

NEW YORK STATE OFFICE FOR THE AGING

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Andrew M. Cuomo, Governor

An Equal Opportunity Employer

Corinda Crossdale, Director

PROGRAM INSTRUCTION	Number 14-PI-16
Supersedes: 2006 Program Standards	
Expiration Date: NA	

DATE: December 17, 2014

TO: Area Agencies on Aging
Local Department of Social Services
NY Connects Coordinators

SUBJECT: NY Connects: Choices for Long Term Care – Revised Program Standards
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PURPOSE:

The purpose of this PI is to transmit the revised NY Connects State Program Standards that local programs must implement.

The NY Connects State Program Standards apply to all NY Connects programs. These Standards will be updated as necessary and appropriate.

ACTION REQUESTED:

All NY Connects Programs are required to comply with the attached revised NY Connects State Program Standards. The Standards have been revised to reflect program enhancements required under the Balancing Incentive Program (BIP) and changes that have occurred since the initial implementation of NY Connects. The major amendments to the Standards are listed in this Program Instruction (PI).

RESPONSE DUE DATE:

The revised NY Connects State Program Standards take effect January 1, 2015. It is recognized that not all elements will be ready for implementation beginning January 1, 2015. Existing local NY Connects Programs are expected to be in full compliance by September 30, 2015. New local NY Connects programs are expected to reach full

compliance by March 31, 2016. Please contact your Long Term Care Systems Specialist for technical assistance as you proceed in implementing necessary changes and enhancements.

BACKGROUND:

New York State was awarded \$598.7 million on March 15, 2013 for participation in the Balancing Incentive Program (BIP), a program authorized by Section 10202 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148). One of the requirements of BIP is the implementation of a statewide No Wrong Door/Single Entry Point. To accomplish this structural change, the State is building upon the existing NY Connects system, expanding it both geographically, to cover the entire state, and functionally, to serve all populations with long term services and supports (LTSS) needs.

In the No Wrong Door (NWD) structure, NY Connects will serve as the “Hub”, a comprehensive resource for all LTSS populations. Specialized No Wrong Doors (NWDs) are being designated that will serve individuals with population-specific LTSS needs and work with NY Connects. The Office of People with Developmental Disabilities (OPWDD) Front Door will assume the role of a Specialized NWD for those with Intellectual and/or Developmental Disabilities (ID/DD) conducting the NWD screen and providing information, resources and helping individuals and families accessing services and/or programs. The Behavioral Health Door, to be designated by the NYS Office of Mental Health (OMH) as its Specialized NWD, will provide assistance to individuals, including their family members and caregivers, with behavioral health needs. NY Connects and each of the Specialized NWDs are being designed to work closely together to serve individuals and caregivers in a person centered manner. Individuals, families and caregivers often have multiple needs across systems. The Specialized NWDs will collaborate with NY Connects to provide their expertise in serving the ID/DD and the Behavioral Health populations as needed. Conversely, NY Connects will collaborate to provide its expertise to help individuals seeking assistance through the Specialized NWDs as needed. The goal is to provide a seamless experience for the individual, family and/or caregiver in accessing LTSS through the cooperative efforts among Area Agencies on Aging, Local Social Services Districts, and the four to six Independent Living Centers (ILCs) and/or Not-for-Profit Community Based Organizations (CBOs) for Individuals with Physical Disabilities (which will contract directly with the State) and together will comprise NY Connects, as well as the cooperative efforts between NY Connects and the Specialized NWDs.

Currently, in addition to these NY Connects State Program Standards, several State Agencies are collaborating to establish State NWD Operating Protocols and Business Rules to detail the processes that will determine how various functions are performed by the staff of NY Connects and Specialized NWDs. Upon completion, these Protocols will be shared and partnerships among these entities must be established and maintained in accordance with them. The protocols will also help guide the processes for the

Online Questionnaire and NWD Screen, which are tools the State is developing to provide preliminary information about LTSS needs and possible programmatic and/or financial eligibility for public programs.

Training on the finalized State NWD Operating Protocols, Online Questionnaire and NWD Screen will be forthcoming.

Highlight list of new and/or expanded Standards:

- **All LTSS populations:** *Standard 1: Administration; Standard 8: Populations Served; Standard 9.5: Business Practices; Standard 12: NY Connects Resource Directory; Standard 19: Public Education*
- **State No Wrong Door (NWD) Operating Protocols:** *Standard 1: Administration; Standard 3: Administrative Responsibility; Standard 5: Human Resource Management; Standard 9.2: Business Partners; Standard 11: Written Policies and Procedures; Standard 15: Information and Assistance; Standard 18: Care Transitions*
- **Other Collaborative Relationships:** *Standard 1: Administration; Standard 4.1: Conflict of Interest and Partnering Entities; Standard 11.1: Written Policies and Procedures; Standard 12: NY Connects Resource Directory; Standard 13: Other Collaborative Relationships; Standard 20: Long Term Care Council*
- **Coordination with LDSS:** *Standard 1.1; Standard 11: Written Policies and Procedures; Standard 15: Information and Assistance; Standard 16: Application Assistance; Standard 19: Public Education*
- **Online questionnaire:** *Standard 2: Core Functions; Standard 6: Direct Service Staff Qualifications*
- **NWD Screen*:** *Standard 2: Core Functions; Standard 6: Direct Service Staff Qualifications; Standard 14: Screening; Standard 15.1: Information and Assistance; Standard 16: Application Assistance; Standard 23: Confidentiality and Data Sharing*
- **Care Transitions:** *Standard 18.3: PASRR*
- **Accessibility:** *Standard 9: Business Practices; Standard 10.5: Offsite Visits*
- **Data Collection and Reporting:** *Standard 22.1*
- **HIPAA:** *Standards 23.2 and 23.2: E-Health Commerce System and Consent forms*

- **Conflict of Interest:** *Standard 4; Standard 6.4; Disclosure Statement*

****NOTE:** Since the NWD Screen is under development, it is yet to be determined if such tool will entirely replace the existing NYSOFA prescribed screening elements for NY Connects.

For any questions regarding this PI or the Standards, please send an email to Celeste Farhart at the address noted below.

PROGRAMS AFFECTED:

<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"/> SNAP	<input type="checkbox"/> Energy	
<input type="checkbox"/> EISEP	<input type="checkbox"/> NSIP	<input type="checkbox"/> Title V
<input type="checkbox"/> HIICAP	<input type="checkbox"/> LTCOP	

Other: NY Connects

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NY Connects: *Choices for Long Term Care*

Program Standards



Revised December 2014

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Preamble:

New York State was awarded \$598.7 million on March 15, 2013 for participation in the Balancing Incentive Program (BIP), a program authorized by Section 10202 of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148), that requires implementation of a statewide No Wrong Door/Single Entry Point. To accomplish this structural change, the State is building upon the existing NY Connects system, expanding it geographically to cover the entire state and functionally, to serve all populations with long term services and supports (LTSS) needs.

