

NEW YORK STATE OFFICE FOR THE AGING

2 Empire State Plaza, Albany, NY 12223-1251

Andrew M. Cuomo, Governor

Greg Olsen, Acting Director

An Equal Opportunity Employer

PROGRAM INSTRUCTION

Number 12-PI-17

Supersedes

Expiration Date

DATE: 11/05/12

TO: Area Agencies on Aging (AAA) Directors

SUBJECT: Temporary Extension for Conducting Assessments and Reassessments for AAAs due to Hurricane Sandy

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ACTION REQUESTED: Based upon Governor Cuomo's Executive Order No. 47 declaring a disaster emergency in all 62 counties of the State of New York as of October 26, 2012, AAAs are authorized to conduct assessments within 45 working days after the completion of the screening process or the start of service delivery; extend the effective period of a client's care plan up to 15 months; and conduct reassessments at least every 15 months from the date of the client's most recent assessment or 45 working days of a change in condition of the client. This is a temporary extension to facilitate access to necessary and appropriate services, particularly in areas of the State adversely affected by Hurricane Sandy and its aftermath.

RESPONSE DUE DATE: This change is effective as of October 26, 2012 and remains in effect until such time that the original timeframes for conducting such assessments and reassessments and the effective period of the care plans are reinstated by New York State Office for the Aging (NYSOFA). This change applies to state and federal funds.

PURPOSE: This Program Instruction is issued to inform AAAs of temporary time extensions for conducting assessments and reassessments of clients and the effective period of the care plan in relation to community-based long term care services (i.e.,

home delivered meals, homemaking/personal care, housekeeping/chore services, social adult day care, case management, home health aide services, and consumer directed in-home services).

BACKGROUND: As specified in previous NYSOFA issuances (including 97-PI-20) AAAs are required to conduct standardized client assessments and reassessments of clients for community-based long term care services on a schedule compatible with the Expanded In-Home Services for the Elderly Program (EISEP) program. Assessments are to be conducted no later than 10 working days after completion of the screening process or when services become available. In emergency situations in which services have to be initiated before conducting an assessment the assessment is to be completed within five working days after the start of service delivery. Reassessments are to be conducted at least every 12 months (see, 97-PI-20), consistent with the duration of the care plan. Reassessments based upon a change in the client's circumstances are to be conducted within five working days from the time the case manager becomes aware of the change in circumstances.

Based upon Governor Cuomo's Executive Order No. 47 declaring a disaster emergency in all 62 counties of the State of New York, NYSOFA is temporarily extending the timeframes for conducting client assessments and reassessment and the effective period of the plan of care. Area agencies shall have 45 working days to conduct assessments for community-based services or within 45 working days after the start of service delivery. Additionally, a client's plan of care shall be effective for 15 months. Finally, the AAAs shall conduct reassessments either within 15 months of the previous assessment or within 45 working days of the case manager becoming aware of a change in the client's circumstances. These time extensions shall remain in effect until further notice by NYSOFA.

Although the timeframes are being extended, area agencies are advised to complete the assessment as soon as possible because in some instances the service/care recipient might be temporarily residing in the area (e.g., temporary relocations that are the result of Hurricane Sandy, usual caregiver unavailable, etc.) and for some services funded under the Older Americans Act or State funded services the area agency will need to document that the recipient met the eligibility criteria for the service being provided (e.g., for EISEP services the recipient, must be in need of assistance with at least two activities of daily living to be eligible). Although the formal assessment process might be conducted after the initiation of services, the AAA should have a process to identify the need for, and appropriateness of, the services with some level of certainty. Area agencies will remain responsible for maintaining records that support claims for reimbursement for services provided. Previously NYSOFA has instructed the AAAs that if the assessment is not completed prior to initiation of a service, the following intake information is to be noted and on file: name, address, phone, emergency contact, physician, major chronic conditions, birth date, diet, description of need and for reporting and referral purposes income and ethnic status.

