

83 ADM-024

Eased Medical Verification
Procedures for Protective Services
for Adults (PSA) Clients



NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243-0001
 CESAR A. PERALES
 Commissioner



(An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.)

ADMINISTRATIVE DIRECTIVE

TO: Commissioners of Social Services

TRANSMITTAL NO: 83 ADM-024
 (Medical Assistance)

SUBJECT: Eased Medical Assistance Verification
 Procedures for Protective Services for
 Adults (PSA) Clients

DATE: May 26, 1983

SUGGESTED

DISTRIBUTION: Commissioners, Directors of Services, PSA Staff,
 Medical Assistance Staff, Accounting Staff, County
 Attorneys, Directors of Area Agencies for the Aging

CONTACT PERSON: Any Medical Assistance questions concerning this release should be directed to Harry Kornblau, Bureau of Operations, Division of Medical Assistance at (800)342-3715 ext. 3-5530. Questions concerning Protective Services for Adults should be directed to Christina Hay ext. 3-1713, Sharon Lane, ext. 3-8728 or Irvin Abelman ext. 131-5097.

I. PURPOSE

The purpose of this administrative directive is to advise local social services districts of an easement in the documentation required by applicants for medical assistance who are in receipt of Protective Services for Adults (PSA). This release also establishes guidelines for authorizing medical assistance for PSA recipients when appointment of a conservator or other financial management proceeding is pending.

II. BACKGROUND

Verification of information utilized in determining eligibility for applicants and recipients of medical assistance has been and continues to remain an issue of central importance to the integrity of the Medicaid Program. Investigation of information concerning statements given by or on behalf of the AIR remains the accepted criteria for verification. The special circumstances presented by some clients who are receiving Protective Services for Adults as defined in 18 NYCRR 457.1 are such that an easement of this procedure is sometimes reasonable and necessary.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Department Regs.	Soc. Serv. Law & Other Legal Ref.	Bulletin/Chapter Ref.	Misc. Ref.
80 ADM-16		350.4 360.3	132	182	"Protective Services for Adults:" Reports to the Governor and the Legislature.
80 ADM-71		351.1 360.4	134-a	194	
82 INF-6		351.2 360.6	309		
		351.5 457.1	369		
		351.6 457.6	473		
		360.1	MHL77		

Administrative discretion in departing from current practice is supported in Social Services Law Section 134a and Part 351 of departmental regulations. It also should be noted that the development of eased medical assistance eligibility procedures for PSA clients was recommended in the report issued by the Task Force on Simplification.

A previous release, 82 INF-6, demonstrated the importance of coordinated effort between PSA and MA staff. Of additional importance is that prompt attention be given to the client's financial management needs.

III. PROGRAM IMPLICATIONS

All information currently required for medical assistance determination shall continue to be required. However, due to the special circumstances of PSA clients, who may be frail, in ill health, mentally incompetent or unaware, documentation may not be available. In order to meet the mandates of the PSA program and medical assistance eligibility requirements, this directive will identify those items of importance to the MA eligibility process which will be subject to alternate sources of verification. These sources nonetheless shall conform to the requirements outlined in 18 NYCRR Part 351 and Section 360.3.

When available, documentation shall continue to be utilized. This procedure will allow greater flexibility when the usually required documentation is not readily available for these clients.

The agency shall make allowances as appropriate in verification of the following:

- 1) Identity
- 2) Age
- 3) Address
- 4) Citizenship

The Agency may also choose to make special arrangements regarding the PSA client's financial situation as described in IV. B. below in order to avoid conflict in regard to recovery action. The combination of these changes will aid PSA workers in meeting their mandate to provide appropriate services for their clients while assuring continued compliance with medical assistance requirements.