In the No Wrong Door (NWD) structure, NY Connects will serve as the “Hub”, a comprehensive resource for all LTSS populations, to distinguish it from the role of the Specialized No Wrong Doors (NWDs) that serve individuals with population-specific LTSS needs. The Behavioral Health Door, designated by the NYS Office of Mental Health (OMH) as its Specialized NWD, will provide information, resources and help accessing services and/or programs for people, including their family members and caregivers, with behavioral health needs. The Office for People with Developmental Disabilities (OPWDD) Front Door will also assume the role of a Specialized NWD for those with Intellectual and/or Developmental Disabilities as well as their caregivers and families.

Currently, several State Agencies are collaborating to establish State NWD Operating Protocols and business rules to detail the processes that will determine how various functions are performed by the staffs of NY Connects and Specialized NWDs. Upon its completion, these Protocols will be shared and partnerships among these entities must be established and maintained in accordance with them. These protocols will also help guide the processes for the online questionnaire and NWD Screen, tools the State is developing to provide preliminary information about LTSS needs and possible programmatic and/or financial eligibility for public programs. Training on the finalized State NWD Operating Protocols, online questionnaire and NWD Screen will be provided.

The NY Connects State Program Standards apply to NY Connects. The State NWD Operating Protocols will apply to NY Connects and the Specialized NWDs. Both the NY Connects State Program Standards and State NWD Operating Protocols will be updated, as necessary and appropriate.

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NY CONNECTS STATE PROGRAM STANDARDS

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I. ORGANIZATIONAL AND PROCEDURAL REQUIREMENTS

A. ADMINISTRATION

Standard 1: Establishment of a Local NY Connects Program and Establishment as a No Wrong Door Hub:

NY Connects: *Choices for Long Term Care* is statutorily mandated through the New York State Elder Law §203(8) and complies with federal statute as prescribed by the 2006 Reauthorization of the Older Americans Act (OAA). The purpose of the NY Connects program is to provide consistent, comprehensive, locally based information and assistance on long term services and supports (LTSS) to individuals, caregivers and families to help them make informed choices and assistance in accessing such services and supports, regardless of age or how financed (public benefit programs or private pay).

As New York State builds upon the existing NY Connects infrastructure to meet the structural reform of a Statewide No Wrong Door/Single Entry Point (NWD/SEP) as required under Section 10202 of the Patient Protection and Affordable Care Act (PL 111-148) known as the Balancing Incentive Program (BIP), NY Connects is being expanded geographically and functionally to serve all populations with LTSS needs. As such, each local NY Connects program will operate in accordance with the NY Connects State Program Standards and State No Wrong Door (NWD) Operating Protocols.

NY Connects may sometimes be referred to as the NWD Hub or NY Connects Hub to distinguish it from the role of the Specialized No Wrong Doors (NWDs) designated by the Office of Mental Health (OMH) and the Office for People with Developmental Disabilities (OPWDD). In partnership, NY Connects and Specialized NWDs shall form the NY Connects No Wrong Door Network to meet the NWD/SEP structural reform required by BIP.

Individuals, families and others may contact the NY Connects No Wrong Door Network to obtain consistent comprehensive information, assistance and coordinated guidance, regardless of age, disability, or payor source to the New York State array of available LTSS and public benefit options, as appropriate, across systems. It is an optional, voluntary service being provided to the public; it is not required to be utilized in order to access Medicaid, other public benefits, or LTSS programs. The purpose is to create seamless coordination across systems and populations seeking LTSS and provide easier access and understanding.

A local NY Connects shall be established in each county or Area Agency on Aging (AAA) Planning and Service Area (PSA).

- 1.1** In order to establish the interconnections required of NY Connects at the local level, the local administrative agency, local operating agency (if different from local administrative agency), and each of the partners and their subcontractors must enter into a formalized

relationship defining the roles and responsibilities. This relationship must be established in a written agreement such as a Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), Contract or Subcontract. Such agreement must conform to NY Connects State Program Standards and State NWD Operating Protocols.

At a minimum, the Area Agency on Aging (AAA) and the Local Department of Social Services (LDSS), together with the State Contracted Independent Living Center (ILC) and/or Not-for-Profit Community Based Organization (CBO) for Individuals with Physical Disabilities selected through competitive bid process, shall act as NY Connects(NWD Hub) in accordance with the NY Connects State Program Standards and also work in collaboration with the Specialized NWDs designated by the OMH and OPWDD in accordance with the State NWD Operating Protocols.

Formal partnerships with other community based organizations or local governmental entities may be established as deemed necessary and appropriate, to fulfill all the functions of the NY Connects program and its role as the NWD Hub.

- 1.2** The New York State Office for the Aging (NYSOFA) as the state administering agency of NY Connects has identified the AAA to serve as the local administrative agency for the local NY Connects.

However, in any county or AAA PSA where the Area Agency on Aging does not enter into an agreement with the New York State Office for the Aging to operate NY Connects, an entity (neighboring AAA, or an ILC or CBO) will be selected by the State through a competitive process to administer the NY Connects core functions within that geographic jurisdiction in accordance with the NY Connects State Program Standards and State NWD Operating Protocols.

- 1.3.** The local administrative agency may subcontract any or all functions with other county governmental entities (e.g. LDSS) or community based organization(s), but shall retain responsibility to assure adherence to NY Connects State Program Standards and State NWD Operating Protocols in the implementation of the local NY Connects.
- 1.4.** The local administrative agency and its partners, regardless of the number of agencies comprising the partnership, including the Independent Living Center and/or Not-for-Profit Community Based Organization for Individuals with Physical Disabilities contracted by the State, shall perform the core functions of NY Connects with a singular identity and voice and each partner/contractor/subcontractor must operate in accordance with these NY Connects State Program Standards and State NWD Operating Protocols.
- 1.5.** The ILCs and/or Not-for-Profit CBO for Individuals with Physical Disabilities regionally contracted by the NYSOFA to work in partnership and as part of the NY Connects in each county or AAA PSA will be responsible to comply with the NY Connects State Program Standards and State NWD Operating Protocols.
- 1.6.** The best practice for creating a seamless, efficient experience for individuals is for the staff of the local NY Connects administrative entity and its partners to be co-located in

the same space or building. While not required, this best practice is strongly recommended.

- 1.7. A formalized relationship defining roles and responsibilities between the local NY Connects, the OPWDD designated Specialized NWD and the OMH designated Specialized NWD covering the same geographic area relative to ongoing planning and communication, referrals, data sharing and reporting shall be established via a specified agreement such as an MOU, MOA or contract in accordance with State NWD Operating Protocols.
- 1.8. A Local NWD Implementation Team will be established consisting of representatives of each of the NY Connects partners required by **Standard 1.1.** and of the Specialized NWD partners designated by OPWDD and OMH. The Local NWD Implementation Team shall conference or meet at least monthly to establish seamless linkages, communication strategies, best practices and other local implementation strategies that align with the NY Connects State Program Standards and State NWD Operating Protocols. The Local NWD Implementation Team will also identify and work on addressing barriers that may be impeding implementation, cultural change within each system needed to foster effective collaborative working relationships to improve service delivery, and other issues that may hinder implementation of the NY Connects State Program Standards and/or State NWD Operating Protocols.

