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 | ADMINISTRATIVE DIRECTIVE |  
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TRANSMITTAL: 95 ADM-14

TO: Commissioners of  
 Social Services

DIVISION: Health and  
 Long Term Care

DATE: September 6, 1995

SUBJECT: Transfer of Resources: Changes in the Medical Assistance  
 Regional Rates for 1995

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 SUGGESTED

DISTRIBUTION: Medical Assistance Staff  
 Adult Services Staff  
 Fair Hearing Staff  
 Legal Staff  
 Staff Development Coordinators

CONTACT

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MA New York City Representative at (212) 383-2513

ATTACHMENTS:

Attachment - County Listing by Region (available  
 on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
95 ADM-6		360-4.4(c)	Ch. 558 of		GIS
93 ADM-27			Laws of 1989		95 MA/14
92 ADM-44			Section 303		
92 ADM-38			(b) of MCCA		
91 ADM-37			of 1988		
91 ADM-31			FSA of 1988		
89 ADM-45			SSL 366(5)		

I. PURPOSE

This Administrative Directive (ADM) notifies social services districts of the January 1, 1995 revisions to the Medical Assistance (MA) regional rates used to determine the period of limited coverage (penalty period) for persons determined to have made prohibited transfers of assets.

II. BACKGROUND

Chapter 558 of the Laws of 1989 amended Section 366.5 of the Social Services Law to establish transfer of resources provisions required by the Medicare Catastrophic Coverage Act of 1988. Persons who make prohibited transfers prior to the date of institutionalization, or the date of application for MA while institutionalized, whichever is later, may be ineligible for certain MA covered services for a period of time.

The period of ineligibility is the number of months equal to the uncompensated value of the transferred assets divided by the MA regional rate established for the region in which the person is institutionalized. The period is intended to approximate the length of stay in an institution which the transferred assets would have purchased. The MA regional rates are updated annually, effective January 1st.

III. PROGRAM IMPLICATIONS

The revised MA regional rates are used to calculate a penalty period for persons who have made prohibited transfers of assets and who first apply for MA on or after January 1, 1995.

The MA regional rates effective January 1, 1995 are:

<u>Region*</u>	<u>Monthly Rate</u>
Central	\$ 3,980
Long Island	\$ 5,564
New York City	\$ 6,073
Northeastern	\$ 4,052
Northern Metropolitan	\$ 4,984
Rochester	\$ 4,288
Western	\$ 3,768

\*See the attachment for county listing by region.

IV. REQUIRED ACTION

As specified in 89 ADM-45, 91 ADM-37, and GIS 94 MA/018, a penalty period must be established when a federally participating MA-Only applicant/recipient (A/R), or the spouse of the A/R, has made a prohibited transfer of resources. The MA regional rate used to determine the penalty period is the rate for the region in which the individual is institutionalized. Districts must use the rate in effect for the year in which the individual first applies as an institutionalized person.

Social services districts must use the January 1, 1995 MA regional rates to establish the penalty period for any institutionalized person determined to have made a prohibited transfer of assets who has MA eligibility first determined for the month of January, 1995 or later.

A. RECALCULATING THE PENALTY PERIOD

Districts must recalculate the penalty period for an institutionalized A/R who became MA eligible on or after January 1, 1995, if the January 1, 1994 regional rates were used to estimate the penalty period.

Districts must review these cases as soon as possible, since a recipient's penalty period may change based on the new rates. When a penalty period has previously been calculated for an A/R who continues to reside in the community and who is not in receipt of home and community-based waived services, no recalculation of the penalty period is required until the individual becomes in need of nursing facility services.

B. NOTICE REQUIREMENTS

As specified in 89 ADM-45 and 91 ADM-37, social services districts must provide timely and adequate notice to A/Rs whose MA coverage is being limited due to a prohibited transfer of assets. The notices contained in these ADMs must be used to meet this requirement.

When a social services district recalculates a penalty period for a person in receipt of nursing facility services, who first applied for MA as an institutionalized person on or after January 1, 1995, the district must advise the client of any change in the penalty period. Attachment II to 93 ADM-27, "Notice of Change in Limited Coverage Period For Institutionalized Person" must be used.

V. SYSTEMS IMPLICATIONS

None.

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VI. EFFECTIVE DATE

The changes in the regional penalty rates are effective September 15, 1995 retroactive to January 1, 1995.

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Richard T. Cody  
Deputy Commissioner  
Division of Health & Long Term Care

COUNTY LISTING BY REGION  
RATES FOR 1995

<u>CENTRAL</u> (Syracuse)	<u>LONG ISLAND</u>	<u>NEW YORK CITY</u>
\$3,980	\$5,564	\$6,073
Broome	Nassau	Bronx
Cayuga	Suffolk	Kings (Brooklyn)
Chenango		NY (Manhattan)
Cortland		Queens
Herkimer		Richmond (Staten Island)
Jefferson		
Lewis		
Madison		
Oneida	<u>NORTHEASTERN</u>	<u>NORTHERN METROPOLITAN</u>
Onondaga		
Oswego	\$4,052	\$4,984
St. Lawrence		
Tioga	Albany	Dutchess
Tompkins	Clinton	Orange
	Columbia	Putnam
	Delaware	Rockland
	Essex	Sullivan
	Franklin	Ulster
	Fulton	Westchester
	Greene	
	Hamilton	
<u>ROCHESTER</u>	Montgomery	<u>WESTERN</u> (Buffalo)
\$4,288	Otsego	
	Rensselaer	\$3,768
	Saratoga	
Chemung	Schenectady	Allegany
Livingston	Schoharie	Cattaraugus
Monroe	Warren	Chautauqua
Ontario	Washington	Erie
Schuyler		Genesee
Seneca		Niagara
Steuben		Orleans
Wayne		Wyoming
Yates		

1. Use the region in which the facility is located, or if the A/R is not institutionalized, use the region in which the individual resides.
2. For out of state facilities, use the region closest to the location of the facility.