

Starting Soon...

Qualifying for Medicaid: Why It's Become Harder

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Louis W. Pierro, Esq.
Founding Partner

Frank E. Hemming III, Esq.
Senior Associate Attorney

Gina Lettieri, BSW
Life Care Coordinator
EverHome Care Advisors



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](https://Pierrolaw.com/Resources)
- ▶ Fill Out Our Survey with Feedback





Our Team Of Attorneys



Louis Pierro



Aaron Connor



Peter Strauss



Caryn Keppler



Richard Rothberg



Frank Hemming, III



Ingrid Johnson



Theresa Skaine



Hanna Dameron



Kristen Peck



Jacob Verchereau



Bethany Van Pelt



Bonnie Weikel



Robert Bosman

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Diane Gotebiowski
PT, DPT, VP of Client
Services,



Karen Wolff, SHRM-
CP, PHR
Operations Manager



Susan Vail
LMSW, Senior Life
Care Coordinator,
Licensed Master
Social Worker



Gina Lettieri
BSW, Life Care
Coordinator,
Bachelor Social
Work



Mary Ellen Pierro
Life Care Coordinator
Registered Nurse

Experts in Navigating Care

- Providing in-home assessments, care planning and ongoing monitoring and care coordination
- Advocating for individuals and families regarding their care
- Teaching individuals and caregivers how to adopt technology to keep them in their own home

Agenda 2.13.23

- 2023 Medicaid Numbers: Review
- Updates on home care assessments- NYIA
- Advocating for Hours
- New Immediate Needs procedure
- Impact of staffing shortages



NEW 2023 MEDICAID ELIGIBILITY NUMBERS

Monthly Income			
	2023	2022	Difference
Individual (at home)	\$1,563 +\$20	\$ 934 (+\$20) ¹	+\$629
Couple (both at home)	\$2,106 +\$20	\$1,367 (+\$20) ¹	+\$739
Community Spouse Income Allowance	\$3,715.50 ²	\$3,435	+\$280.50
Institutionalized Individual Income Allowance	\$ 50		

1 - The first \$20 of monthly income per household will not be counted when determining the eligibility of those Medicaid applicants who are aged, blind, or disabled. Income includes monies coming in each month such as Social Security, pension, rent payments, and disability payments

2 – If Community Spouse makes less than \$3,715.50 of their own income, they will receive a portion of their spouse's to reach \$3,715.50

** Federal Poverty Level Numbers just released may increase income and resource limits*

NEW 2023 MEDICAID ELIGIBILITY NUMBERS

Resources*			
	2023	2022	Difference
Individual	\$28,133	\$16,800	+\$11,333
Couple	\$37,902	\$24,600	+\$13,302
Comm. Spouse Resource Allowance	\$74,820 ¹		

1 - \$74,820 (or the spousal share of 1/2 combined resources up to a maximum of \$148,620)

* Federal Poverty Level Numbers just released may increase income and resource limits

How A Life Care Coordinator Can Help

Aging Life Care™ Coordinator, also known as geriatric care manager, is a holistic, client-centered approach to caring for older adults or others facing ongoing health challenges.

Guidance that ensures quality care. Ongoing care management.
Advocacy. Peace of mind at a time of uncertainty.

- ✓ Assessment and monitoring
- ✓ Planning and problem-solving
- ✓ Education and advocacy
- ✓ Family caregiver coaching



NYIA – What is NYIA?

The **New York Independent Assessor** (NYIA) is the program that has been established for New York State Medicaid members who want to receive community-based long-term services and supports.

Who Are They?

They are registered nurses employed by NYIA who conduct a **community health assessment** (UAS) of these individuals to determine whether they qualify for services. After assessments are conducted, an **Independent Practitioner Panel (IPP)** composed of physicians, nurse practitioners, and physician assistants will conduct clinical appointments and issue practitioner's orders for personal care and other services for individuals who have been assessed as being qualified for these services.

Accessing In-Home Care

What Are The Options?