The Local NWD Implementation Team will identify outcome measures and report to NYSOFA on outcomes and impact of interrelationships among the NY Connects partners.

- 1.9. The local NY Connects name must include the State prescribed title of “NY Connects” to ensure statewide standardization. The placement (end, beginning, embedded) of the State prescribed title in the name of the local NY Connects program is at the discretion of the local administrative agency.

Standard 2: Core Functions:

The core functions of each local NY Connects must include:

- (i) Information and Assistance;
- (ii) Online questionnaire: available on the Statewide NY Connects public website, in accordance with **Standard 9.7.;**
- (iii) No Wrong Door (NWD) Screen: preliminary functional and financial screening in accordance with **Standard 14;**
- (iv) Coordination with other agencies to guide the individual through the financial and functional eligibility processes, including linkage to the Medicaid comprehensive Level II/Uniform Assessment System (UAS-NY) or comparable functional needs assessment as appropriate;
- (v) Application and Enrollment assistance for public benefit programs, including Medicaid, as appropriate;

- (vi) Person Centered Assistance/Options Counseling;
- (vii) Care Transitions;
- (viii) Collaboration and Planning through establishment and maintenance of a local Long Term Care Council;
- (ix) Maintenance of current provider listings in the State on-line NY Connects Resource Directory (www.nyconnects.ny.gov);
- (x) Public Education;
- (xi) Evaluation, Quality Assurance and Continuous Improvement;
- (xii) Data Collection and Reporting of service, outcome and quality measure data; and
- (xiii) Confidentiality, HIPAA Compliance and Data Sharing.

2.1. All core functions must be performed in accordance with the NY Connects State Program Standards specified in **Standards 14 through 23** of this document and the State NWD Operating Protocols.

Standard 3: Administrative Responsibility of the Local Administrative Agency:

The designated local administrative agency is responsible for administration of the local NY Connects program through the following:

- 3.1.** Allocating resources to enable the NY Connects program to provide the core functions and maintain the NY Connects State Program Standards and State NWD Operating Protocols set forth by the State;
- 3.2.** Maintaining the infrastructure necessary to support the implementation of NY Connects, in accordance with NY Connects State Program Standards, Standard Assurances and State NWD Operating Protocols, through the provision of staffing, space, equipment and other resources in order to adequately sustain program operations and functions;
- 3.3.** Maintaining financial records in accordance with generally accepted accounting practices;
- 3.4.** Submitting reports to the NYSOFA on expenditures of funds, programmatic requirements and activities, and quality measurement. NYSOFA will share with NYS Department of Health and others as appropriate.
- 3.5.** Overseeing and assuring adherence to the NY Connects State Program Standards and State NWD Operating Protocols by subcontractors.

Standard 4: Conflict of Interest: Local Administrative Agency and Partnering Entities

The local administrative agency and partner entities comprising NY Connects must ensure and/or establish appropriate firewalls, business rules and documented consumer grievance procedures to mitigate potential conflicts that may arise in the provision of core functions.

- 4.1. If the local administrative agency and partner entities (including Independent Living Center and/or Not-for-Profit CBO for Individuals with Physical Disabilities contracted by the State) specified in **Standard 1.1.** provide direct care services then such agency and partner entities may be included among the various service providers from which the individual may choose; however, the local administrative agency and partner entities comprising NY Connects are prohibited from exclusively self-referring or directing the individual's selection of provider (s). In such cases where there is more than one provider of a service in the geographic jurisdiction, a protocol or business rule must be established to assure objectivity and individual understanding of the providers available from which he or she may choose.
- 4.2. The local administrative agency may choose to subcontract with a not-for-profit or for-profit agency to assist with achieving program expectations. Subcontractors must not exclusively self-refer if they are a provider of direct services, or influence the individual's selection of a service provider. This must be included expressly in any subcontracting agreement (s) and supporting subcontractor budget (s) issued by the local administrative agency and/or its partners.

Standard 5: Human Resource Management

The local administrative agency and local operating agency (if different from the local administrative agency) must provide human resource management to achieve continuity and consistency in the conduct of its functions related to NY Connects staffing by:

- 5.1. Maintaining an organizational structure that delineates NY Connects staffing and reporting relationships, including any subcontractors.

If NY Connects is part of a larger organization, the organizational structure must also delineate the NY Connects relationship within the larger organization.

If the NY Connects is a separate, independent entity, the organizational structure must be delineated.

A copy of the organizational chart, staffing and reporting relationships must be updated annually and provided to NYSOFA as oversight agency.

- 5.2. Developing and maintaining a staffing plan that delineates the functions of each staff position, staff qualifications for each position, training requirements (inclusive of delivery of functions utilizing strength based and person-centered approaches), number of employees devoted to each function, and the percentage of time dedicated to the different responsibilities for each position.
- 5.3. Maintaining qualified staff in sufficient number to implement NY Connects core functions in accordance with NY Connects State Program Standards, Standard Assurances and State NWD Operating Protocols, policies, procedures and business rules.

The NY Connects program should strive to have employees who reflect the diversity of the community they serve.

- 5.4. Maintaining written job descriptions for all staff, outlining programmatic responsibilities, supervisory responsibilities, and essential job functions.

Standard 6: Direct Service Staff Qualifications

The local NY Connects must ensure that all direct service staff providing NWD Screening, Information and Assistance, and Person-Centered Assistance/Options Counseling are proficient in the minimum competencies.

- 6.1. *Minimum* competencies for all NY Connects direct service staff include the following:

- (i) Skills:
 - a. Communication/interpersonal skills;
 - b. Interviewing skills;
 - c. Problem solving skills;
 - d. Documentation skills; and
 - e. Basic level of proficiency using computers and web-based systems.
- (ii) The ability to:
 - a. Assist the individual, caregiver and/or family member in completing online questionnaire, as requested, and consulting summary report results from completed online questionnaires when conducting the NWD Screen, if permission is given by the individual in accordance with **Standard 9.7**;
 - b. Conduct the NWD Screen with an individual, caregiver and/or family member, over the phone or in-person, in order to obtain preliminary information about LTSS needs and possible programmatic and/or financial eligibility for various programs in compliance with **Standard 14**;
 - c. Maintain electronic records of the NWD Screen accessible via secure link through the E-Health Commerce System and utilize communication features available within the software for follow-up with Specialized NWDs and other organizations, as appropriate;
 - d. Use the language interpretative services tool or support mechanism in compliance with **Standard 10**;
 - e. Provide appropriate information and linkages to programs and/or services that may be explored to meet those needs;
 - f. Utilize a strength based, person-centered approach to support the individual's independence and self-determination;
 - g. Work with diverse populations;
 - h. Respond to the individual in a professional, non-judgmental and culturally appropriate manner;
Respond to individuals requiring special attention and refer or assist appropriately (e.g., individuals with dementia; individuals with complex or hard to serve needs;

lonely, demanding or angry individuals; suicidal individuals, individuals with differing cognitive abilities);

