

Starting Soon...

Medicaid Monday: Immediate Needs

September 11, 2023

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Welcome

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





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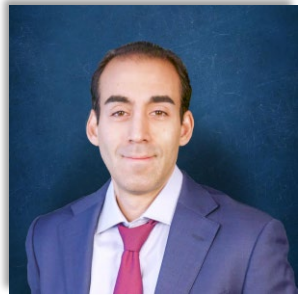
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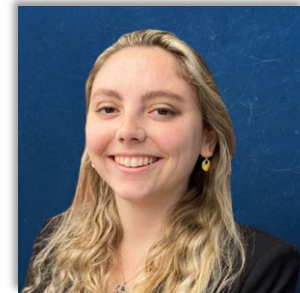
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WATCH ALL MEDICAID MONDAY VIDEOS:

January	2023 Update and the Surprising New Numbers
February	Qualifying and Why It's Become Harder
March	Medicaid Asset Protection Trusts
April	Using a Pooled Trust to Qualify for Medicaid Home Care
May	Nursing Home Medicaid
June	What Happens If You're Denied?
July	Recertification and Post-COVID Protocols
August	Planning for Individuals With a Disability

<https://www.pierrolaw.com/medicaid-planning-videos/>

AGENDA

- Typical MLTC Application Process and Timeline
- Immediate Needs
 - Timeline
 - Forms Required
 - Transition to MLTC



INCOME LEVELS ROSE IN 2023

Landmark Medicaid Increases Passed in NYS Budget:
Same income limit will be used for younger people under
Affordable Care Act and for Age 65+, blind & disabled

YEAR	INCOME / MTH		ASSET LIMIT	
	SINGLES	COUPLES	SINGLES	COUPLES
2023	\$1,677 + \$20	\$2,268 + \$20	\$30,182	\$40,821
Difference over 2022	+\$743	+\$901	+\$13,382	+\$16,221

Institutionalized Individual Income Allowance remains the same: \$50

Typical MLTC Application Timeline

Statewide, an adult Medicare beneficiary 21+ who needs community-based long-term care, can encounter **long delays applying for Medicaid and then enrolling in an MLTC plan**

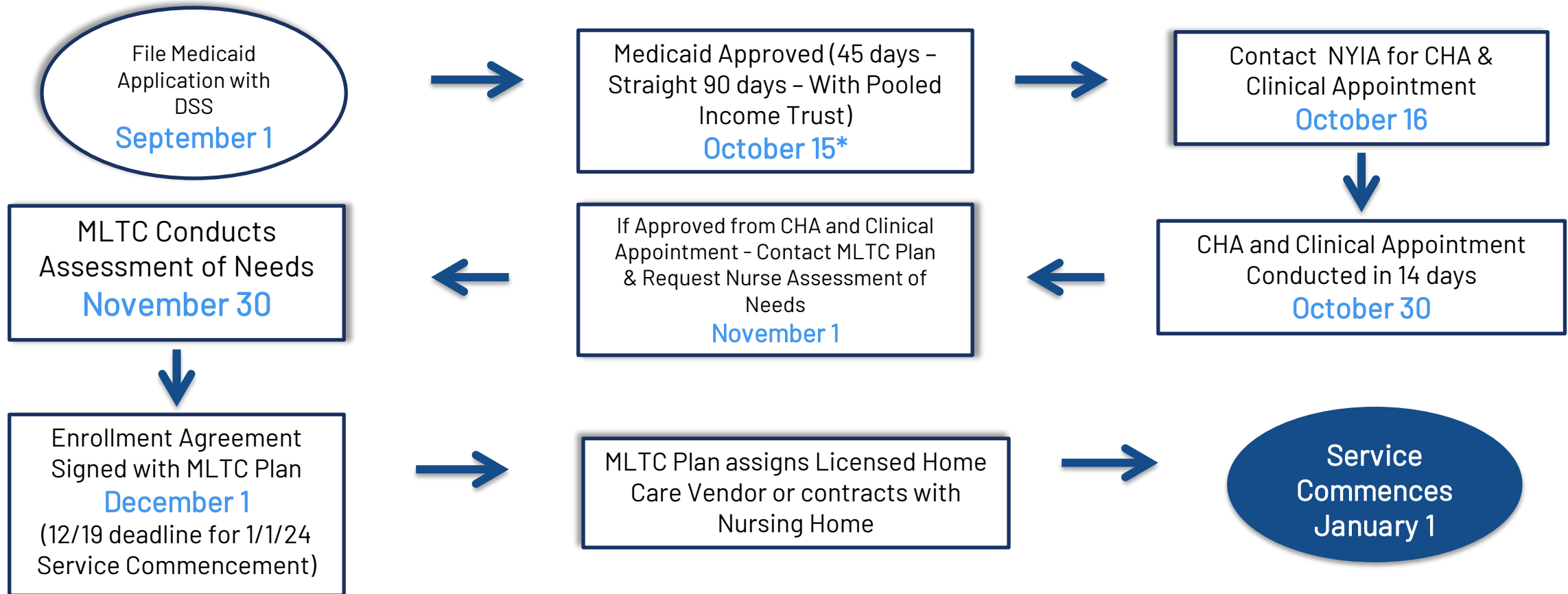
Assuming the individual is Medicaid eligible:

1. Apply for Medicaid at the County DSS/HRA (**45 days if no disability determination, 90 if disability determination and pooled trust is needed**)
2. Once approved, schedule an community health assessment (CHA) and a Clinical Appointment with a provider from the Independent Practitioner Panel by contacting the New York Independent Assessor (NYIA). Both the CHA and the Clinical Appointment must be completed within 14 days of contact with NYIA. (**up to 14 days**)
3. Contact a MLTC plan
 - ▶ Schedule an in-home assessment to be completed by plan (**up to 30 days**)
 - ▶ Following assessment and offer of hours, enroll with plan
 - Enrollment paperwork must be submitted by 19th of month for enrollment to start 1st of next month. No mid-month pick-up dates (**10-41 days**)

APPROXIMATELY 4.5 to 6 MONTHS TOTAL



TYPICAL MLTC APPLICATION TIMELINE (Non-Pooled Trust)



*Can take longer if there are deferrals for additional documentation.

IMMEDIATE NEED

Fast track your Medicaid Application if you can prove immediate need

- 2015 Law requires new procedures to process a Medicaid application in **SEVEN DAYS** for any applicant with an immediate need for personal care (PCS) or consumer-directed personal assistance (CDPAP) services & to approve PCS/CDAP in **12 DAYS**.

WHAT TO INCLUDE IN IMMEDIATE NEED APPLICATION

Cover Sheet / Transmittal Form (in NYC)

COMPLETE Medicaid application (or approval Notice if already have Medicaid)

Practitioner Statement of Need for Personal Care/Consumer Directed Personal Assistance Services Form (DOH-5779)

Signed "Immediate Need for Personal Care/Consumer Directed Personal Assistance Services Informational Notice and Attestation Form" (DOH-5786)

HIPPA RELEASE - OCA Form No. 960

Cover letter describing Immediate need circumstances

ATTESTATION FORM – IMMEDIATE NEED

Form – DOH-5786. <https://www.health.ny.gov/forms/doh-5786.pdf>

Must attest that the applicant:

- ▶ Has no informal caregivers available, able and willing to provide or continue to provide care;
 - ▶ Is not receiving needed help from a home care services agency;
 - ▶ Has no adaptive or specialized equipment or supplies in use to meet your needs; and
 - ▶ Has no third party insurance or Medicare benefits available to pay for needed help.
 - ▶ (Arguably, even if Medicare, hospice or private services in place, explain why not enough to provide “NEEDED” help, or that won’t continue etc.)
- ▶ Form says may be submitted while hospitalized or in nursing home

TIMELINE FOR IMMEDIATE NEED PROCESSING

- ▶ **7 calendar days** after receipt of complete Application w/ Attestation form & D0H-5779, DSS must determine **Medicaid eligibility**.
- ▶ DSS **must request missing documents within 4 calendar days** after receipt of Medicaid application, D0H-5779 form and D0H-5786 form.



WHAT HAPPENS AFTER APPROVAL?

- ▶ Within **12 calendar days** of receiving complete Medicaid app, Attestation form and M11q, DSS must:
 - ▶ Refer case to NYIA for assessments
 - Once NYIA confirms receipt of case from local Medicaid office, the local Medicaid office should initiate a call between consumer or their representative and NYIA to schedule the Community Health Assessment and Clinical Appointment.
 - ▶ Following NYIA approvals, the local Medicaid office then reviews the documentation from the CHA and the Clinical Appointment and a plan of care is developed.
 - If Plan of care is for more than 12 hours, the case is referred back to NYIA for an Independent Medical Review.
 - ▶ Then – Medicaid office assigns the case to a contracted Medicaid home health agency or CDPAP fiscal intermediary so services can begin “as expeditiously as possible.”

TRANSITION FROM IMMEDIATE NEED TO MLTC

- ▶ Immediate Need is **only temporary**
- ▶ AUTO-ASSIGNMENT - after 120 days receiving the temporary Immediate Need services, Maximus/ NY Medicaid Choice will send individual a letter.
- ▶ Letter says that if applicant doesn't select & enroll in an MLTC plan in 60 days, applicant will be auto-assigned to an MLTC plan (partial capitation).
- ▶ **TIP - Use that time to select a plan - find plan that contracts with same home care agency**
- ▶ No Conflict Free assessment necessary

THE ROLE OF PIERRO, CONNOR & STRAUSS

- ▶ **Determining eligibility** for success with an Immediate Needs application
- ▶ **Knowledge of guidelines:** i.e. single or married differences
- ▶ **Preparing and assembling** required forms and physicians order
- ▶ **Getting the care:** identification of home care options
- ▶ **Keeping the plan on track** with legal and care management



NEXT MEDICAID MONDAY

12-12:30pm, October 16, 2023

*** 3rd Monday Due to October 9th Holiday**

Consumer Directed Personal
Assistance

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(518) 459-2100

PRESENTED BY



**Frank Hemming III
& Louis Pierro**



Thank You!
QUESTIONS?

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or clients:**

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