Services (CDPAS) can be found on the NYIAP website here: https://nyindependentassessor.com/en/faq

Q. Do the Minimum Needs Requirements apply to children seeking services?

A. No. Minimum Needs Requirements apply to adult Medicaid recipients age 21 or older, who want to receive PCS and CDPAS.

Q. How are individuals turning 21 years of age assessed for PCS/CDPAS?

A. Individuals turning 21 years of age are assessed as follows:

- **Newly Seeking PCS/CDPAS without Service Legacy:** Individuals who do not have PCS/CDPAS Service Legacy Status prior to turning 21 will be assessed under Minimum Needs Requirements when they turn 21 years of age.
- **Individuals with Service Legacy:** Individuals who have PCS/CDPAS Service Legacy status prior to turning 21 years of age will continue to be assessed under Legacy criteria for PCS/CDPAS.

Q. When an individual turns 21 years of age, are they assessed under the new Minimum Needs Requirements for MLTC eligibility?

A. Individuals who have both PCS/CDPAS Service and MLTC Plan Legacy status prior to turning 21 years of age will continue to be assessed under Legacy criteria for MLTC enrollment, if they have remained continuously enrolled. If an individual 21 years of age or older is newly seeking MLTC eligibility, they will be assessed by NYIAP under the Minimum Needs Requirements.

Q. Do individuals need to meet the Minimum Needs Requirements to access Adult Day Health Care or Certified Home Health Agency services?

A. No. Individuals do not need to meet Minimum Needs Requirements to access Adult Day Health Care services or Certified Home Health Agency services.

Q. Will the Local Department of Social Services (LDSS) or MMC/HARP/HIV SNP be notified if an individual is assessed by NYIAP and determined to not meet the Minimum Needs Requirements for PCS/CDPAS?

A. Yes, each LDSS and MMC/HARP/HIV SNP will be notified via the *CHA and Clinical Appointment Outcomes Report*.

Alzheimer's and Dementia

Q. Where can the Alzheimer's Disease or Dementia Diagnosis Verification form DOH-5821 be obtained?

A. The Alzheimer's Disease or Dementia Diagnosis Verification form (DOH-5821) can be located on or printed from the New York State Department of Health's website: https://www.health.ny.gov/forms/doh-5821.pdf.

Q. Will a new Alzheimer's Disease or Dementia Diagnosis Verification form DOH-5821 need to be completed at each assessment?

A. No. Once the DOH-5821 form has been completed and documents the Alzheimer's Disease or Dementia diagnosis, the same form can be used for future assessments. Plans/LDSS must verify at each assessment that a valid copy of Alzheimer's Disease or Dementia Form (DOH-5821) has been uploaded to the UAS-NY. If the form is not present in UAS-NY, the Plan/LDSS must upload the form and retain the form in the individual's file**.**

Q. What do Plans/LDSS do if the Alzheimer's Disease or Dementia Diagnosis Verification form is not completed during the initial assessment, but the individual does have Alzheimer's or Dementia?

A. The coding of diseases in Section H of the UAS-NY does not change. The assessor should still answer the questions per the Section H UAS-NY guidance. If the individual does not bring their DOH-5821 form to their first appointment, they have the opportunity to bring it to their next appointment. At that time if it is not provided, their assessment outcome may be impacted. The individual can also complete a new initial assessment once they have a completed form, if they did not meet the other Minimum Needs Criteria. The form must be provided in order for the Alzheimer's Disease or Dementia disease to be considered in an eligibility determination for PCS/CDPAS, Managed Long Term Care Partial Capitation or Medicare Advantage Plus.

Q. How are the responses to the questions for Alzheimer's or Dementia in UAS-NY impacted by the presence of the DOH-5821 form?

A. The responses for indicating an individual reporting Alzheimer's or Dementia in UAS-NY have not changed. Assessors should follow the same process as they always have.