(iii) Knowledge of:

- a. All populations that may need LTSS in accordance with **Standard 8**;
- b. LTSS community resources and service eligibility criteria, including consumer/participant directed programs; and
- c. Ability to coordinate or provide linkage to appropriate applications and/or assessments for determining programmatic eligibility and to appropriate entities for determining financial eligibility for Medicaid and/or other public programs, and/or linkages to private pay services, as appropriate. Such coordination includes the ability to follow-up with the individual, the specialized NWDs, and/or other systems as appropriate;

6.2. Person Centered Assistance/Options Counseling is more in-depth than NWD Screening and Information and Assistance. Not all individuals will need Person Centered Assistance/Options Counseling. Person Centered Assistance/Options Counseling is person-centered and the individual controls the planning process, which includes:

- (i) When and where meetings are held;
- (ii) Who is part of the planning meetings;
- (iii) The topics to be/not to be discussed;
- (iv) Selection of goals; and
- (v) Personal decisions about supports and services.

In addition to the minimum competencies expressed in **Standard 6.1**, Person Centered Assistance/Options Counseling requires the ability to:

- (i) Facilitate a decision support process which empowers and assists individuals and their families with:
 - a. In-depth exploration of resources and service options (e.g., might include helping the individual to develop a list of tailored resources that the individual identifies as helpful to him/her);
 - b. Evaluating the pros/cons of specific options;
 - c. Assist individuals and families in determining how best to pay for and arrange the delivery of services, including helping individuals to assess sufficiency of their own resources, and their eligibility for public programs, including, if appropriate, Medicaid, Medicare, and Veterans benefits;
 - d. Develop action steps towards a goal or long term support plan:
 1. Immediate next steps to be taken in the decision-making process;
 2. Mix of informal supports, community resources, and privately funded services that the individual elects to use based on his/her individual preferences and needs;
 3. For those using a public option such as Medicaid, Medicare, and Veterans benefits, discussing eligibility and enrollment, and facilitating the process as needed;
 - e. Assist in applying for and accessing support options;

- f. Provide follow up:
 - 1. Identify progress towards goals and steps in the action plan;
 - 2. Assistance in overcoming barriers to implementing the action plan; and
 - 3. Strategizing alternatives to help address any barriers, as needed.
- g. Consult with Specialized NWDs, as appropriate, for more in-depth information on population-specific resources and eligibility determination procedures and linkages.

6.3. The NY Connects staff must participate in all State mandated trainings, as frequently as necessary to improve, refine and/or update staff skills. NY Connects must provide comprehensive cross agency orientation for all agencies involved in NY Connects. NY Connects is encouraged to provide trainings or other opportunities to meet the minimum competencies for direct service staff, as appropriate, and shall maintain a listing of staff trainings and in-services.

6.4. In accordance with **Standard 4: Conflict of Interest**, NY Connects must maintain an unbiased approach in providing objective information and guidance to sources of LTSS. All NY Connects staff, at their time of hire, must sign an Outside Employment and Conflict of Interest Disclosure Statement. (See Appendix A for sample.)

The Disclosure Statement shall declare that the applicant will reveal any current or future conflicts of interest by the applicant for the position, or their immediate family, whether by employment by or financial interest in entities to which the prospective employee may be called upon to refer NY Connects clients in the course of their duties. Such an interest may not necessarily disqualify an applicant from employment by NY Connects but failure to disclose such relationship currently in effect or to promptly disclose in the future if such relationship later arises will be cause for termination at the option of the employer. The requirement for prompt disclosure is a condition of employment. For purposes of the disclosure, the term immediate family shall mean the parents, spouse or children of an applicant.

Standard 7: Culturally and Linguistically Appropriate Services

NY Connects must ensure that all core functions are provided in a culturally and linguistically appropriate manner.

- 7.1.** NY Connects must comply with federal, state and local laws, regulations, and issuances related to culturally and linguistically appropriate services including:
- (i) Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency);
 - (ii) Article 15 of the New York State Executive Law (Human Rights Law);
 - (iii) New York State Elder Law and 9NYCRR Parts 6651 through 6656 (NYSOFA rules and regulations);
 - (iv) New York State Office for the Aging Equal Access to Services and Targeting Policy (12 PI 08).

- 7.2. Individuals with special needs will be linked to appropriate services and those with limited English proficiency (LEP) will be provided reasonable, timely, and appropriate language assistance to ensure full access LTSS.

Standard 8: Populations Served

The NY Connects shall be available to serve all populations requiring information and assistance concerning LTSS, regardless of age, disability or source of payment. These individuals include:

- (i) Older Adults (60 years and older);
- (ii) Adults with disabilities;
- (iii) Children with disabilities;
- (iv) Individuals with or who may have Alzheimer’s Disease or other dementias;
- (v) Caregivers or families of above referenced populations;
- (vi) Professionals, including discharge planners, assisting individuals seeking LTSS;
- (vii) Friends, neighbors, others assisting individuals seeking LTSS.

B. OPERATIONS

Standard 9: Business Practices

The NY Connects must adhere, at a minimum, to the following business practices:

- 9.1. NY Connects functions must minimally be available during generally accepted business hours and days, such as 9:00 AM to 5:00 PM or 8:30 AM to 4:30 PM, Monday through Friday.
- 9.2. NY Connects must provide all core functions, in compliance with the NY Connects State Program Standards and State NWD Operating Protocols, at no cost to the individual.
- 9.3. Individuals may access NY Connects through www.nyconnects.ny.gov , the State toll-free telephone number, or at the physical locations.
- 9.4. As appropriate and necessary, NY Connects will provide off-site visits in the home or community to provide core function services. Should NY Connects determine the need for an off-site visit to provide screening, information and assistance, or other core function services then such off-site visits must be made within three business days of such determination. Except that, every effort will be made to accommodate requests for off-site visits to acute, sub-acute and chronic care settings within one business day if such visit is determined necessary upon consultation with the discharge planner.
- (i) Factors to consider in determining the appropriateness of off-site/home visits include:

- a. Determining if visiting the individual where he/she resides will provide the NY Connects staff with a more complete understanding of the individual's needs and preferences.
 - b. Determining that a face-to-face meeting would best meet the needs and preferences of the individual, caregiver or family rather than telephone discussion and the individual, caregiver or family does not have available transportation or supports to travel to a NY Connects program location or other sites where NY Connects program staff are located (e.g. satellite office, community site).
 - c. Determining the individual has special needs such as being homebound.
- (ii) Factors to consider in prioritizing requests for off-site visits include:
- a. Severity of the individual's LTSS needs and the availability of informal supports.
 - b. Recent discharge from acute care, sub-acute care, skilled nursing or rehabilitation facilities.
 - c. Requests from discharge planners or individuals expected to be discharged from acute care, sub-acute care, skilled nursing or rehabilitation facilities in need of community based LTSS.
- 9.5.** The State will maintain a toll-free telephone number that will route callers to the appropriate NY Connects, or the Specialized NWD designated by OMH or Specialized NWD designated by OPWDD.
- 9.6.** The NY Connects phone must be answered in such manner to indicate that the caller has reached NY Connects.
- 9.7.** All phone calls must be answered by NY Connects staff during the hours of operation as delineated in the NY Connects policies as procedures in accordance with **Standard 9.1**. NY Connects must have a mechanism in place to answer the phone line after hours (i.e. answering machine or voicemail.) Phone and email messages received must be returned by the end of the following business day.
- 9.8.** The State will provide public access to the 24/7 searchable LTSS Statewide NY Connects website (www.nyconnects.ny.gov). The public website will contain an online questionnaire that individuals, their caregivers, children and/or family members may utilize to see what LTSS may meet their needs, provide immediate information about those services and receive preliminary eligibility screening for public benefits that may be available.
- 9.9.** The listings contained in the Statewide NY Connects Resource Directory are to be maintained in accordance with **Standard 12**.
- 9.10.** Develop policies and procedures to implement NY Connects in accordance with **Standard 11**. Review and revise, as necessary, such program policies and procedures.
- 9.11.** Protect the identities of individuals, their requests and the content of provided information and obtain informed consent to share information in compliance with **Standard 23**.

Standard 10: Accessibility

NY Connects must provide barrier-free access to its services that accommodates people with special needs and access for individuals who speak languages other than English.

- 10.1.** NY Connects must comply with federal, state and local laws, regulations, and issuances including, but not limited to, the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Older Americans Act, 45 CFR Part 1321, 45 CFR Part 84 (Nondiscrimination on the basis of Handicap), Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), Article 15 of the New York State Executive Law (Human Rights Law), New York State Elder Law and 9 NYCRR Parts 6651 through 6656, and New York State Office for the Aging Equal Access to Services and Targeting Policy (12-PI-08).
- 10.2.** NY Connects must provide language accessibility for individuals with limited English proficiency (LEP). At a minimum, NY Connects must establish a telephonic interpretation service contract or similar community arrangement with a language interpretation services provider of their choice and ensure that all staff with public contact is aware of, and trained in, the timely and appropriate use of these language services. NY Connects will be required to report to NYSOFA on the telephonic interpretation service it has established.
- 10.3.** NY Connects will assure communications with individuals with disabilities are as effective as communications with others (ADA, 28 CFR 35.160-35.164) including the provision of the following auxiliary aids and services:
 - (i) Use of TTY/TDD (Text-Telephone device for the hearing impaired) to fully serve those who are deaf, hearing impaired, or have speech difficulties; and
 - (ii) Provision of Web accessible electronic (NY Connects Resource Directory, online questionnaire, etc.) information, large print materials, audio recordings and if requested, Braille materials, for individuals with vision impairments.
- 10.4.** All NY Connects locations are accessible to individuals with disabilities and new sites shall be free from architectural barriers that limit participation of individuals with disabilities.
- 10.5.** NY Connects must demonstrate the capacity either through existing resources (e.g. AAA, LDSS) or link to an appropriate partner/community agency, specific to the population to be served, to conduct off-site visits that will best accommodate the individual's needs in accordance with **Standard 10** and **Standard 9.4**. Examples of off-site settings include the individual's residence, outpatient setting, acute care facility, or any other setting.

Standard 11: Written Policies and Procedures

NY Connects must have written policies and procedures that comply with the NY Connects State Program Standards and State NWD Operating Protocols and consistent with existing law, rules and regulations. The written policies and procedures must clearly define how such program is operationalized in accordance with each of the NY Connects State Program Standards and State NWD Operating Protocols.

11.1. In addition, the written policies and procedures must include:

- (i) Handling of crisis situations and facilitating immediate intervention services;
- (ii) Cross program communication among the local administrative agency and identified partners **in Standard 1.1.**
- (iii) In order to promote the expanded role of NY Connects as a comprehensive resource for all LTSS populations, the local NY Connects must collaborate with its internal partners (AAA, LDSS, partnering ILCs) and Specialized NWDs to delineate the procedure to:
 - a. Identify individuals that may have LTSS needs, and
 - b. Seamlessly link them to NY Connects resources or Specialized NWDs as appropriate;
- (iv) Communication methods and strategies for seamless linkages with other systems besides and among NY Connects partners and the Specialized NWDs. (e.g., Veterans. Adult Protective Services, Alcohol and Substance Abuse, Children’s Services, Hospitals, Skilled Nursing Facilities, other critical pathways, 211/311, NY State of Health);
- (v) Consumer grievance procedures related to provision of core program components; and
- (vi) Organizational Chart and job descriptions for each discrete job type and core function.

11.2. The written policies and procedures are to be submitted to NYSOFA.

11.3. Any revisions made to the written policies and procedures must include the dates of revision and documentation by the NY Connects local administrative agency and operating agency (if applicable) of its approval. NYSOFA must be notified of this change in a timely manner and no less than annually.

Standard 12: NY Connects Resource Directory Listing

To provide access to the 24/7 informative, searchable Statewide NY Connects website (www.nyconnects.ny.gov) and to support core functions, NY Connects must maintain comprehensive and current resource listings of LTSS, programs and providers in the State’s NY Connects Resource Directory website.

- 12.1.** The resource listing must interface or incorporate resource listings of all NY Connects Network Partners (NY Connects and Specialized NWDs) so consistent and comprehensive information can be shared across systems. All Network Partners (NY Connects and Specialized NWDs) will have accessibility to the back office application of the NY Connects Resource Directory to assist in maintaining accurate resource information.
- 12.2.** The NY Connects Resource Directory must include the following elements in a standardized profile:
- (i) MANDATED FIELDS:
- a. Agency name;
 - b. Agency address, including street, city, county and zip code;
 - c. Agency Phone number including Area code, TDD/TTY number;
 - d. Program/organization name (including former names, popular names and acronyms);
 - e. Program address, including street, city, county and zip code;
 - f. Program Phone number including Area code, TDD/TTY number;
 - g. Alliance of Information and Referral Systems (AIRS) Taxonomy Code
 - h. Services provided;
 - i. Geographic area served;
 - j. Target Population served, if applicable
 - k. Application process;
 - l. Website address;
 - m. Languages in which the service is provided;
 - n. Date information last verified.
 - o. Payment methods accepted: Medicaid and/or Medicare and/or Insurance/Network Information
- (ii) RECOMMENDED FIELDS:
- a. Fax number;
 - b. E-mail address;
 - c. Documentation required for service;
 - d. Additional Methods of payment accepted.
 - e. Cost of service and Fee structure;
- 12.3.** Listings in State NY Connects Resource Directory the must comply with the NY Connects Inclusion/Exclusion policy (11-PI-19).
- 12.4.** Listings must be maintained according to the NY Connects Style Guide and conform to the Alliance of Information and Referral Systems (AIRS) Taxonomy of Human Services (11-PI-19) and Business Rules (11-PI-19) .
- 12.5.** Local NY Connects may grant providers access to enter and update their own listings. Local NY Connects remains responsible for reviewing new entries and revisions within its coverage area to check against the inclusion/exclusion policy (11-PI-19) and have posted, as appropriate, within 45 days of receipt of new or revised information. NYSOFA

retains the ability to add, amend and delete information in the NY Connects Resource Directory.

