

TO: Local District Commissioners, Medicaid Directors and IM Directors

FROM: Betty Rice, Director
Division of Consumer and Local District Relations

Patricia Stevens, Deputy Commissioner
Office of Temporary and Disability Assistance

SUBJECT: District of Fiscal Responsibility for Residents of Certain Adult
Care Facilities

EFFECTIVE DATE: March 1, 2002

CONTACT PERSON: Medicaid: Bureau of Local District Support -
Upstate (518) 474-8216 and NYC (212) 268-6855

Temporary Assistance: Division of Temporary Assistance
Central Regional Team - 1-800-343-8859, ext. 4-9344

This message is to inform social services districts of a change in law affecting the rules for determining which local district is fiscally responsible (district of fiscal responsibility, DFR) for residents of certain adult care facilities.

Social Services Law (SSL) Section 62.5(d) has been amended by Chapter 433 of the Laws of 2001 to provide that, when an individual enters an adult care facility (Congregate Care Level II-adult home, enriched housing program or residence for adults) in another district and is or becomes in need of Public Assistance and/or Medicaid, the DFR from which the individual was admitted to the adult care facility continues to be responsible for providing assistance and care. This responsibility continues until there is a "break in need".

This change is effective March 1, 2002. However, individuals residing in adult care facilities on March 1, 2002, who are receiving Temporary Assistance and/or Medicaid, continue to be the responsibility of the district currently providing such assistance or care, including Medicaid.

For example, a Temporary Assistance and/or Medicaid recipient or Medicaid SSI recipient, who had been residing in an apartment in Albany County, entered an adult home in Schenectady County after March 1, 2002. Under the new law, Albany County DSS would still be responsible for providing assistance and/or care even though the person is now residing in Schenectady County.

In instances where an individual enters an adult care facility in another district, the where-found district is encouraged to take a courtesy application and forward it to the DFR district. For further information concerning courtesy applications and the medical facility rule, including the definition of "break in need", districts should refer to OMM/ADM 97-1 for Medicaid information and 00 INF-19 for Temporary Assistance information.

Adult care facilities are defined in SSL Article 1, Section 2 and 18 NYCRR Sections 485.2, 487.2 and 488.2. In addition, the Office of Temporary and Disability Assistance (OTDA) is investigating the possibility of making a list of Congregate Care facilities, including adult care facilities,

available on the OTDA intranet site. Until this or another resource becomes available, in cases where the certification of a facility cannot be verified by either contacting the facility or the where-found district, the district can contact one of the following Department of Health Regional Offices for assistance:

Martin McMahon
Capital District Field Office
NYS Department of Health
Frear Building
2 Third Street
2nd Floor
Troy, NY 12180
Phone: (518) 271-2639
Fax: (518) 271-2666
Toll Free: 1-800-286-4830

Jay Dorney
Western Regional Office
NYS Department of Health
259 Monroe Avenue
Rochester, NY 14607
Phone: (585) 238-8185
Fax: (585) 238-8198
Toll Free: 1-800-462-6443

James Owens
Central Field Office
NYS Department of Health
217 South Salina Street
Syracuse, NY 13202
Phone: (315) 426-7684
Fax: (315) 426-7725

Kathleen Osburn
Metropolitan Area Regional Office (NYC)
NYS Department of Health
5 Penn Plaza - 5th Floor
New York, NY 10001
Phone: (212) 268-7912
Fax: (212) 290-1814
Toll Free: 1-800-554-5391

Carleton Reo
Metropolitan Area Regional Office
NYS Department of Health
1 Old Country Road
Suite 480
Carle Place, NY 11514
Phone: (516) 294-2877
Fax: (516) 294-2955
Toll Free: 1-800-635-7920

For SSI recipients, appropriate procedures must be followed to ensure that the correct DFR district is assigned on the State Data Exchange (SDX). Information concerning these procedures will be addressed in a separate GIS message.

The change in DFR discussed in this GIS does not affect OMH, OMRDD or OASAS certified community residences, residential substance abuse treatment programs or residential care centers for adults.