

TO: Local District Commissioners, Medicaid Directors

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

SUBJECT: Required Information/Screening - Evans v. Wing et al.

EFFECTIVE DATE: Immediately

CONTACT PERSON: Wendy Butz, (518) 474-3468

As a result of a court order in the Evans v. Wing et al. lawsuit, the Department is required to provide information concerning the number of class members identified by social services districts as well as relevant budgeting information. In addition, the Department is required to implement a screening process to help identify class members who may not have been reached by the mailings.

Identifying Class Members - Districts which had the Department do their mailings to Long Term Home Health Care Program (LTHHCP) participants should base their answers to the following questions on the responses they received as a result of the mailings. If a district reviewed their list for potential class members, the responses should be based upon the review. If a district performed their own mailing, but did not review their list for potential class members, the answers should be based on the responses received. The Department is requesting the following information:

1. The total number of class members identified from the State's report (Attachment to Local Commissioners Memorandum 98 OMM LCM-010). A class member is a LTHHCP participant who was budgeted with a \$50 personal needs allowance (PNA) during any part of the period of January 1, 1995 through August 21, 1996;
2. The name and address of each class member;
3. The number of class members with excess income for the affected time period; and
4. Budgeting information for each class member with excess income. In reporting this information, districts should indicate next to the class member's name the monthly excess income amount and the specific time period involved (i.e., \$200 excess income for the period of January 1, 1995 through June 1995). In addition,

please indicate whether verification of paid/unpaid medical bills has been submitted and the status of any reimbursement/payment (i.e., documentation submitted and referral made to State for payment/reimbursement).

The above required information should be mailed (or faxed) to Wendy Butz of the Division of Consumer and Local District Relations by COB September 29, 1999.

Office of Medicaid Management
New York State Department of Health
One Commerce Plaza
P.O. Box 118
Albany, New York 12260-0118
Attention: Wendy Butz

Fax: (518) 473-0601

Screening for Class Members at Recertification - For one year, beginning with the issuance of this GIS message, social services districts for which the State did the mailings to potential Evans class members are to review all their LTHHCP cases and nursing home cases at recertification for possible Evans class membership. This entails comparing cases to the names on the Evans report and when a match is discovered, reviewing past case record information for possible class membership identification. If at recertification, a district identifies a class member who had excess income for the relevant time period, the district is to advise the individual (or representative) to provide verification of the amount of medical expenses they paid or which remain unpaid. Districts may use the DSS-3868 "Notice of Medical Assistance Review" for purposes of this notification. Any reimbursement/payment of past medical bills shall be made in accordance with the instructions set forth in 98 OMM LCM-010 and General Information System (GIS) message 99 MA/039.

Social services districts that have reviewed the list of potential class members provided to them by the State, and have identified and rebudgeted all class members on the list, are exempt from this screening requirement. If a district did its own mailing, but did not review the list of potential class members and/or did not rebudget class members' cases with excess income, the district must follow the screening requirements described above.

Thank you for your continued assistance in this matter.