IV. REQUIRED ACTION

- A. When the normally required documentation is not readily available, the local social services district shall allow the following alternate sources of verification for the elements indicated for PSA clients applying for medical assistance only:

1) Identity:

- a) Documents or information from agencies or individuals who have knowledge of the applicant.
- b) Any identification that a person has in his/her possession

2) Age:

A statement approximating age must be provided from a physician or psychiatrist. It is imperative for MMIS claiming purposes that the statement conform to the following designation:

- a) Under 21
- b) Ages 25, 35, 45, or 55
- c) Age 65 or over

This statement shall be based upon medical, physiological or psychological evidence.

3) Address:

- a) For the delivery of Home Care Services, the client must have an established address. When this service is not needed, statements from individuals or agencies familiar with the client's domicile shall be considered adequate.
- b) Lacking any other source, the clients statement will be acceptable.

4) Citizenship:

The applicant must be an “apparent citizen”. The examiner, as a prudent person shall consider all possible evidence available in the interview to support contention of citizenship.

Note: Where citizenship remains in doubt, documentation as per existing procedure must be provided.

The districts are also reminded that in addition to the easements described above, PSA staff may complete and sign a Medical Assistance application on behalf of a PSA client in accordance with Section 350.4(c)(4) and 360.1(b)(1) of the Department's regulations.

- B. In situations in which the Medical Assistance and financial management needs of a PSA client must be simultaneously addressed, the PSA staff of the local district shall take all appropriate actions, including seeking the intervention of concerned family members, friends, or neighbors, to assist the client to utilize any existing income or resource overage, in order to spenddown to the appropriate Medicaid eligibility level. When PSA clients are unable or unwilling to utilize these resources in order to meet their needs, it is the responsibility of the agency, through the PSA program, to determine if the person has the capacity to act on his own behalf. If it is determined that that person does not have this capacity, the district shall initiate the appropriate financial management proceeding, including petitioning the court for the appointment of a conservator, if necessary. The following are recommended courses of action.
- 1) The agency may, while the application for conservatorship is pending in the court, enter into agreement with the proposed conservator. This agreement shall be stipulated in the papers filed with the court regarding appointment of the conservator. Documentation of this transaction must be provided to the agency. This agreement shall stipulate that the conservator agrees to reimburse the district if the client is found ineligible for medical assistance or has resources in excess of the appropriate standard less any court ordered payment or expenses. However, please be advised that there is no absolute guarantee that the court will uphold this type of agreement in every situation.
 - 2) In appropriate situations, districts may utilize the provisions which were recently added to Article 77 MHL by Chapter 489 of the laws of 1982. Article 77 now authorizes a court, upon a showing of good cause, to grant a temporary restraining order prohibiting a specified person from obtaining or arranging for the sale, assignment or disposal of the property of a proposed conservatee when necessary to protect the welfare of the proposed conservatee.

V. WMS INSTRUCTIONS

The WMS workbook, DSS 2984. shall be completed as per established

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convention 01/01 plus the appropriate year shall be utilized.

For Example: If the client is applying in 1982 and is medically determined to be over 65 years of age, the worker shall enter the date 01/01/17.

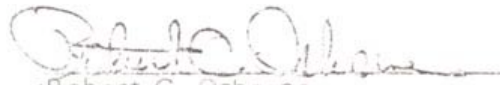
OCR Notes: Where is #1?

- 2) These cases must be identified as PSA recipients. The worker therefore shall enter a value of 501 in the Anticipated Future Action section. This designation shall indicate that this is a PSA client who may have had an eligibility determination utilizing alternative verification as described in this release. A date in this field is not required.
- 3) Authorization for medical assistance for eligible clients shall be limited to a six month period. This should allow time for documentation or other supportive verification as well as resolution of financial actions. Reauthorization for additional six month periods for otherwise eligible clients utilizing the alternate procedure outlined above, shall be permitted provided good faith efforts continue to fail to produce the documentation usually required.
- 4) All changes to the fields discussed above, when indicated, shall be made.

NOTE: Change to name and date of birth result in a warning message. It is correct to disregard these warning messages in this situation.

VI. EFFECTIVE DATE

The provisions of this release shall be effective January 1, 1983.



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Corinne Plummer
Deputy Commissioner
Division of Adult Services