

**TO:** Local District Commissioners, Medicaid Directors

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

**SUBJECT:** Implementation of Congregate Care Level 3, Enhanced Residential Care

**EFFECTIVE DATE:** January 1, 2006

**CONTACT PERSON:** Local District Liaison  
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As explained in GIS message 05 MA/039, a new SSI benefit level, authorized by Chapter 58 of the Laws of 2005 is effective January 1, 2006. The new benefit level results in Department of Health certified Adult Care facilities and Enriched Housing Programs being reclassified from Congregate Care Level 2 to the higher payment level, Congregate Care Level 3. Congregate Care Level 3 is defined as "Enhanced Residential Care" and also includes Schools for the Mentally Retarded.

Recipients of Supplemental Security Income (SSI) residing in these facilities will receive an increase in their monthly SSI payment, which includes an increase in the personal needs allowance portion of their benefit.

This change will affect residents of these programs who are in receipt of Medicaid-only by increasing the Standard of Need used to determine Medicaid eligibility. Effective November 21, 2005, two new Shelter Type codes are available for use in MBL to support the budgeting of Congregate Care Level 3 on budgets with Effective FROM dates of January 1, 2006 or greater.

- 42 Congregate Care Level 3- Enhanced Residential Care (NYC, Nassau, Suffolk, Westchester, Rockland)  
PNA=\$150  
Shelter Amount=\$978
- 51 Congregate Care Level 3- Enhanced Residential Care (Rest of State)  
PNA=\$150  
Shelter Amount=\$963

MBL Transmittal 05-5 provides further information regarding the use of Shelter Type codes 42 and 51 as well as the conversion of existing Congregate Care Level 2 budgets to Congregate Care Level 3. Local districts can identify Adult Homes and Enriched Housing Programs that will be reclassified to Congregate Care Level 3 by utilizing the Congregate Care Directory, located on ContraPort. Affected Adult Homes are indicated by "Type" (facility type) codes of "E" or "F" and Enriched Housing Programs are indicated by facility type code "S".

GIS message 05 MA/039 instructed districts to track individuals who entered Adult Homes or Enriched Housing Programs and were receiving or began to receive Medicaid on or after September 1, 2005. Budgets associated with these cases would not have been identified in the conversion process of Congregate Care Level 2 to Congregate Care Level 3 and will require worker input to assure the appropriate Shelter Type code is used to generate the higher Standard of Need, effective January 1, 2006.

MBL has not previously supported the budgeting for residents of Schools for the Mentally Retarded. Although many residents of these Schools are in receipt of SSI and therefore do not require a financial eligibility determination, the implementation of Shelter Type codes 42 and 51 will enable districts to utilize MBL to calculate financial eligibility for Medicaid-only residents of these Schools, when appropriate.

Districts are advised that MBL Shelter Type codes 16 (NYC, Nassau, Rockland, Suffolk Westchester) and 29 (Rest of State) continue to be valid codes when budgeting residents of Congregate Care Level 2 facilities, including OMH or OMRDD certified Community Residences, Individualized Residential Alternatives and OASAS certified Chemical Dependence Residential Services.

Any questions about this GIS should be directed to your Local District liaison.