

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

**FROM:** Mark Kissinger, Deputy Commissioner  
Office of Long Term Care

**SUBJECT:** District Authorization of Personal Care Services Program (PCSP) and  
Consumer Directed Personal Assistance Program (CDPAP) Services for  
Traumatic Brain Injury (TBI) Waiver Participants

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** Personal Care Services Program Liaison at 518-474-5271

The purpose of this GIS is to explain the amended scope of practice and criteria for the provision of TBI Home and Community Support Services (HCSS), and the circumstances in which it may be appropriate for local social services districts (LDSS) to prior authorize PCSP or CDPAP services for TBI waiver participants.

Home and Community Support Services (HCSS) is a waiver service offered in the TBI Waiver Program. The Department has recently implemented a 2007 amendment to the TBI Waiver that requires HCSS providers to:

- be licensed by the New York State Health Department (DOH) as a licensed home care services agency (LHCSA), as specified in Article 36 of the Public Health Law; and,
- employ HCSS staff who has met NYS Department of Health (DOH) Home Health Aide (HHA) or Personal Care Aide (PCA) training requirements

The scope of the HCSS service was concurrently amended and is now defined as **assistance with personal care services and/or supervision/safety monitoring.**

HCSS differs from personal care services provided through the PCSP and CDPAP authorized by the LDSS because it includes supervision/safety monitoring as a discrete task for which service hours can be authorized. Non-self-directing waiver participants who only require supervision/safety monitoring or who require supervision/safety monitoring and assistance with personal care services will have those needs met by a HCSS provider under contract to the TBI waiver program.

A TBI waiver participant who requires assistance with personal care services, but who has no need for discrete supervision/safety monitoring remains eligible to receive such services through the LDSS prior authorized Personal Care Services Program or CDPAP.

The waiver participant's Service Coordinator (SC) is responsible for clearly documenting all paraprofessional and skilled service needs, and the entity providing each service, on the waiver participant's service plan. A copy of the service plan will be forwarded to the LDSS when PCSP or CDPAP services are being requested. When a TBI waiver participant applies for PCSP or CDPAP services, the SC and the LDSS will need to collaborate on scheduling service assessments and LDSS prior authorized services.

When a TBI waiver participant's SC determines that a waiver participant has skilled care needs, the SC will contact a Certified Home Health Agency (CHHA) and make arrangements for an assessment. A waiver participant's assessed need for skilled nursing services may be provided by a CHHA, a private duty nurse (PDN), or by a CDPAP personal assistant if the TBI waiver participants is eligible for and chooses to have his/her skilled service needs met through participation in the CDPAP.

As a result of the changes to HCSS provider qualifications and scope of practice, some TBI waiver participants currently in receipt of LDSS prior authorized PCSP or CDPAP services may need to be transitioned to HCSS providers. In such circumstances, the LDSS and the SC should collaborate to assure minimal disruption in the provision of services needed by the waiver participant.

When a transfer from LDSS prior authorized PCSP or CDPAP services to TBI HCSS services is required, the LDSS must send the waiver participant a timely and adequate discontinuance notice. The Department suggests that the following language be used to describe the reason for the discontinuance of LDSS prior authorized PCSP or CDPAP services: "In accordance with the 2007 amendment to the TBI Waiver and HCSS scope of practice, your personal care needs must now be provided by the TBI HCSS provider."