Q. How does the Alzheimer's or Dementia diagnosis in the UAS-NY impact the individual's assessment outcome?

A. The form is required for eligibility if the individual does not need assistance with more than two Activities of Daily Living but does need supervision with more than one Activity of Daily Living.

Managed Long Term Care Program

Q. Is MLTC Plan Legacy and PCS/CDPAS Service Legacy status maintained for members transferring between all MLTCP and MAP including Program of All-Inclusive Care for the Elderly (PACE)?

A. Yes. Individuals who are continuously enrolled in ***any*** MLTC plan, including transfers to another MLTC plan type, will retain their MLTC Plan Legacy status and PCS/CDPAS Service Legacy status.

Q. If an individual disenrolls from the MLTC program (voluntary or involuntary), and later seeks enrollment in a Managed Long Term Care Partial Capitation (MLTCP) or Medicare Advantage Plus (MAP), would the individual be required to meet the Minimum Needs Requirements to enroll into the MLTCP or MAP?

A. Yes. If the individual experiences a gap (or break) in their MLTC enrollment due to disenrollment and then seeks to enroll into an MLTCP or MAP plan at a later date, the individual would need to meet the current eligibility requirements. Individuals who are disenrolled from an MLTC plan and lose MLTC Plan Legacy will retain their PCS/CDPAS Service Legacy.

Q. If an MLTC member is involuntarily disenrolled for no longer needing community based long term services and supports for more than 120 days, does Legacy status need to be updated?

A. The MLTC Plan Legacy Status End Date must be entered by the Plan when the member is disenrolled. The Service Legacy indicator should not be changed by the MLTC plan.

Transition Period

Q. If an individual had a rescheduled assessment how does a Plan/LDSS know whether it should apply the Legacy Criteria?

A. Managed Long Term Care (MLTC) plans must locate the Signed and Finalized Section or Review and Consult Node for comments within the Uniform Assessment System for New York (UAS-NY) to determine if Legacy Criteria should be used. The assessment will have a comment to indicate whether or not the individual was initially scheduled prior to September 1, 2025. See MLTC Policy 25.04 – Section C. Maintenance of Legacy Status.

LDSS and Medicaid Managed Care (MMC) plans must use the *Community Health Assessment and CA Appointment Outcomes - Prior to Minimum Needs* report provided by NYIAP to identify if Legacy Criteria should be used. See 25 OHIP/ADM - 03 and Revised August 22, 2025: New Minimum Needs Requirements for Personal Care Services (PCS), Consumer Directed Personal Assistance Services (CDPAS) and Managed Long Term Care (MLTC) Eligibility.

Note: When a Variance is received for a NYIAP assessment that was conducted using Legacy Criteria, NYIAP will apply Legacy Criteria if an assessment is occurring based on the Variance process.

Q. Who is responsible for updating the Legacy status for a rescheduled NYIAP assessment during the transition period due to a reschedule through no fault of the individual?

A. The Plan/LDSS will need to update Legacy status in the UAS-NY when appropriate per policy**.** See 25 OHIP/ADM - 03 and Revised August 22, 2025: New Minimum Needs Requirements for Personal Care Services (PCS), Consumer Directed Personal Assistance Services (CDPAS) and Managed Long Term Care (MLTC) Eligibility.

Acronyms

Acronym or Term	Description
ADL	Activity of Daily Living
CHA	Community Health Assessment
FFS Medicaid	Fee-for-Service Medicaid
HARP	Health and Recovery Plans
HIV-SNP	HIV Special Needs Plans
LDSS	Local Departments of Social Services
MAP	Medicaid Advantage Plus
MLTC	Managed Long Term Care
MLTCP	Managed Long Term Care Partial Capitation
MMC	Medicaid Managed Care (Mainstream)
MMCP	Medicaid Managed Care Plan
NYIAP	New York Independent Assessor Program
PACE	Programs of All-inclusive Care for the Elderly
PCS/CDPAS	Personal Care Services / Consumer Directed Personal Assistance Services
UAS-NY	Uniform Assessment System – New York