- 12.6. Listings in the Resource Directory must be reviewed by the NY Connects for accuracy and compliance with Inclusion/Exclusion criteria (11-PI-19) on at least an annual basis.

Standard 13: Other Collaborative Relationships

The local NY Connects must seek to develop and maintain collaborative partnerships and linkages with, local LTSS providers, county government agencies, community based organizations, Medicaid Managed Care and Medicaid Managed Long Term Care Organizations, Medicaid Enrollment Brokers and the NY State of Health Exchange, and other appropriate entities in an effort to increase coordination of the service delivery system in order to improve and streamline consumer access to information and community services, maximize the utilization of existing resources and avoid duplication of effort.

- 13.1. The local NY Connects and collaborative partners will, as appropriate and necessary, establish written policies, procedures, protocols and/or agreements to achieve **Standard 13**.
- 13.2. The local NY Connects are strongly encouraged to collaborate with 211/311 as necessary and to set forth their respective roles and responsibilities in the provision of information, referral and assistance through a Memorandum of Understanding, Memorandum of Agreement, or other appropriate agreement.

II. NY CONNECTS CORE FUNCTIONS

A. SCREENING, INFORMATION AND ASSISTANCE AND BENEFITS APPLICATION ASSISTANCE

Standard 14: Screening

NY Connects staff must, without regard to income or payor source, screen individuals utilizing the State-designated screening tool in order to preliminarily identify the following: individual and/or caregiver needs; resources, and available supports (e.g., caregiver, informal supports); possible financial/programmatic eligibility for Medicaid and other public benefits; and type of services and resources that may best meet the needs of the individual and/or caregiver.

- 14.1. NY Connects are required to use the most current State prescribed screening elements and enter results in the established data collection system until the new NWD Screen can be accessed through the E-Health Commerce System (HCS) portal. Once available and upon completing training, NY Connects are required to use the NWD Screen, communication features and data collection system.

Standard 15: Information and Assistance

NY Connects must provide information and assistance to individuals regardless of income or payor source about LTSS options, identifying or researching necessary services and providing additional support directly to the individual.

- 15.1.** After the NWD screen is conducted, the individual will receive information and assistance to be linked to or guided and assisted with any or all of the following as appropriate: Medicaid and/or other public benefit applications; assessment(s); explanation of the types of services and resources that may be options for the individual and/or caregiver to consider in making an informed choice.
- 15.2.** In the provision of information and assistance, the NY Connects must support the individual's independence and self-determination.
- 15.3.** Objective, accurate information and assistance must be provided to the individual regarding available publicly and privately funded LTSS, as well as other community supports based on the individual's identified needs to assist them in making an informed choice.
- 15.4.** Information provided to the individual must include, but is not limited to, an explanation of available services and supports, program eligibility requirements, financial requirements for participation in programs, and provider/service contact information.
- 15.5.** Information regarding LTSS must be provided to individuals as indicated, or requested via website, mail, telephone, e-mail and/or in person. Such information must be mailed or transmitted to the individual within three business days after the request is received; except that in the case of a determination that a home or other off-site community location visit is needed it will be in accordance with **Standard 9.4**.
- 15.6.** Information will be provided, to the extent possible, at an eighth grade reading level and be jargon-free.
- 15.7.** The NY Connects staff shall instruct the individual to call back if the initial information and assistance provided proves to be incorrect, inappropriate or insufficient to link him or her with needed services.
- 15.8.** All personal information collected must be treated in a confidential manner and held in accordance with the appropriate privacy standards. Informed consent shall be obtained to authorize the sharing of any personal identifying information (PII) or personal health information (PHI) in accordance with **Standards 9 and 23**.
- 15.9.** Individuals with needs requiring the services or consultation of the OMH and/or OPWDD designated Specialized NWDs must be seamlessly connected to appropriate staff of the Specialized NWD. Alternately, the NY Connects staff will communicate with the Specialized NWDs to assist the individual if it is more appropriate to do so based on the

individual's needs and preferences. The process to guide these functions is delineated in State NWD Operating Protocols.

- 15.10. Individuals requiring additional assistance with accessing LTSS may require NY Connects to act as a link to appropriate community agencies/resources that have the skills and/or resources to provide a more intensive level of assistance (e.g. private case management).
- 15.11. The NY Connects staff must make every effort to assist individuals for whom existing services are inadequate or unavailable in their community, by problem solving to locate alternative resources.

Standard 16: Application Assistance

The NY Connects must engage in activities to help streamline eligibility for Medicaid and other public benefits for those who may be eligible and provide application assistance as appropriate.

- 16.1. The NY Connects will assist individuals who may be eligible for Medicaid and/or other public benefits with applying for such programs and guiding them through the process as needed. This includes promoting the use of resources such as the myBenefits pre-screening website <https://www.mybenefits.ny.gov/> and NY State of Health website <http://www.healthbenefitexchange.ny.gov/>; explaining the application process and assisting the individual in submitting a completed application including all necessary documentation, following up on eligibility determination status and linking the individual to the appropriate entity for assessment if warranted.
- 16.2. When appropriate, NY Connects will have a mechanism in place to link individuals to an entity or program that provides education, and support in the application and enrollment process for and Health Insurance Plans and the Medicaid Managed Care selection process such as NY State of Health In-Person Assistors (IPAs)/ Navigators, Enrollment Brokers, Community Assistance Counselors and other programs, such as the Health Insurance and Information Counseling Assistance Program (HIICAP), that assist Medicare beneficiaries.
- 16.3. NY Connects staff must utilize the NWD Screen, accessible through the E-Health Commerce System, to preliminarily ascertain the likelihood of eligibility for public benefits and LTSS as well as communicate with the Specialized NWDs and designated enrollment brokers through the software.

B. OPTIONS COUNSELING

Standard 17: Person-Centered Assistance/Options Counseling

NY Connects must offer Person-Centered Assistance/Options Counseling to individuals who require and/or request support and assistance with decision making regarding their current or future LTSS needs, without regard to age, income or payor source. NY Connects must help individuals and/or their families explore various options (both public and private), including exploration of self-directed options and caregiver supports, if available and appropriate.

