

Changes for Medicaid Applicants

FEATURED ATTORNEY



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CLIENT ALERT

Changes for Medicaid Applicants Seeking Community Based Long Term Services and Supports

Starting May 16, 2022, the process of accessing home care services under the New York State Medicaid Program will drastically change.

New York's Department of Health (DOH) will use a new Independent Assessment Process to determine the amount of Personal Care Services (PCS) or Consumer Directed Personal Assistance Services (CDPAS) that a Medicaid recipient enrolled in Managed Long-Term Care (MLTC) may receive. Under the new regulations, individuals seeking these services must obtain an independent assessment and be evaluated by a State-appointed clinician with whom they have no prior relationship.

The new process, called the New York Independent Assessor (NYIA), will be implemented by the DOH through a contract with Maximus Health Services, Inc. Individuals seeking community based long term services and supports through Medicaid must undergo a series of reviews using the Independent Assessment Process under the NYIA:

- Community Health Assessment by a Registered Nurse,
- Clinical Exam by a clinician on an Independent Practitioner Panel, and
- Obtain a Practitioner's Order.

Through these evaluations, NYIA will certify eligibility for Medicaid covered home care services. To do so, the NYIA must determine that the applicant requires physical assistance with three or more Activities of

Daily Living (ADL), or, where there is a diagnosis of dementia or Alzheimer's two or more ADLs.

DOH also established an Independent Review Panel to evaluate cases requiring plans of care for 12 or more hours per day. The Panel must ensure that these "high needs" proposed plans of care are reasonable and appropriate to maintain health and safety in the home.

Similarly, the Immediate Needs process is slated to shift to the Independent Assessment Process on July 1, 2022.

These new regulations implement changes in securing vital home care services under the Medicaid system. Given that these changes are significant, and because everyone's needs are different, we invite you to contact [Moriah Adamo](mailto:Moriah.Adamo@abramslaw.com), Esq. at madamo@abramslaw.com or (516) 328-2300 ex. 259 to discuss your specific needs and how to maximize services.