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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 92 LCM-153

Date: October 1, 1992

Division: Medical Assistance

TO: Local District Commissioners

SUBJECT: Revised State Policy for Personal Care Recipients  
Currently Receiving more than 156 Hours of Care  
per Month

ATTACHMENTS: APPENDIX A: List of Contact Persons (available on-line)

The purpose of this Local Commissioner's Memorandum is to advise social services districts of the change in the State's policy regarding those personal care recipients who are authorized to receive more than 156 hours of services per month.

#### BACKGROUND

The Administrative Directive 92 ADM-27 indicated that the prior authorizations for all personal care services recipients who are authorized to receive more than 156 hours per month, would be reduced to 156 hours per month for each month remaining in the authorization. Only prior authorizations, based on a reassessment with the new home care assessment instrument, called the Home Assessment Resource Review Instrument (HARRI) and carrying a "Y" indicator, could exceed 156 hours per month. Social services districts were directed to review State generated reports of recipients receiving more than 156 hours and prioritize their completion of the reassessments based on the number of hours which would remain in the prior authorization after the automatic reduction and the recipient's current authorization for personal care services. Neither the social services district nor the provider agency could reduce the hours of service provided to the recipient until after the reassessment had been completed

and the recipient had received appropriate legal notice of the results of the reassessment. Providers would bill the Medicaid Management Information System (MMIS) for the hours of service which they had been authorized to provide. Districts were given two months to complete the reassessments.

The State believed that this process would allow adequate time for the completion of the reassessments by the social services districts so that the health and safety of the recipients would not be jeopardized. However, in the event that the district believed that there was a possibility that the health and safety would be jeopardized, the directive provided that the current authorization could be entered onto the prior authorization file with the "Y" indicator and continued until the reassessment was completed. Some social service districts, personal care provider agencies and advocates for personal care recipients opposed this approach, since they indicated that the reassessments could not be completed within the time frame allowed and that reimbursement to providers for appropriate services rendered could be interrupted.

The Department was prohibited from taking action to implement this process by a temporary restraining order issued by Justice Schackman on June 30, 1992 in response to two legal actions brought in the Supreme Court for the County of New York.

#### PLANNED REVISIONS TO THIS POLICY

As a result of the concerns raised with the initial implementation plan included in 92 ADM-27, it became clear that the State's intent was misinterpreted. To clarify implementation, the Department has developed an alternative approach which includes the following key features and actions to be taken by social services districts. However, no action is required by districts until such time as the outstanding litigation is resolved.

1. No action will be taken by this Department to automatically reduce the prior authorization of those recipients who are currently receiving more than 156 hours of personal care services per month. This means that no claims by providers for services rendered will be adversely affected by any delays in completion of the reassessments.
2. Social service districts will be given four months in which to complete the reassessments with the HARRI of recipients who currently require more than 156 hours of personal care services per month. This Department will be identifying those recipients who have authorizations for more than 156 hours per month and will be tracking each district's progress in completing the required reassessments. The "Y" indicator will be used on all prior authorizations which are based on the use of the HARRI for reassessments. The social services districts will continue to have flexibility in identifying who will be responsible for the completion of the HARRI.
3. Personal care recipients will be notified by social services districts of the need for a reassessment and of the results of the reassessment. If the recipient disagrees with the decision resulting from the reassessment, the recipient may request a fair hearing.

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4. The HARRI included in 92 ADM-27, has been revised in response to comments from social service districts, personal care provider agencies and advocates for recipients. In early October, the Department will be issuing the HARRI in a new directive which will rescind 92 ADM-27. In addition, training for the use of the new instrument will be provided during October.

In the interim, prior to the release of the revised directive, questions regarding this revised approach can be directed according to the attached list of Department contact persons.

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Gregory M. Kaladjian  
Executive Deputy Commissioner

## APPENDIX A

### CONTACT PERSONS

For information regarding MMIS Prior Approval File, Richard Alexander, Division of Medical Assistance, Bureau of Long Term Care by telephoning (800) 342-3715, extension 3-5653 or directly at (518) 473-5654, on-line DMA037.

For information pertaining to Home Care Assessment Instrument, Mary Jane Conroy, Division of Medical Assistance, Bureau of Long Term Care, by telephoning (800) 342-3715, extension 3-5653 or directly at (518) 473-5653, on-line 89A808.

For information pertaining to the process and notification procedures, call your Personal Care Services Field Representative, Division of Medical Assistance, Bureau of Long Term Care:

New York City, Erie, Monroe, Nassau, Suffolk and Westchester:

Marcia Anderson, by telephoning (800) 342-3715, extension 3-5490, or directly at (518) 473-5490, on-line number 0LT130.

Cayuga, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Lewis, Madison, Oneida, Onondaga, Otsego, Saratoga, Schoharie, Warren, and Washington:

Margaret Willard, by telephoning (800) 342-3715, extension 6-7480, or directly at (518) 486-7480, on-line number 0LT130.

Allegany, Cattaraugus, Chautauqua, Chemung, Genesee, Livingston, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates:

Patricia Vickery, by telephoning (800) 342-3715, extension 6-7479 or directly at (518) 486-7479, on-line number 0LT130.

Albany, Broome, Chenango, Columbia, Dutchess, Jefferson, Montgomery, Orange, Oswego, Putnam, Rensselaer, Rockland, St. Lawrence, Schenectady, Sullivan and Ulster:

Priscilla Ferry, by telephoning (800) 432-3715, extension 6-7479 or directly at (518) 486-7479, on-line number 0LT130.