- 17.1.** NY Connects staff delivering Person-Centered Assistance/Options Counseling must meet the core competencies outlined in **Standard 6**.
- 17.2.** NY Connects staff providing Person-Centered Assistance/Options Counseling must attend any state mandated training prior to delivering this service.
- 17.3.** NY Connects must adhere to the Administration for Community Living's National Standards on Options Counseling.

C. CARE TRANSITIONS

Standard 18: Care Transitions

To help facilitate safe transitions for individuals transitioning from one setting to another, NY Connects must maintain current and accurate information on available care transitions programs, provide information and assistance, and establish partnerships that support care transitions activity.

- 18.1.** NY Connects staff will serve as an available resource to assist discharge planners and professional staff working in acute care, rehabilitative and other critical pathways with hospital or skilled nursing facility to home or least restrictive settings transitions.
- 18.2.** NY Connects staff will serve as an available resource to individuals, caregivers and families to assist in transitions from acute care or skilled nursing facility to home or least restrictive settings.
- 18.3.** NY Connects staff will become knowledgeable about the Preadmission Screening and Resident Review (PASRR) referral process for individuals with known or suspected mental illness (MI) or intellectual/developmental disability (ID/DD) and follow the protocol contained in the State NWD Operating Protocols. NY Connects staff will become knowledgeable about other assessment and transition processes and tools, including but not limited to the Patient review Instrument (PRI) and Uniform Assessment System (UAS NY), to facilitate proper linkages as needed.

- 18.4.** NY Connects staff are encouraged to help facilitate safe transitions via partnership in a formal care transitions programs such as the Care Transitions Intervention and other evidence based models.

D. PUBLIC EDUCATION

Standard 19: Public Education

NY Connects must conduct an on-going education and awareness campaign about LTSS to educate all individuals, their caregivers, family members and helping professionals about NY Connects and its expanded role as a resource hub for information and assistance for all LTSS needs. This education and awareness campaign advertises the NWD system to help establish it as the “go to system” for community LTSS.

- 19.1.** NY Connects must establish and maintain an ongoing mechanism that increases public awareness of the availability of NY Connects and its core functions, its objectives, and its value to the community. This campaign needs to meet the needs of diverse populations, and include, but not limited to, such groups as: individuals who are Medicaid eligible, private pay, underserved, culturally diverse populations, limited English proficiency, and lesbian, gay, bisexual and transgender (LGBT).
- 19.2.** Public education must include information regarding the range of LTSS, including resources and payors available to support those services.
- 19.3.** NY Connects must provide education to the general community as well as targeted stakeholders who may serve as conduits to the LTSS system (e.g., LDSS staff interacting with individuals with LTSS (including behavioral health) needs, physicians, hospitals, social workers, adult protective staff, and law enforcement agencies) about the availability of NY Connects, how to access, and its expanded core functions that serve all LTSS populations.
- 19.4.** NY Connects must provide educational materials that are culturally and linguistically sensitive, at a maximum eighth grade reading level, and can be accessed by individuals with special needs in accordance with **Standard 10**.
- 19.5.** NY Connects shall submit to NYSOFA for review and approval, any newly developed program, public information materials or other printed or published materials developed or purchased with NY Connects funding.
- 19.6.** The NY Connects educational campaign must be reviewed annually and periodically revised to reflect ongoing community needs over time, and must be reported to NYSOFA in a State-prescribed format and frequency.

E. LONG TERM CARE COUNCIL

Standard 20: Long Term Care Council

A Long Term Care Council (LTCC) must exist in each county or AAA PSA to conduct LTSS system planning and development in order to ensure achievement of the goals and objectives of NY Connects. The LTCC must report their activities and recommendations to the NY Connects local administrative agency, which must report LTCC activities to the NYSOFA in the State prescribed format and frequency.

- 20.1.** The local administrative and/or local operating agency will provide leadership, logistical and administrative support to the LTCC.
- 20.2.** The AAA Director, LDSS Commissioner, State Contracted ILC or Community Based Agency must be members of the LTCC.
- 20.3.** Representatives of the Specialized NWDs are invited to participate as members.
- 20.4.** The LTCC must meet a minimum of three times annually and at a frequency adequate to fulfill its responsibilities. The LTCC may choose to meet regionally with other LTCCs and in such cases one regional meeting may substitute for one of the three required meetings to occur annually.
- 20.5.** The LTCC must have governing policies in place that address recruitment, selection, membership criteria and attendance, meeting frequency and the process for documentation and follow up of meeting outcomes.
- 20.6.** The LTCC membership must represent the diversity of individuals from the populations in need of LTSS (e.g., underserved, culturally diverse populations, limited English proficiency, and various income levels). Membership should encompass providers of community based LTSS, residential settings, acute care and other critical pathways, advocacy groups, individuals utilizing LTSS, and caregivers. Such membership must represent all age groups (children, adult, older adult) and also represent individuals with physical, behavioral health and Intellectual Disability and/or Developmental Disability (ID/DD).
- 20.7.** In its advisory capacity, the LTCC has the following duties and responsibilities, at minimum:
 - Identify and analyze emerging community needs and gaps in the LTSS delivery system, service accessibility, capacity and availability, and develop strategies to respond to those needs in a timely and appropriate fashion;
 - Identify issues in the existing LTSS system and its capacity to provide access to a coordinated system of service delivery for individuals and/or caregivers and develop strategies to improve coordination;

- Identify and solicit input from LTSS stakeholders regarding changes in the community environment (e.g., new resources or closing of providers), legislation, or regulations;
- Review the LTSS delivery system by identifying entry points to the system and the manner by which populations in need of LTSS navigate or access services throughout the system;
- Serve, in its advisory capacity, as a catalyst to advance changes in the LTSS system when modifications are required to ensure the availability of appropriate and quality community services;
- Help identify existing and new LTSS resources in the county to be included in the statewide web-based NY Connects Resource Directory;
- Provide recommendations regarding the future development and growth of NY Connects, and suggest areas for improvement; and
- Promote the local NY Connects as the “go to system” for information on community based LTSS.

F. EVALUATION

Standard 21: Performance, Evaluation, Quality Assurance and Continuous Improvement

The local administrative agency and local operating agency (if different) must ensure that a process exists for evaluating the NY Connects program. An evaluation plan must be submitted to NYSOFA during the first year of implementation and every two years thereafter. At a minimum, the evaluation plan must include the examination of measurable objectives, outcomes and existing or future state/federal requirements for consumer, program and systems level activities.

- 21.1.** Quarterly reviews of evaluation plan to identify planned versus actual implementation activities and operation of required core functions with modifications made as necessary.
- 21.2.** Development of quality improvement plan and implementation strategy based on the reviews.
- 21.3.** Review of identified service and system gaps, issues, and emerging community needs as identified by the LTCC and consideration of strategies recommended for improvement.
- 21.4.** Implement NY Connects Program Satisfaction Survey Instrument annually and other standardized tools developed by the State as required.

