



## Department of Health

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### Division of Long Term Care

### MLTC Policy 16.02: Chapter 511 of the Laws of 2015 Amends the Consumer Directed Personal Assistance Service (CDPAS)

**Date of Issuance: March 29, 2016**

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The purpose of this policy document is to inform Managed Long Term Care (MLTC) plans of changes to the Consumer Directed Personal Assistance Services (CDPAS).

- These changes are the result of Chapter 511 of the Laws of 2015, and will impact who may work as a CDPAS personal assistant for an eligible participant.
- The intent of this change is to allow parents of adult children to be hired and work as a CDPAS personal assistant.
- Chapter 511 is effective April 1, 2016.

Specifically, this amendment to Social Services Law Section 365-f made changes which include a revision to the definition of the “personal assistant”, which expands the scope of who this may include. MLTC plans must be aware of, and apply, effective April 1, the clarification and revised definitions and eligibility requirements when conducting CDPAS assessments and reassessments.

#### **Statutory changes for CDPAS include:**

1. The new law prohibits persons from being hired as CDPAS personal assistants if they are legally responsible for the eligible individual’s care and support. This means that an adult who is not legally responsible for the eligible individual’s care and support may be a CDPAS personal assistant for that eligible individual. In particular, this means that a parent of an adult child (21 years of age or older) may serve as that adult child’s CDPAS personal assistant. Parents of children who are younger than 21 cannot be hired as that minor child’s CDPAS personal assistant. Consistent with current regulations, spouses and designated representatives also cannot be hired as CDPAS personal assistants.
2. Any other adult relative of the CDPAS eligible individual may serve as the individual’s CDPAS personal assistant. In all cases, the CDPAS authorization is based on the eligible individual’s assessed needs. This applies regardless of whether the CDPAS personal assistant is a parent or other adult relative of the individual or not related to the individual.

All MLTC plans should ensure that their policies and procedures are appropriately and expeditiously updated to reflect these new requirements. If you have any questions, please email the Bureau of Managed Long Term Care at [mltcworkgroup@health.ny.gov](mailto:mltcworkgroup@health.ny.gov).