

**NEW YORK STATE  
MEDICAID PROGRAM**

**CONSUMER DIRECTED PERSONAL  
ASSISTANCE PROGRAM  
PROVIDER MANUAL**

**POLICY GUIDELINES**

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## Section I - Requirements for Participation in Medicaid

All fiscal intermediaries must have a contract/MOU with the local social services district; be enrolled as a Medicaid provider and have rates established or approved by the Department of Health in order to support fee-for-service CDPAP participants. This condition does not apply to managed care CDPAP participants.

### Record Keeping Requirements

Record keeping requirements are consistent with those found in the provider manual section, **Information for all Providers, General Policy**, available at:

<https://www.emedny.org/providermanuals/index.aspx/>

## Section II - Consumer Directed Personal Assistance Program

### Service Definition

The prior authorized fee-for-service (FFS) Consumer Directed Personal Assistance Program services means some or total assistance with personal hygiene, dressing and feeding, nutritional and environmental support functions, as well as health related and nursing tasks. Such services must be essential to the maintenance of the consumer's health and safety in his or her own home, as determined by the social services district, in accordance with the regulations of the Department of Health.

Consumer Directed Personal Assistance Program services include tasks that may be performed by a personal care aide, home health aide or a nurse.

- Personal care services tasks means the nutritional and environmental support functions, personal care functions, or both such functions, that are specified in Section 18 NYCRR 505.14(a)(7).
- Home health aide tasks means services within the scope of task of a home health aide pursuant to Article 36 of the Public Health Law including simple health care tasks, personal hygiene services, housekeeping tasks essential to the consumer's health and other related supportive services. Such services may include, but are not necessarily limited to, the following: preparation of meals in accordance with modified diets or complex modified diets; administration of medications; provision of special skin care; use of medical equipment, supplies and devices; change of dressing to stable surface wounds; performance of simple measurements and tests to routinely monitor the consumer's medical condition; performance of a maintenance exercise program; and care of an ostomy after the ostomy has achieved its normal function
- Skilled nursing tasks mean those skilled nursing tasks that are within the scope of practice of a registered professional nurse or a licensed practical nurse and that a consumer directed personal assistant may perform pursuant to Section 6908 of the Education Law.

Prior to the authorization of Consumer Directed Personal Assistance Program services, the local social services district must:

- Obtain an order from the consumer's physician that describes the consumer's medical condition, the services required by the consumer, the medication regimen, and whether or not the consumer can be safely cared for in the home;

- Complete, or arrange for the completion of, a social assessment to evaluate the environment in which services will be provided and the potential contribution of formal and informal caregivers, such as family and friends, to the consumer's care;
- Complete, or arrange for completion of, a nursing assessment that includes:
  - a review and interpretation of the physician's order,
  - an evaluation of the functions and tasks required by the consumer and the degree of assistance required for each function and task, and
  - the development of a plan of care and a recommendation for service authorization.

The plan of care must be a working document developed by the nurse assessor in collaboration with the consumer or, if applicable, the consumer's representative and maintained by the local social services district with a copy provided to the consumer receiving the Consumer Directed Personal Assistance Program services.

In the event that there is a disagreement between the physician's orders and/or the nursing and social assessments, or where there is disagreement over the appropriateness of the amount or level of care to be provided to the consumer, the case will be referred to the Local Professional Director or a physician designated by the Local Professional Director for review and final determination.

## **Authorization and Service Provision**

All services must be provided in accordance with the prior authorization. Following authorization of Consumer Directed Personal Assistance Program services, the local social services district will provide written information about the services authorized and the frequency and duration of the services to the following:

- the consumer, or the consumer's designated representative; and
- the fiscal intermediary.

## **Required Supervision for Consumer Directed Personal Assistance Program**

It is the responsibility of the consumer or the consumer's designated representative to supervise and direct the personal assistant in performing tasks authorized and included on the plan of care.

Administrative oversight is the responsibility of the fiscal intermediary. The purpose of this oversight is to assure that CDPAP services are provided according to the authorization of the agency.

## Section III - Basis of Payment for Services Provided

Prior authorization from the local department of social services is required for the provision of Consumer Directed Personal Assistance Program services. The authorization must be received by the fiscal intermediary prior to the initiation of service delivery.

Payment is only available for Consumer Directed Personal Assistance Program services prior authorized by the local social services district, and provided in accordance with the authorization and the fiscal intermediary's contractual agreement/MOU with the local social services district.

- Payment will be at the rate established or approved by the Department of Health.
- No payment to the fiscal intermediary will be made for authorized services unless each claim can be supported by documentation of the time spent per day in provision of services for each individual consumer.
- Payment for Consumer Directed Personal Assistance Program services will not be made to a consumer's spouse, parent or designated representative, but may be made to another relative if that other relative:
  - Is not residing in the consumer's home; or
  - Is residing in the consumer's home solely because the amount of care required by the consumer makes his/her presence necessary.

## Section IV - Definitions

For purposes of the Medicaid program and as used in this Manual, certain terms are defined as follows:

### Consumer Directed Personal Assistance Program Services

Consumer Directed Personal Assistance Program services means the provision of some or total assistance with personal care services, home health aide services and skilled nursing tasks by a consumer directed personal assistant under the instruction, supervision and direction of a consumer or the consumer's designated representative.

### Consumer Directed Personal Assistance Program Consumer

A medical assistance recipient who a social services district has determined is eligible to participate in the Consumer Directed Personal Assistance Program.

### Consumer Directed Personal Assistance Program Self-Directing Consumer

A consumer who is capable of making choices regarding the consumer's activities of daily living and the type, quality and management of his or her consumer directed personal assistance; understands the impact of these choices; and assumes responsibility for the results of these choices.

### Consumer Directed Personal Assistance Program Designated Representative

An adult to whom a self-directing consumer has delegated authority to instruct, supervise and direct the consumer directed personal assistant and to perform the consumer's responsibilities and who is willing and able to perform these responsibilities. With respect to a non self-directing consumer, a "designated representative" means the consumer's parent, legal guardian or, subject to the social services district's approval, a responsible adult surrogate who is willing and able to perform such responsibilities on the consumer's behalf. The designated representative may not be the consumer directed personal assistant or a fiscal intermediary employee, representative or affiliated person.



## **Consumer Directed Personal Assistance Program Personal Assistant**

An adult who provides consumer directed personal assistance to a consumer under the consumer's instruction, supervision and direction or under the instruction, supervision and direction of the consumer's designated representative. A consumer's spouse, parent or designated representative may not be the consumer directed personal assistant for that consumer. However, a consumer directed personal assistant may include any other adult relative of the consumer who does not reside with the consumer or any other adult relative who resides with the consumer because the amount of care the consumer requires makes such relative's presence necessary.

## **Consumer Directed Personal Assistance Program Fiscal Intermediary**

An entity that has a contract with a social services district to provide wage and benefit processing for consumer directed personal assistants and to perform the other fiscal intermediary responsibilities specified in subdivision (i) of 18 NYCRR § 505.28.