

Starting Soon...

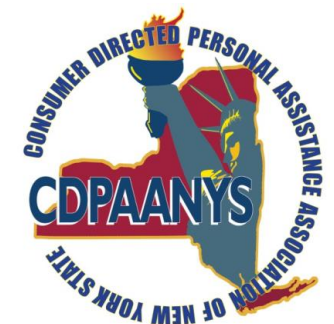
Medicaid Monday: Consumer Directed Personal Assistance Program (CDPAP) – What’s the Story?

October 21, 2024

Louis W. Pierro, Esq.
Founding Partner

Frank E. Hemming III, Esq.
Partner

Bryan O’Malley
Executive Director, CDPAANYS



Welcome

- ▶ **Your Lines Are Muted**
- ▶ **Type Questions in the Q&A Section at the Bottom of Your Screen**
- ▶ **Presentation is Posted: Pierrolaw.com/Resources Under Medicaid Planning**
- ▶ **Fill Out Our Survey with Feedback**





Our Team Of Attorneys



Louis Pierro



Aaron Connor



Frank Hemming



Peter Strauss



Anthony Khatchoui



Theresa Skaine



Arkley Mastro



Robert Bosman



Michael Mullaney



Verley Brown



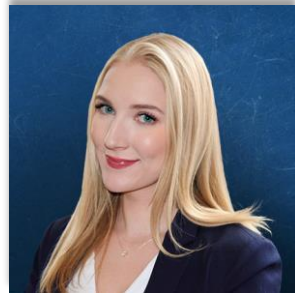
Brent Stack



Tommaso Marasco



Kristen Peck



Patricia Whelan

Serving New York State Residents Through Offices in:

Albany, New York City, Ronkonkoma, Garden City, Hudson, Lake Placid, Utica

Agenda 10.21.24

- ▶ Review of Medicaid Numbers
- ▶ What is CDPAP?
- ▶ Myths & Facts
- ▶ The Award to PPL
- ▶ Subcontractors and their Roles
- ▶ What It Means for Recipients



NEW 2024 MEDICAID ELIGIBILITY NUMBERS

Monthly Income

	2024	2023	Difference
Individual (at home)	\$1,732 +\$20	\$1,677 +\$20	\$ 55
Couple (both at home)	\$2,351 +\$20	\$2,268 +\$20	\$ 83
Community Spouse Income Allowance	\$3,853.50	\$3,715.50	+\$138
Institutionalized Spouse Income Allowance	\$ 50		

NEW 2024 MEDICAID ELIGIBILITY NUMBERS

Resources			
	2024	2023	Difference
Individual	\$31,175	\$30,182	\$ 993
Couple	\$42,312	\$40,821	\$1,491
Comm. Spouse Resource Allowance	\$74,820 ¹		

1 - \$74,820 (or the spousal share of 1/2 combined resources up to a maximum of \$154,140)

Medicaid Home Care Options – Once Approved for Medicaid Services

There are different kinds of Medicaid programs one can choose from, including:

- 1. Managed Long-Term Care (MLTC)**
 - Personal Care Services Program (PCSP)- Agency model
 - **Consumer Directed Personal Assistance Program (CDPAP)**
- 2. Nursing Home Transition and Diversion Medicaid Waiver Program (NHTD)**
- 3. Traumatic Brain Injury Waiver (TBI)**
- 4. Program for All-Inclusive Care for the Elderly (PACE)**

****Key is to work with a qualified team of professionals to help select the best fit for all involved****

What is the Consumer Directed Personal Assistance Program?

- This Medicaid program provides services to chronically ill or physically disabled individuals who have a medical need for help with activities of daily living (ADLs) or skilled nursing services.
- Services can include any of the services provided by a personal care aide (home attendant), home health aide, or nurse.
- **Recipients have flexibility and freedom in choosing their caregivers.**

Requirements of CDPAP

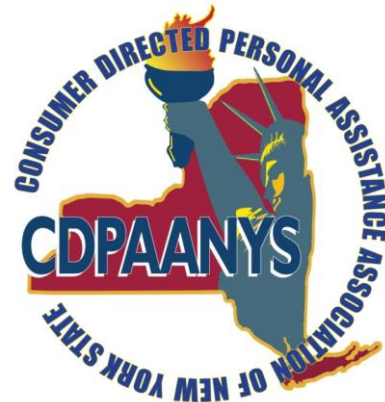
Consumer or designee must:

- **Make informed choices** regarding the management of the services they receive
- **Or, have legal guardian or designated relative** or other adult able and willing to help make informed choices
- **Be responsible** for recruiting, hiring, training, supervising and terminating caregivers
- **Arrange for back-up coverage** when necessary, arrange and coordinate other services; and keep payroll records.

Today's Guest Speaker:

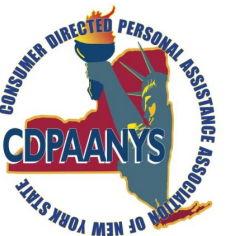
Bryan O'Malley

Executive Director,
Consumer Directed Personal
Assistance Association of New York
State (CDPAANYS)



Key Terms

- **Consumer Directed Personal Assistance Program (CDPAP)** - a Medicaid home care program where the consumer self-directs his or her own services. This includes recruiting, hiring, training, supervising, and terminating workers.
- **Consumer** - the person receiving services in CDPAP.
- **Personal Assistant (PA)** - the worker hired by the consumer.



Key Terms

- **Designated Representative (DR)** - the person who self-directs services in the event the consumer is not capable.
- **Fiscal Intermediary (FI)** - agency the consumer works with who pays and fulfills other legal obligations for the worker as well as provides supports to the consumer.