- Private Pay
- County Offices of Aging
- Medicaid
 - NYIA
 - CDPAP
 - Agency
 - TBI Waiver
 - NHTD Waiver



- This can often feel like you are looking for a needle in a haystack

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****

NEXT STEP: NY INDEPENDENT ASSESSOR

As of May 16, 2022, Managed Long Term Care Enrollment, Personal Care Services Program and CDPAP requires:

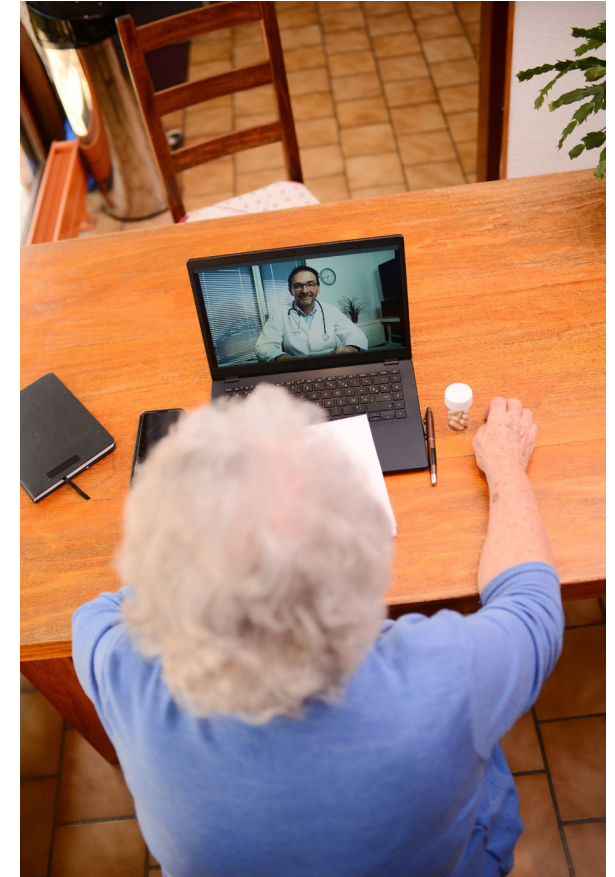
- ▶ Independent Assessment by NYIA (community health assessment)
- ▶ Independent Physician Assessment by NYIA
- ▶ Independent Review Panel if > 12 hours of care needed
- ▶ MLTC determination of need for hours

RESULT: Delays in processing, disappointing results ie: lack of sufficient hours to provide appropriate level of care.

****Assessments initial enrollment for NHTD or other Medicaid Waivers still to be done by Regional Resource Development Center****

NYIA – Step 1 – Community Health Assessment

- NYIA will conduct **one Community Health Assessment (CHA)** which will be used to develop a plan of care for each Medicaid enrollee.
 - Most often done virtually by health professional who is not familiar with Medicaid applicant
 - Assesses applicant's ability to perform Activities of Daily Living (ADLs)
 - Walking, Feeding, Dressing, Toileting, Bathing, Transferring



