

Starting Soon...

Medicaid Monday: Navigating Care at Home - Finding Care and Paying for It

April 8, 2024

Louis W. Pierro, Esq.
Founding Partner

Frank E. Hemming III, Esq.
Senior Associate Attorney

Susan Vail
Senior 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
- ▶ Fill Out Our Survey with Feedback





Our Team Of Attorneys



Louis Pierro



Aaron Connor



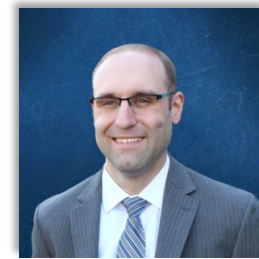
Peter Strauss



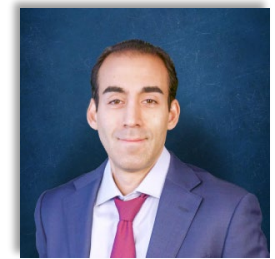
Caryn Keppler



Richard Rothberg



Frank Hemming



Anthony Khatchoui



Arkley Mastro



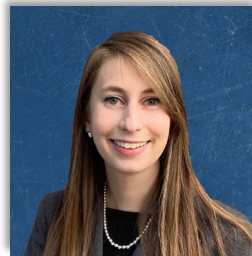
Robert Bosman



Michael Mullaney



Theresa Skaine



Kristen Peck



Jacob Verchereau



Patricia Whelan



Kimberly Gallo

Serving New York State Residents Through Offices in:

Albany, New York City, Ronkonkoma, Garden City, Hudson, Lake Placid, Utica
Also licensed in New Jersey, Massachusetts and Florida



Experts in Navigating Care



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



Nina Krisanda
OTR/L, Life Care
Coordinator



Mary Ellen Pierro
Life Care Coordinator
Registered Nurse

- 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 3.8.24

- 2024 Medicaid Numbers: Review
- Updates on home care assessments- NYIA
- Advocating for Hours
- Immediate Needs procedure
- Impact of staffing shortages



NEW 2024 MEDICAID ELIGIBILITY NUMBERS

Monthly Income

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

NEW 2024 MEDICAID ELIGIBILITY NUMBERS

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

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

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?

NYIA employs registered nurses 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****

Steps to Obtain Hours Through MLTC

Managed Long Term Care Enrollment, Personal Care Services Program and CDPAP requires:

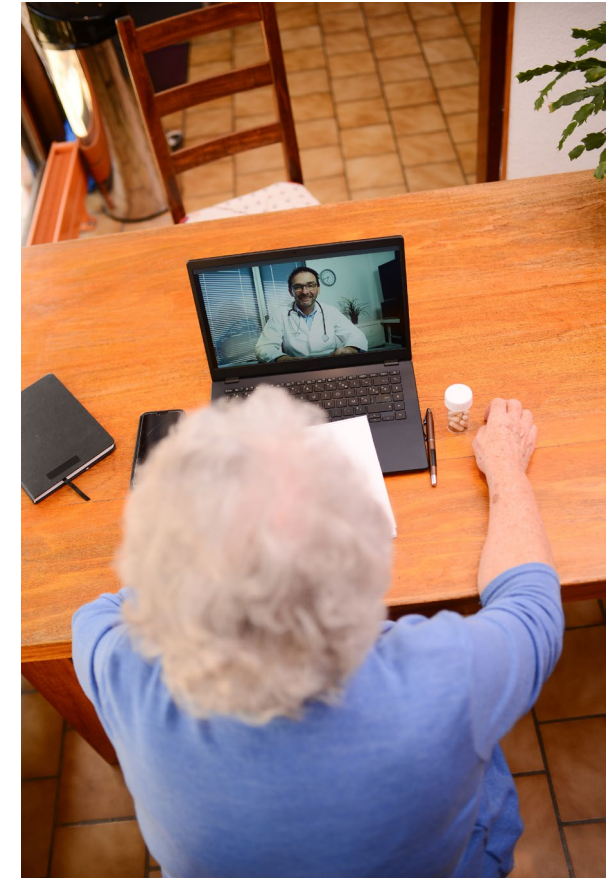
- ▶ Independent Assessment by NYIA (community health assessment)
- ▶ Independent Physician Assessment by NYIA
- ▶ Independent Review Panel if > 12 hours of care needed
- ▶ MLTC determination of need for hours