G. DATA COLLECTION AND REPORTING

Standard 22: Data Collection and Reporting

A process or system must be in place to collect and report required information on client data, as well as on processes and outcomes that are necessary to support the implementation and continued advancement of NY Connects.

- 22.1.** NY Connects program must participate in a cost allocation process that will identify time spent assisting Non-Medicaid eligibles, potential Medicaid eligibles and Medicaid eligibles through time studies or other mechanisms for tracking time. This cost allocation process will allow programs to be reimbursed through appropriate funding streams, which includes Medicaid, if appropriate.
- 22.2.** Quantitative (program utilization data) and Qualitative (program implementation and process data) data must be collected and reported per NYSOFA Program Instructions (PI). Such data includes:
- (i) Number of consumer contacts;
 - (ii) Consumer demographics;
 - (iii) Information Requested during the interaction,
 - (iv) Information Provided during the interaction,
 - (v) Types of Assistance provided by the NY Connects staff,
 - (vi) Community planning activities;
 - (vii) NY Connects program management;
 - (viii) Activities undertaken to address community LTSS needs; and,
 - (ix) Additional information as required by the State.
- 22.3.** The NY Connects must provide reports on a schedule as specified by the State, including summary reports on programmatic and financial activities for the contract year, as specified in the annual Program Specific Assurances.
- 22.4.** Personally Identifying Information (PII) collected must be maintained in accordance with **Standard 23**.

H. Confidentiality and Data Sharing

Standard 23: Confidentiality, HIPAA Compliance and Data Sharing

NY Connects must conform to Health Insurance Portability and Accountability Act (HIPAA) compliance and to confidentiality requirements; including provisions for the storage, retrieval, transfer, use, and ultimate disposal of records and data. Unless the NY Connects has a cooperative service delivery agreement, data sharing agreement or business associates agreement in which client records are shared, external entities having access to data must only see aggregate data.

- 23.1.** Protect the identities of individuals, their requests and the content of provided information in accordance with the following laws and regulations as they now exist or as may be amended from time to time:
- (i) NYS Social Services Law, §367-b(4)
 - (ii) NYS Social Services Law, §369(4)
 - (iii) NYS Public Health Law, §2782 – Confidentiality and Disclosure
 - (iv) 18 NYCRR Part 357
 - (v) 42 U.S.C. §1396a(a)(7) – State Plans for Medical Assistance
 - (vi) The Health Insurance Portability and Accountability Act (HIPAA) and related regulations found at 45 C.F.R. Parts 160 and 164
 - (vii) 42 C.F.R. Part 2
 - (viii) 45 C.F.R. §1321.51
 - (ix) All other confidentiality laws, regulations and requirements as may now be, or in the future may become, applicable.
- 23.2.** Through the use of the Unified Assessment for New York (UAS-NY) platform accessible through the E-Health Commerce Portal, a HIPAA compliant system with the highest level of security available (trust level IV), NYS is seeking interoperability or interface among NY Connects NWD Network partners to securely share information from the NWD screen as well as services provided as needed and appropriate. Technological solutions, such as the UAS-NY, that are HIPAA and confidentiality compliant, will allow for the interface of client information to enable a seamless and timelier experience for potentially eligible Medicaid individuals/Medicaid recipients and other individuals and caregivers in need of LTSS. NY Connects will need to implement policies and procedures in accordance with HIPAA and confidentiality compliance:
- (i) Ensure the confidentiality, integrity, and availability of all electronic protected health information the covered entity creates, receives, maintains, or transmits.
 - (ii) Protect electronic protected health information from unauthorized access, improper alteration or destruction.
 - (iii) Any contracts or agreements among and between NY Connects partners comprising the NY Connects and with a business associate must provide that the business associate will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic protected health information that it creates, receives, maintains, or transmits on behalf of the covered entity as required.
 - (iv) Assign and maintain appropriate roles in the E-Health Commerce System to access and share confidential information captured by the NWD Screen and associated communications between NY Connects and Specialized NWDs.
- 23.3.** When referring clients to another entity or agency for the purpose of obtaining services and supports for the client, the NY Connects staff must obtain clients' consent in order to share clients' personal health information (PHI) with any such entities or agencies. Such consent must be obtained on a form complying with HIPAA standards.

APPENDIX A – Sample Disclosure Statement

The purpose of the NY Connects program as established under section 203(8) of the Elder Law is to provide consistent, comprehensive, locally based information on long term services and supports (LTSS) to individuals, caregivers and families to help them make educated choices. It is vital for the program's effectiveness, as directed by the Elder Law, to maintain an impartial and unbiased approach in its mission to connect older New Yorkers, their caregivers and their families with objective information and guidance to sources of assistance and care. Therefore, in order to safeguard the mission of NY Connects and maintain public trust and confidence in the program, all NY Connects staff providing Information and Assistance, at their time of hire, must sign an Outside Employment and Conflict of Interest Disclosure Statement. The Disclosure Statement shall declare that the applicant will reveal any current or future conflicts of interest by the applicant for the position, or their immediate family, whether by employment by or financial interest in entities to which the perspective employee may be called upon to refer NY Connects applicants in the course of their duties. Such an interest may not necessarily disqualify an applicant from employment at the NY Connects but failure to disclose such relationship currently in effect or to promptly disclose in the future if such relationship later arises will be cause for termination at the option of the employer. The requirement for prompt disclosure is a condition of employment. For purposes of the disclosure, the term immediate family shall mean the applicant's parents, spouse or children.

APPENDIX A – Sample Disclosure Statement

NY Connects Outside Employment and Conflict of Interest Disclosure Statement

The undersigned, hired for the position of _____
(Enter name of position)

for _____, a contractor for the
(Enter name of county and program name)

NY Connects program, understands that the purpose of the program as established under section 203(8) of the Elder Law is to provide consistent, comprehensive, and locally based information on long term services and supports to individuals, caregivers and families to help them make educated choices. It is vital for program effectiveness, as directed by the Elder Law, to maintain an impartial and unbiased approach in its mission to connect New Yorkers and their families with objective information and guidance to sources of assistance and care. Therefore, in order to safeguard the mission of the NY Connects program and maintain public trust and confidence in this program, I will disclose to my NY Connects superiors any current or future outside employment or conflicts of interest concerning my responsibilities under the program and any other entities in the community to which I may be called upon to refer NY Connects applicants. A conflict of interest includes any employment or monetary interest that I or any member of my immediate family may have in any other entities in the community to which I may be called upon to refer NY Connects applicants. Such an interest may not disqualify me from this employment under NY Connects but failure to disclose such relationship now or promptly in the future if such relationship later arises will be cause for termination at the option of my employer. I understand that this requirement for prompt disclosure is a condition of my employment. For purposes of this disclosure the term immediate family shall mean the applicant's parents, spouse or children.

Signature

Date