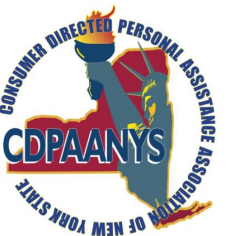
For more information on CDPAP fundamentals -
www.cdpaanys.org/consumer-resource-center



Myths and Facts About CDPAP

MYTH - The program is full of fraud.

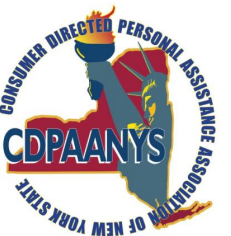
FACT - Repeated program reviews by the state office for fraud, waste, and abuse find some of the lowest levels of fraud in any Medicaid program.



Myths and Facts About CDPAP

MYTH - The program is growing too fast because of bad actors who are enrolling people who don't need services.

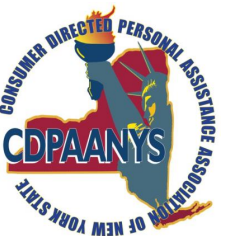
FACT - FIs do not determine eligibility. The state's contractor, in addition to managed care plans, determine whether someone qualifies for CDPAP and how many hours they get. The program is growing because of an aging population, a desire for the control self-direction offers, and a shortage of home care aides.



Myths and Facts About CDPAP

MYTH - There are too many FIs so the state needs to cut down the numbers.

FACT - FIs exist to serve different populations. In many instances, they serve specific populations based on age, disability-type, culture, or language. This helps them connect and ensure consumer success.



A Review of Where We Are

- Budget shifted to one “Statewide Fiscal Intermediary”
- In order to qualify, the applicant had to demonstrate:
 - the ability to provide statewide fiscal intermediary services;
 - capacity to meet cultural and language requirements of the consumers and their workforce;
 - experience serving people with disabilities; and
 - that as of 4/1/2024 it is providing fiscal intermediary services with at least one other state.



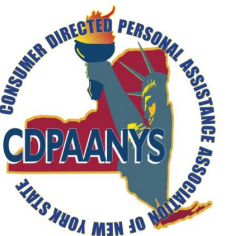
Contracting

- Contracting laws were “notwithstanding”, meaning they did not apply - including Comptroller review of the contract.
- Impact of this:
 - One vendor disqualified because they used a subsidiary.
 - One vendor disqualified because they “didn’t submit a form” they had a time and date stamped copy of.



Award to PPL

- Contract was awarded to Georgia-based company Public Partnerships, LLC, commonly known as PPL.
- PPL has been removed or lost contracts in multiple states, including CO, PA, and NJ.



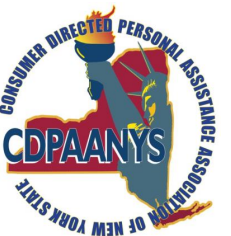
Award to PPL – (Continued)

- In PA specifically, reports found:
 - 20,000 people were using self-direction before PPL came in. Today there are about 8,000.
 - In NY, that would mean at least 160,000 people without services.
 - at least 20,000 home care workers went unpaid.
 - a lawsuit remains claiming systemic wage theft by PPL.
 - PPL mismanagement **cost** the state \$7 million more/yr.



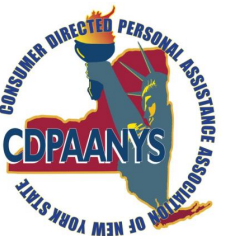
Subcontractors

- PPL will have to subcontract with some entities to continue to provide services as subcontractors:
 - independent living centers that offered FI services since January 1, 2024 or earlier;
 - at least one FI per rate setting region that has been in operation since at least January 1, 2012, provided they:
 - a history of providing services to people with disabilities or the aging population;
 - they can provide any services in a culturally and linguistically appropriate manner,
 - are not also a LHCSA



Role of Subcontractors

- Subcontractors cannot perform “core” FI responsibilities such as:
 - set wages or benefits,
 - contract with managed care plans,
 - determine an EVV system
- This means consumers **must** switch to PPL, even if their current FI is a subcontractor.



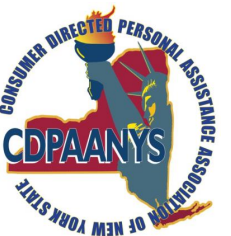
Opposition

- Elected officials:
 - the entire NY GOP Congressional delegation
 - 49 State Senators
 - 31 State Assemblymembers
 - 15 NYC Councilmembers
- Senator Gustavo Rivera introduced bipartisan legislation co-sponsored by 12 colleagues to reform licensing of fiscal intermediaries.
- Advocates, agencies, consumers and others have come together under The Alliance to Protect Home Care to defend CDPA and fight the switch to one FI.



What This Means

- You do not need to do anything today.
 - Your current FI will not be closed by DOH.
 - You do not have to switch to LHCSA services or have PAs become licensed PCAs.
 - Change FIs to an entity that has been named as a subcontractor.
- You do need to pay attention and double check information.



MONTHLY MEDICAID MONDAY WEBINARS

*On the 3rd Monday of the Month Due to Veterans Day***

November 18, 2024

**“Aging Services in New York – Hidden Gems
That Keep You Home Without Medicaid”**

**Joined by: Becky Preve, Executive Director
of Association on Aging in New York**



**REGISTER: www.pierrolaw.com/events/
(518) 459-2100**

Watch the Entire Series!



<https://www.pierrolaw.com/videos/>



Thank You!
QUESTIONS?

Schedule a
Consultation:
info@pierrolaw.com
(518) 459-2100



Bryan O'Malley (he/him)
CDPAANYS/CDANY

To find out more, visit:

▶ www.protecthomecare.org