AAAs will want to begin entering the basic information necessary to recreate a unique client record as soon as possible for all clients receiving a cluster 1 and/or cluster 2 service. This is necessary because reporting requirements and in some instances, the software used for data entry, will require a unique client record in order to enter and report units of cluster 1 and cluster 2 services. This is especially important for the reporting of meals where meals reported are the basis for the Nutrition Services Incentive Program (NSIP) Award. System rules allow for the reporting of NSIP eligible meals using an anonymous client ID where the AAA can assure that the client and the meal were both program eligible. All the required MDS assessment data will need to be entered when the assessment is done.

Governor Cuomo’s Executive Order 56 applies the extensions of timeframes set forth in this Program Instruction to the EISEP by suspending and modifying the relevant provisions of Title 9 of the New York Code of Rules and Regulations for the EISEP Program until further notice as follows:

Subdivision (h) of section 6654.16 of Title 9 of the New York Code of Rules and Regulations, to the extent that the 10-day and 5-day periods for assessments under the Expanded In-Home Services for the Elderly Program (“EISEP”) are modified to 45 working days, when such periods otherwise would conclude during the period commencing the date when the disaster emergency was declared pursuant to Executive Order Number 47, issued October 26, 2012, until further notice;

Subdivision (n) of section 6654.16 of Title 9 of the New York Code of Rules and Regulations, to the extent that the 12-month period for the effectiveness of care plans is modified to 15 months, when such care plans would otherwise expire during the period commencing from the date when the disaster emergency was declared pursuant to Executive Order Number 47, issued October 26, 2012, until further notice; and

Subdivision (x) of section 6654.16 of Title 9 of the New York Code of Rules and Regulations, to the extent that the 12-month period for reassessments for EISEP is modified to 15 months, and to the extent the 5-day period for reassessment due to a client’s change in circumstances is modified to 45 working days, when such period otherwise would conclude during the period commencing on the date when the disaster emergency was declared pursuant to Executive Order Number 47, issued October 26, 2012, until further notice.

A copy of Governor Cuomo’s Executive Order 56 is attached to this Program Instruction for your reference.

- PROGRAMS AFFECTED:**
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|--------------------------------------|--|--|
| <input type="checkbox"/> Title III-B | <input type="checkbox"/> Title III-C-1 | <input type="checkbox"/> Title III-C-2 |
| <input type="checkbox"/> Title III-D | <input type="checkbox"/> Title III-E | <input type="checkbox"/> CSE |
| <input type="checkbox"/> EISEP | <input type="checkbox"/> NSIP | <input type="checkbox"/> Title V |
| | <input type="checkbox"/> SNAP | <input type="checkbox"/> HIICAP |
| | | <input type="checkbox"/> LTCOP |
| | | <input type="checkbox"/> Energy |

Other:

CONTACT PERSON: Stephen Syzdek

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State of New York

NOV 03 2012

Department of State
Secretary of State



No. 56

EXECUTIVE ORDER

TEMPORARY SUSPENSION AND MODIFICATION OF REGULATORY PROVISIONS OF THE STATE OFFICE FOR THE AGING DURING THE STATE DISASTER EMERGENCY

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend and modify the following regulations:

Subdivision (h) of Section 6654.16 of Title 9 of the New York Codes, Rules and Regulations, to the extent that the 10-day and 5-day periods for assessments under the Expanded In-Home Services for the Elderly Program ("EISEP") are modified to 45 working days, when such periods otherwise would conclude during the period from the date when the disaster emergency was declared pursuant to Executive Order Number 47, issued October 26, 2012, until further notice;

Subdivision (n) of Section 6654.16 of Title 9 of the New York Codes, Rules and Regulations, to the extent that the 12-month period during which care plans may be in effect is modified to 15 months, when such care plans otherwise would expire during the period from the date when the disaster emergency was declared pursuant to Executive Order Number 47, issued October 26, 2012, until further notice; and

Subdivision (x) of Section 6654.16 of Title 9 of the New York Codes, Rules and Regulations, to the extent that the 12-month period for reassessments for EISEP is modified to 15 months, and the 5-day period for reassessments due to changes in circumstances is modified to 45 working days, when such periods otherwise would conclude during the period from the date when the disaster emergency was declared pursuant to Executive Order Number 47, issued October 26, 2012, until further notice.

GIVEN under my hand and the Privy Seal of the

State in the City of Albany this second

day of November in the year two

thousand twelve.



BY THE GOVERNOR

Laura Schmitt
Secretary to the Governor