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



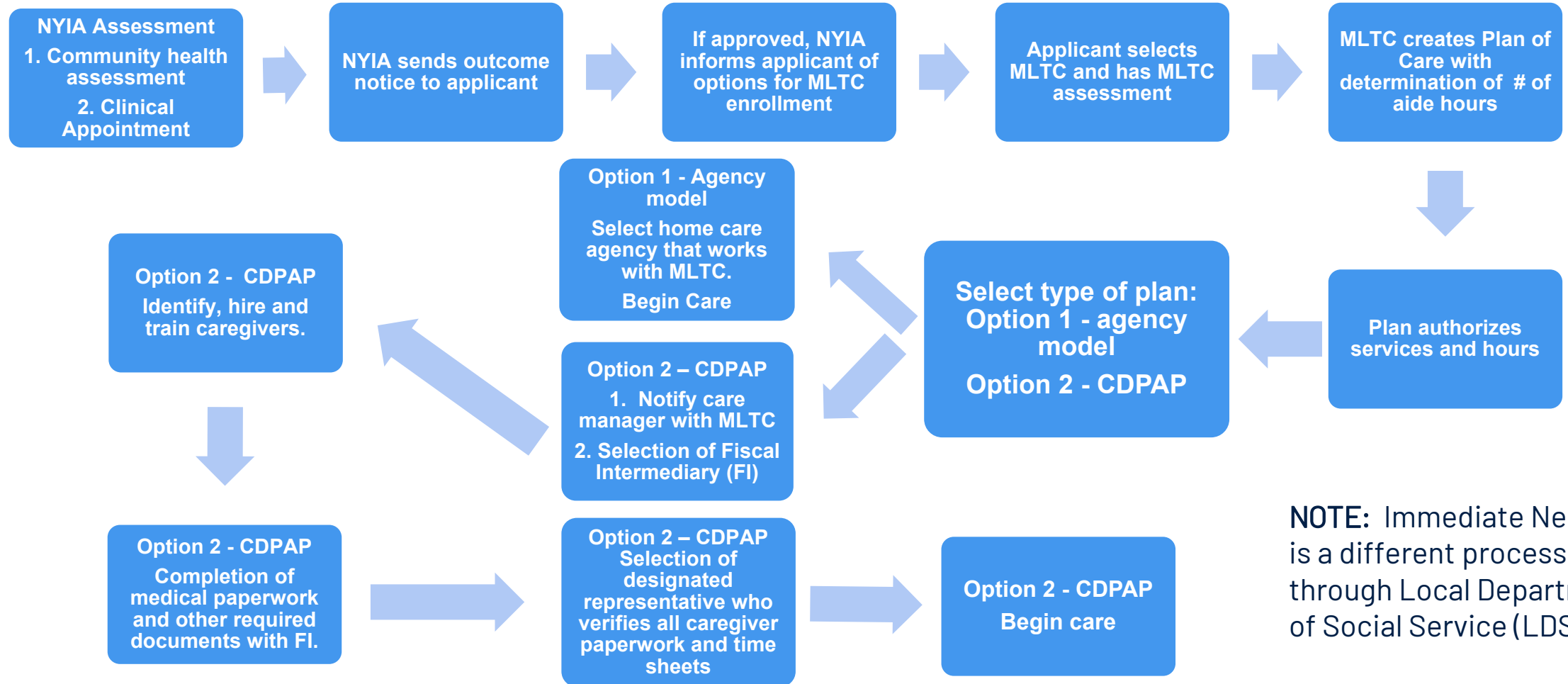
NYIA – Step 2 – Medical Exam and Practitioner’s Order and Plan of Care

- **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).

NYS Budget *Proposals*

- Cuts to CDPAP
 - Limit to people who can 'direct their own care'
 - Disqualifies people with Alzheimer's, dementia or cognitive impairments, TBI, IDD and children under 18
 - Wages reduction downstate
- Moving from Managed Long Term Care Program to a Managed Fee for Service Program

If Your Client Has “Immediate Needs”

If immediate help is needed, Immediate Needs Medicaid Application can 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
- ▶ ****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 – Private Pay

Capital District \$22/hour. Agency approx. \$35/hour

NYC \$24/hour

Post Covid Workes: 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
- Funding shortfall





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

May 13, 2024
Medicaid Asset
Protection Trusts

REGISTER:

<https://www.pierrolaw.com/events/>
(518)459-2100

Watch the Entire Series!



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



29th Annual
**ELDER LAW
FORUM**

RESERVE YOUR SEAT!

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

- Thurs., May 16
- 8:30am-3:00pm
- The Desmond, Albany
- Or Live Stream
- Free to Attend
- 6 CEUs for Social Workers



Thank You!
QUESTIONS?

**Schedule a
Consultation for
your Clients:
info@pierrolaw.com
(518) 459-2100**



Susan Vail, Sr. Life Care Coordinator
(844)633-3852 | svail@everhomecare.com