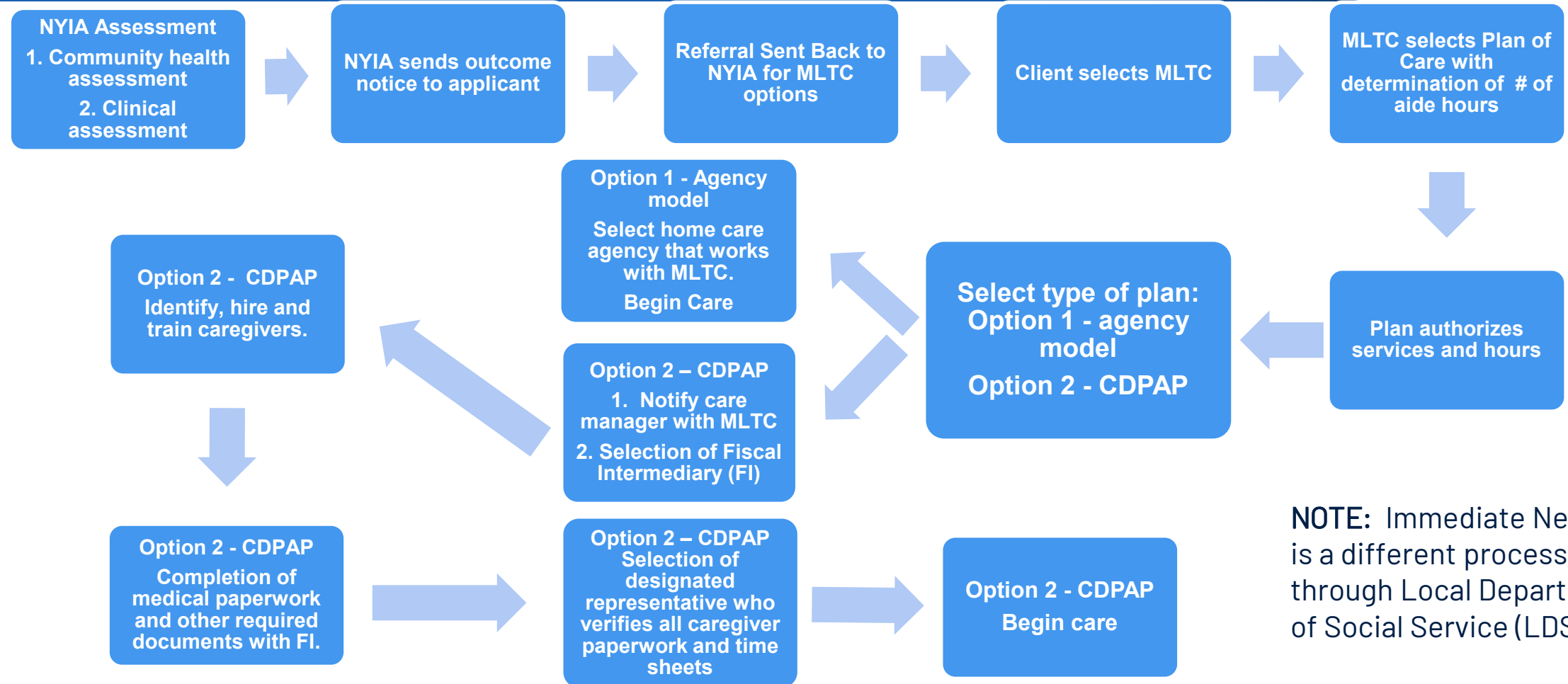
NYIA – Step 2 – Medical Exam and Practitioner's Order and Plan of Care

- **Applicant's doctor is not used** to order or authorize personal care or Consumer Directed Personal Assistance Services
- **Services to be ordered by a qualified, independent practitioner** (Medical Doctors, Doctors of Osteopathy, Nurse Practitioners and Physician's Assistants) selected by NYIA
- **Panel will determine if the individual is self-directing** or has an appropriate self-directing other, and if the individual can safely receive PCS/CDPAS at home based on their medical stability
- **Following the medical exam – MLTC or DSS office will determine plan of care**, including number of hours awarded

NYIA – Step 3 – Independent Review Panel (If Necessary)

- An **additional *medical review*** will be required the first time an authorization for PCS/CDPAS services **exceeds 12 hours per day**, on average
- The medical review will be conducted by an “**Independent Review Panel**” (IRP) **established by the NY Independent Assessor (NYIA)**. The Panel will review the individual’s community health assessment, their Practitioner’s Order and their Plan of Care
- IRP will determine if the plan of care is reasonable and appropriate to maintain the person’s health and safety at home
- IRP can recommend changes in scope, type, amount or duration of services but **cannot** specify a recommended number of hours

The Process...



NOTE: Immediate Needs is a different process through Local Department of Social Service (LDSS).

What's the Current Reality??

- Stanley, Age 66, Cerebral Palsy, Epilepsy, Osteoporosis, Hip Dysplasia, Vascular Necrosis, Pressure ulcer on toe, Wheelchair-bound
- Private paying for 16 hrs/ day
- But approved by MLTC for 5 hr/ day
- PCS / EverHome filed grievance; bumped up to 6 hrs/ day
- PCP documented that "he needs at least 16 hrs. of home care support daily. The current coverage of 6 hrs. a day does not take into consideration the level of his needs and leaves him predisposed to more pressure ulcers, fractures, infections and malnutrition.
- ▶ PCS / EverHome are appealing. Awaiting Fair Hearing
- 8 months and counting – [unresolved!](#)



The Experience...in Stanley's Words

"I've been forced to accept less care than is required or that I deserve..."

"Having worked 30 years for NYS for 2 large departments – Education 3-1/2 years and Tax and Finance for 26-1/2 years as an income tax auditor one thing is consistent in NYS. That is:

*" NYS Reform Standard: Any time the Governor and the Legislature do a 'reform to improve services and efficiencies' **it's ALWAYS a disaster and an epic failure** which resembles a bad rendition of 'Who's on First'. The Cuomo Medicaid reforms hold true to this NYS reform standard."*

– Stan

If Your Client Has “Immediate Needs”

If immediate help is needed, Immediate Needs Medicaid Application be filed with local Medicaid office

- ▶ Requires Complete Medicaid application, Attestation of Immediate Need and signed Physician's Order for the in-home services
 - ▶ Result – Medicaid to be authorized within 12 calendar days following submission of application
- ▶ ****As of December 1, 2022 , NYIA to complete the Community Health Assessment and Clinical Assessment****

Analysis: New Rules Have Expanded Use Of Immediate Needs Applications

Difficulty to Staff Home Care Cases

Home Care Aides One the Nation's Fastest Growing Industries

Median Hourly Rate

Capital District	\$16.20/hour
NYC	\$18.55/hour

2022-2023 NYS Budget

↑ \$2/hour but increase may not be getting to the worker; absorbed by agency and/or insurance companies.

Covid Challenges: people left the workforce, no replacements – low wages, poor hours, few benefit options, low job satisfaction.

New York has the fourth largest population of older adults in the nation: 4.6 million New Yorkers are 60 years of age or older, and 4.2 million are between the ages of 45 and 59. Additional **1 million health care workers** needed by 2026.

Impact on Nursing Homes

Nursing homes are in crisis

- Staff shortage is impacting admissions
- Units are closing; Lack of beds
- COVID lockdowns



Governor Hochul's Master Plan for Aging

GOAL: "Help older New Yorkers Age in Communities of Their Choice"

- **Greater access to services and long-term care** will help older New Yorkers and individuals with disabilities to live, work, and age where they want
- **Revitalization of EMS services and medical transportation** will help more New Yorkers access health care, reduce unnecessary revitalization of EMS services and medical transportation will help more New Yorkers access health care, reduce unnecessary hospital visits





Families often see this fork in the road and do not know what to do.

Life Care Coordinators / Care Managers can provide guidance and help in the navigation of care



EverHome Care Advisors can provide the advocacy and guidance that you need to successfully age in place.

MONTHLY MEDICAID MONDAY WEBINARS

**March 13, 2023
Medicaid Asset
Protection Trusts**

REGISTER:

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(518)459-2100**

- **Trust Planning to Become Financially Eligible**
- **Plus: Spousal Refusal**
- **Documents Needed for a Medicaid App**
- **Deadlines and Timetables**



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

- Thurs., May 11
- 8:30am-3:00pm
- The Desmond, Albany
- Or Live Stream
- Free to Attend
- 6 CEUs for Social Workers



Thank You!
QUESTIONS?

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your Clients:**
info@pierrolaw.com
(518) 459-2100



Gina Lettieri, BSW, Life Care Coordinator
(844)633-3852 | glettieri@everhomecare.com